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Supervision and Evaluation of
Probationary Teachers: Policies and
Practices in Class II and Class III
Nebraska School Districts

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SUPERVISION AND EVALUATION OF PROBATIONARY TEACHERS:
POLICIES AND PRACTICES IN CLASS II AND CLASS III
NEBRASKA SCHOOL DISTRICTS

by

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The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts. A secondary purpose was to identify differences existing between policies and practices applicable to tenured and probationary teachers.

Two samples were studied. The sample of the survey instrument study was 48 randomly selected principals who supervised and evaluated certificated employees of Class II and Class III school districts in Nebraska during the Spring Semester, 2006.

The sample of the policy study was a set of 49 randomly selected Class II and Class III school districts. The randomly selected samples of school board policies were obtained from the Nebraska Department of Education in the Spring, 2006.

All 48 principals responding to the survey said they evaluate probationary teachers at least one time per semester, which is the minimum requirement by law.

According to principals, tenured teachers are observed and evaluated less frequently than probationary teachers.

Only 85% of the principals surveyed said they discuss the evaluation system procedures yearly with their teachers, though 100% of policies state that this is to be done.

Of the 48 principals responding to the survey, 83% said procedures used to evaluate probationary teachers and tenured teachers are the same. All 49 school board policies reviewed described the frequency of evaluations of a tenured teacher, though those frequencies varied from one time per semester to one time every three years.

While 98% of the policies reviewed provided a description of the district plan for training evaluators, just over 41% of the principals responded that they had ever received formal training on how to use the evaluation system employed by their school.

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Chapter 1

Introduction

Supervision and evaluation of teachers is an important administrative function. Because of this, the study of the supervision and evaluation of teachers is a topic that generates considerable discussion and legislation.

Danielson and McGreal (2000), Glickman (2002), Danielson (1996), and Haefele (as cited in Danielson & McGreal, 2000) have all noted the importance of a sound teacher evaluation system. They argued that teacher evaluation screens out unqualified people from certification and selection processes, provides constructive feedback to individual educators, recognizes and helps reinforce outstanding service, provides direction for staff development practices, provides evidence that will withstand professional and judicial scrutiny, aids institutions in terminating incompetent or unproductive personnel, and unifies teachers and administrators in their collective efforts to educate students.

According to Danielson and McGreal (2000), virtually every public school district, by order of state law or regulation, has a formal procedure for the evaluation of teachers. Legislatures and state school boards often demand that teacher evaluation systems be put in place by local school systems to set the stage for positive supervision that will improve the quality of instruction and provide the basis for removal of hapless teachers.

Supervision and evaluation serves two purposes: (a) to improve instruction, and (b) to provide a basis for making employment decisions. Boyd

(1989) suggested teacher evaluations are often designed to serve two similar purposes: to measure teacher competence and to foster professional development and growth. Dagley and Veir (2002) said these evaluations stand as a heralded means of improving the delivery of education.

Dagley and Veir (2002) added that local school boards adopt evaluation instruments and require their administrators to use the instruments to terminate problem teachers.

Much has been written about supervision and evaluation of teachers, but there is little literature that distinguishes between supervision and evaluation of tenured teachers and probationary teachers.

Danielson and McGreal (2000) summarized the evaluation procedure used for both probationary and non-probationary teachers: the building principal schedules a time to meet with the classroom teacher, conducts a pre-observation inventory, schedules a time to visit the teacher's classroom, spends one class period per semester observing the instructional methods of the teacher, writes a formative evaluation, and then goes over the evaluation with the teacher in the privacy of the principal's office.

The evaluation, according to Danielson and McGreal (2002), addresses the strengths and areas of needed improvement of the teacher. Serious deficiencies may be addressed in the process and can lead, if procedures are carefully followed, to dismissal of the teacher. With the obligation completed for both parties, the evaluation process for the school year is complete.

Context of the Problem

The status of a teacher as tenured or probationary has important implications for supervision and evaluation. Nebraska public school districts are subject to state laws and regulations that require teachers to be considered probationary in status during the first three years they serve as certificated employees in any public school district.

According to Neb. Rev. Stat. § 79-828 (2004) (hereinafter Section 79-828), the purpose of the probationary period is to allow the employer an opportunity to evaluate, assess, and assist the employee's professional skills and work performance prior to the employee obtaining permanent status.

Upon the successful completion of three years as a probationary certificated employee, the teacher is then granted tenure status. When a teacher changes districts, the teacher is subject to probationary status again.

The process by which these guidelines have been established have occurred over a significant period of time. In the late 1960's and thereafter, fundamental changes occurred in the relationship of law to public schools. According to Yudof (1979), the regime of legal rules was applied to a wide variety of public educational areas, including teacher employment. Federal and state legislatures increasingly subjected school authorities to specific rules. State departments of education and federal administration agencies grew in strength in relation to local school districts. Dagley and Veir (2002) identified a recurring theme in this reform movement during the 1980's and 1990's. This was the

concern about the manner in which school personnel, especially classroom teachers, were evaluated.

Yudof (1979) said the press for accountability—how well teachers teach, how literate students are, etc.—led to still further intrusion of law into school affairs, as taxpayers and parents questioned whether they were getting their money's worth. Thus, even though the supreme court showed little inclination to expand their protection of educators against school boards and administrators, the process of bringing law into the schools continued.

According to Dagley and Veir (2002), the 1983 document from the National Commission on Excellence in Education, *A Nation At Risk: The Imperative for Educational Reform*, addressed the need for improvement in teacher evaluation and provided an impetus for state-level policy initiatives requiring improved teacher evaluation. However, Yudof (1979) said most law and education research offers no guidance to educators who are charged with observing legal rules. He added that research tends to be abstract, general, and not specific enough to assist practitioners in the day-to-day decisions they must make.

Yudof (1979) suggested that perhaps a superior way to view the interaction of law and education is to consider clusters of legal authority that influence the discretion of school officials and, therefore, the structure and governance patterns in public schools. There is also a serious need for implementation studies, for studies of whether responsible actors (including

teachers and administrators) understand and obey legal mandates and whether the often multiple and conflicting objectives of a law have been met. These types of studies, Yudof believed, would yield valuable insight into how power should be allocated among government institutions responsible for education and how to enhance the problem-solving capacities of particular institutions.

This is especially true of teacher evaluations. According to Dagley and Veir (2002), courts have required school administrators to enter into a remediation phase with a problem teacher before moving to terminate the teacher. Courts have recognized the duty to remediate problem teachers by interpretation of tenure statutes, evaluation statutes, state board regulations, or local school district policies. Frequently, language in a statute or policy speaking to improvement has provided sufficient rationale for the court to halt termination proceedings against a problem teacher.

Dagley and Veir (2002) added that 41 states have statutes regarding evaluation of classroom teachers, though some states are more straightforward about the duty to remediate. California's tenure statute demands that administrators observe a 45-calendar-day remediation period before teacher termination or suspension. Arizona and New Jersey statutes require 90-day opportunities to correct inadequacies.

According to Dagley and Veir (2002), Nebraska, along with at least 20 other states across the United States, requires remediation or an improvement plan for problem teachers, especially those who are probationary in status. Each

state's requirement has arisen from that state's legislation about the evaluation of teachers.

Statute

The status of a teacher as tenured or probationary is determined by state statute. In Nebraska, legislation defined probationary teachers and the purpose of the probationary period. Section 79-828 defined a probationary certificated employee as a teacher who has served under a contract with a school district for less than three consecutive school years in any district and is employed one-half time or more by a school district.

Permanent certificated employees are those teachers who have gained tenure by serving the probationary period as defined in statute.

Danielson and McGreal (2000) suggested that teaching makes the same demands on the probationary teacher as on the experienced (tenured) teacher. The moment first-year teachers enter their first classroom, they are held to the same standard and subjected to the same procedures as their more experienced colleagues, and the procedures used to evaluate them are identical. It is the responsibility of each state to guarantee minimum competence. After that, it is the role of each school district, through its procedures for teacher evaluation and professional growth, to insure excellence. Although the school district must insure each teacher has a certain skill level, the procedures used might be somewhat different for probationary teachers than for tenured teachers.

Most states have statutory provisions that distinguish between supervision and evaluation of tenured teachers and probationary teachers. Nebraska statutes, however, do not provide specific procedures for supervision and evaluation of tenured teachers, but do provide specific procedures for the supervision and evaluation of probationary teachers. Nebraska Department of Education Rule 10 requires school district policies to specify for both tenured and probationary teachers.

Probationary Period

According to Section 79-828, the purpose of the probationary period is to allow the employer the opportunity to evaluate, assess, and assist the employee's professional skills and work performance prior to the employee obtaining permanent status.

While it does not address probationary employment of Class IV and Class V schools, Section 79-828 states that all probationary certificated employees employed by Class I, II, III, and VI school districts shall, during each year of probationary employment:

1. Be evaluated at least once each semester.
2. Be observed and evaluated based upon actual classroom observations for an entire instructional period. If deficiencies are noted in the work performance of any probationary employee, the evaluator shall provide the teacher at the time of the observation:
 - a. a list of deficiencies,

- b. a list of suggestions for improvement and assistance in overcoming the deficiencies, and
- c. follow-up evaluations and assistance when deficiencies remain.

Rule 10

The Nebraska Department of Education (NDE), as a result of these statutes, developed Regulations Regarding the Approval of Teacher Evaluation Policies, Neb. Admin. Code, Title 92, Chapter 34 (Rule 34, 1985). This was known simply as NDE Rule 34. In 2000, Rule 34 was merged into NDE Rule 10.

Nebraska Department of Education Rule 10 (Appendix F) provides the procedures and standards for approval of teacher evaluation policies and procedures developed by school districts and educational service units in Nebraska. Obtaining approval by the Department of Education of such policies and procedures is a requirement for a school district to legally operate as an approved school in Nebraska. Rule 10, Section 007.06 (hereinafter Section 007.06) explains the process and provides guidelines and requirements as to what needs to be done in the teacher evaluation process.

Section 007.06 requires that each school district have a written board policy for the evaluation of teachers. Section 007.06A1b suggests a distinction between tenured and probationary teachers. This distinction comes in the frequency of observations and written evaluations.

Sections 007.06A1a and c-f imply that both tenured and probationary teachers are to be evaluated according to the same procedures.

If statutes and rules are adhered to and procedures are followed correctly, the dismissal of certificated employees does not have to be a difficult and time-consuming task. If procedures are not properly adhered to, there can be problems with the non-renewal of any certificated employee.

Case Law

Three significant Nebraska Supreme Court decisions provide a foundation for what public schools in the state must do to be in compliance with Section 79-828 and are good cases for setting out the requirements for supervising and evaluating probationary teachers.

In *McQuinn vs. Douglas County School District No. 66 et al. (2000)*, and in *Nuzum vs. Board of Education of School District of Arnold (1988)*, the Nebraska Supreme Court ruled that school administration had followed proper procedures for supervision and evaluating probationary certificated staff. In contrast, in *Cox vs. York County School District No. 083 (1997)*, the Nebraska Supreme Court ruled that administrators had failed to follow procedural requirements for supervision and evaluation of probationary certificated staff.

The Nebraska Supreme Court affirmed the decision of the district court in *McQuinn vs. Douglas County School District No. 66 et al. (2000)*. The board of education elected not to renew the contract of McQuinn, a probationary certificated employee, based upon the recommendation of McQuinn's principal. It was determined that McQuinn's principal did follow the statutory provisions governing the procedure for evaluation of probationary employees and that

proceedings leading to the non-renewal of her contract were conducted within the statutory requirements governing teacher tenure and public meetings.

In *Nuzum v. Board of Education of School District of Arnold* (1988), the Nebraska Supreme Court overturned the decision of the district court, ruling that the board of education acted within its jurisdiction in electing to non-renew a probationary principal's contract. The supreme court determined that proper procedures of evaluation of Nuzum had been followed by the school superintendent during the evaluation process.

The Nebraska Supreme Court, in upholding the decision of the district court, made clear in *Cox vs. York County School District No. 083* (1997), that school administrators must follow procedural evaluation requirements as provided by law if there is to be any attempt for non-renewal of a certificated employee's contract. The school district did not meet the statutory requirements of the evaluation process for Cox, a probationary certificated employee. Cox was ordered to be reinstated as an educator in the district.

Section 79-828 provides the purpose and the process by which probationary teachers are evaluated. Even so, according to current literature, it provides minimal evaluation of these probationary teachers and therefore does not necessarily insure teachers are proficient in their duties.

Two other significant Nebraska Supreme Court cases involved probationary teachers and procedural processes and requirements in non-renewal due to reduction-in-force.

The Nebraska Supreme Court reversed the decision of the district court in *Kennedy vs. Board of Education of the School District of Ogallala* (1988), determining that the board of education's decision to non-renew Kennedy, a probationary teacher, could not stand because the notice given to Kennedy did not meet the statutory requirement that, upon request, the board supply a teacher in Kennedy's position with data sufficient to enable her to respond, to prepare a defense, and to show any error that may exist in regards to a reduction in force.

The Nebraska Supreme Court, in *Roth and Montgomery vs. School District of Scottsbluff* (1983), affirmed in part, and in part reversed and remanded with directions to dismiss, the decision of the district court. The district court had determined that both Roth and Montgomery were deprived rights of reemployment and awarded damages accordingly after being terminated due to a reduction in force. The supreme court affirmed the decision of the district court in respect to Roth, a tenured teacher. It was determined that she had preferred rights to reemployment under statute and that she was entitled to damages. The supreme court reversed the decision of the district court in respect to Montgomery, a probationary teacher, who was determined to not have preferred rights to reemployment under statute and was not entitled to damages.

According to Yudof (1979), studies limited to supreme court decisions fail to capture the richness of the legal environment in which school professionals operate. Legal research is just beginning to ask questions about implementation

of policies and procedures. Research should focus on the different types of rules (procedural versus substantive), the different sources of these rules (courts versus school boards), the varied ways of enforcing rules (injunctions, money damages, loss of prestige, reprimands, etc.), and the outcomes achieved by the rules. Law-and-education research provides information about the efficacy of diverse strategies for achieving compliance with policies embodied in legal rules. It also sheds light on the intriguing question of why some policies are implemented through rules while others are implemented through less formal techniques such as information exchanges, classroom observation, conferences, etc.

Yudof (1979) added that education is too important to be left to educators and law-and-education research is too important to be left to lawyers. This study may provide information about how education practices can be improved so that it comports with the objectives of legal policy. There may be a greater formal compliance with those standards and services mandated by legal rules for the purpose of eliciting certain outcomes. This study may also contribute to the shaping of laws to make them more responsive to the realities of education organizations. Finally, this study may reveal how legal principles are being implemented within our school systems.

Purpose Statement

The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska

school districts. A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

To accomplish the purpose of the study, information about supervision and evaluation of teachers was obtained in two ways: (a) a sample of policies on file with the Nebraska Department of Education was reviewed and analyzed; and (b) a sample of Nebraska school principals was surveyed to identify the practices used in their school districts.

Research Questions

School administrators are responsible for the development of probationary teachers through the teacher evaluation process. The ultimate goal is to enhance the abilities of these teachers through evaluation practices that encourage probationary teachers to improve classroom instruction.

Administrators must examine the practices that exist within their school districts and consider which ones are effective in improving classroom instruction of probationary teachers. This study focused only on Class II and Class III Nebraska public school districts. The key research question in this study was two-fold:

1. What policies and practices are used in Class II and Class III Nebraska school districts to supervise and evaluate probationary teachers?
2. What differences exist between policies and practices applicable to tenured teachers and to probationary teachers?

Two sub-questions will be addressed:

1. Do these policies and practices comply with the procedures required by Neb. Rev. Stat. § 79-828(2) and Nebraska Department of Education Rule 10, which provides that during each year of probationary employment:
 - a. the teacher shall be evaluated at least once each semester,
 - b. the teacher shall be observed and evaluation shall be based upon actual classroom observations for an entire instructional period;
 - c. if deficiencies are noted in the work performance, the evaluator shall provide the teacher at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow-up evaluations and assistance when deficiencies remain?
2. Are these procedures different for teachers who have obtained tenured status?

Definitions

According to Neb. Rev. Stat. § 79-824, the following terms and definitions apply to Neb. Rev. Stat. § 79-824 to § 79-842, unless the context otherwise requires:

Certificated employee means and includes all teachers and administrators, other than substitute teachers, who are employed one-half time or more by any class of school district.

School board means the governing board or body of any class of school district.

Probationary certificated employee means a teacher or administrator who has served under a contract with a school district for less than three successive school years in any school district, unless extended one or two years by a majority vote of the board in a Class IV or Class V school district, except that after September 1, 1983, in Class IV and Class V school districts the requirement shall be three successive school years.

Permanent certificated employee means a teacher or administrator who has served the probationary period.

School year, for the purpose of employment, means three-fourths of the school year or more on duty, exclusive of summer school.

According to Neb. Rev. Stat. § 79-102, Nebraska school districts are classified as follows:

Class I includes any school district that maintains only elementary grades under the direction of a single school board.

Class II includes any school district embracing territory having a population of 1,000 inhabitants or less that maintains both elementary and high school grades under the direction of a single school board.

Class III includes any school district embracing territory a population of more than 1,000 and less than 150,000 inhabitants that maintains both elementary and high school grades under the direction of a single school board.

Class IV includes any school district embracing territory having a population of 100,000 or more inhabitants with a city of the primary class within the territory of the district that maintains both elementary and high school grades under the direction of a single school board.

Class V includes any school district embracing territory having a population of 200,000 or more inhabitants with a city of the metropolitan class within the territory of the district that maintains both elementary and high school grades under the direction of a single school board.

Class VI includes any school district in this state that maintains only a high school, or a high school and grades seven and eight as provided in Section 79-411, under the direction of a single school board.

Assumptions

The following assumptions were made during this study:

1. All Nebraska public school districts have a written school board policy for the supervision and evaluation of teachers.
2. These policies are on file with the Nebraska Department of Education.
3. Nebraska public school district principals who evaluate teachers have knowledge of and understand school board policy regarding supervision and evaluation of teachers.

Delimitations

1. The sample of the survey instrument study consisted of randomly selected principals who supervised and evaluated certificated

employees of Class II and Class III public school districts in the state of Nebraska during the Spring Semester of 2006.

2. Class I and Class VI schools were not studied because the introduction and debate of LB 126 in the Nebraska legislature in 2005 created uncertain futures for Class I and Class VI schools. Class IV and Class V schools also were not included in the study as they are not addressed in Neb. Rev. Stat. § 79-828.
3. The study was delimited to examining the purposes of evaluating probationary teachers and the procedures used to do so.

Limitations

1. Results of the survey instrument study are applicable only to those randomly selected principals who supervise and evaluate certificated employees of Class II and Class III public school districts in the state of Nebraska.
2. Conclusions of the policy survey are applicable only to those randomly selected schools whose policies were studied.
3. The study of the purposes of evaluating probationary teachers and the procedures used to do so are subject to the weaknesses inherent in survey research, including the participants' feelings at the time the survey is completed and the researcher's interpretations while conducting the policy documentation analysis.

Significance of the Study

While there has been considerable research done on teacher evaluation across the nation and in Nebraska, there is little literature published regarding the supervision and evaluation of probationary teachers. This study begins to fill that void in research in this area.

This study is significant because a better understanding of the impact of Nebraska state statutes on the supervision and evaluation of probationary teachers can be gained. It determines how school districts are coming into compliance and provide a source of information that may allow school districts to learn from and apply within their own district.

While much research has been done on supervision and evaluation of teachers, little research has been done on how Nebraska statutes impact the supervision and evaluation of probationary teachers and how it can lead to the improvement of classroom instruction of probationary teachers before granting them non-probationary status.

The findings provide valuable information for public school supervisors and evaluators, probationary and tenured public school teachers, and teacher educators at post-secondary institutions.

Information provided might also be used to improve teacher evaluation procedures and afford supervisors and evaluators the opportunity to make positive impacts on those probationary certificated personnel they supervise,

thus improving the educational opportunities for students in the classrooms of those teachers. It also provides a framework for future research.

Chapter 2

Review of Literature

Introduction

This review of literature will examine the value of conducting quality evaluations and discuss the purposes of conducting these evaluations. In addition, it will provide a history of pertinent Nebraska legislation and Nebraska court decisions regarding the teacher supervision and evaluation process.

Conducting Quality Evaluations

Evaluation is the totality of practices that lead to those predetermined instructional goals jointly agreed to by the faculty, administrators, and board members. Stanley and Popham (1988) suggested evaluation systems work best when they are viewed as a subset of a bigger movement, a district-wide commitment to the enhancement of classroom instruction. Quality teacher evaluations start with a clear understanding of what the outcomes of the evaluation should be, and of issues and procedures that produce these outcomes.

Unfortunately, first year teachers are frequently left in a “sink or swim” position with little support from colleagues and few opportunities for professional development. Weiss and Weiss (1999) estimated that in 1999, more than 20% of public school teachers left their positions within three years and 9.3% quit before finishing their first year.

In many school districts, teacher evaluation systems are time-intensive for administrators and do not result in a valuable end product for teachers or administrators. Sawyer (2001) noted that teachers complain that evaluation is something that is done *to* them rather than *with* them. Evaluations of veteran teachers performing satisfactorily provide little new, enlightening, or challenging information. Evaluators pay more attention to beginning teachers or teachers whose performance is deemed unsatisfactory, but often the information is given too late to make any difference for that particular school year, or is so imprecise that the teacher is not sure how to proceed. Evaluation merely meets the requirement of the law: to make a value judgment about the teacher's performance that includes a narrative portion, to declare the teacher either satisfactory or unsatisfactory, and to meet the state's deadline.

According to Andrews (1995), the evaluation of teachers should recognize superior teaching performance, reward it, and help to motivate it. Where teaching is inadequate, evaluation should identify the weaknesses and indicate the steps to be taken to correct them. Goals of the evaluation system should include improved instruction, better communication between administration and teacher, elimination of poor teachers who do not follow remediation procedures, a chance to see weaknesses and the opportunity to improve on them in a constructive way, an opportunity for administrators to see the realistic situations a teacher encounters, improved public relations when incompetent teachers are removed,

improved cohesiveness of faculty, and upgraded community opinion of the teaching profession.

Hunter (as cited in Stanley & Popham, 1988) suggested a slogan that she believed should become the slogan for teacher evaluation. "Good, better, best. Never let it rest. Until good becomes better and better becomes best!" (p. 32).

There is evidence that a majority of teachers welcome and accept vigorous evaluation, provided the goals and procedures of the evaluation are clearly spelled out in advance. Teachers' input has to be taken seriously and the evaluators themselves must be knowledgeable and competent in carrying out their duties.

Turner (as cited in Andrews, 1995) polled over 1,000 teachers about teacher evaluations. He drew a composite picture of an ideal evaluator of faculty from the responses to the poll:

The evaluator is genuinely interested and concerned. He's a common sight in the classroom, making many formal and informal visits throughout the year. He spends plenty of time observing, knows the classroom and students well, and is on hand to point out the teacher's strengths and weaknesses. He talks with teachers before and after each evaluation, gives specific suggestions, and welcomes the teacher's input. The situation is relaxed and comfortable, the evaluation, non-threatening and fair. The principal's purpose is to help the teacher improve her teaching, period. (p. 2)

Norland (1987) identified components of a good evaluation system, basing his study on the fact that school faculty evaluation systems are based on the philosophy that effective evaluation of teachers and administrators is reflected in improving student learning. He said it must: (a) establish the importance of

performance evaluation, (b) be manageable, (c) be legally defensible, (d) be positive, (e) provide data for personnel decisions, (f) provide for consistency from evaluator to evaluator, (g) provide for the development of intensive assistance plans where appropriate, and (h) provide for recognition where appropriate.

Huddle (1985) found that faculty members believe a sound teacher evaluation process is vital, legally and pedagogically, in identifying, helping, and (if necessary) dismissing ineffective teachers. Faculty support was found to be possible if the evaluation process was consistent, objective, and fair.

Bridges (1985) stated that few incompetent teachers are ever identified through teacher evaluation processes. Instead, parental complaints are found to play a major role in signaling a problem with a classroom teacher. When a meeting is called to discuss problems, Bridges lists two distinct purposes that need to be considered. The first one is where the administrator is trying to “salvage the teacher” (§ 14). Few such teachers actually were salvaged and Bridges suggested that the “incompetent veteran teacher is near impossible to make a good teacher” (§ 15). The second purpose, where the administrator tries to get rid of the incompetent teacher, is not easy when dealing with a tenured teacher. Non-tenured dismissals do not offer nearly as much of a challenge. Bridges concluded that granting tenure might well be the most important single decision facing administrators.

The most disliked evaluators, according to Andrews (1995), are those who alienate teachers from the evaluation process, spend 15 minutes in the

classroom once a year, are more concerned with how bulletin boards look than how a teacher interacts with her students, offers no feedback or suggestions for improvement, and has no interest in what the teacher has to say. These evaluators pay only lip service to faculty development, have no mechanism to measure competence or incompetence, and are not adequately trained.

McDaniel and McDaniel (1980) identified problems with evaluation systems and the personnel involved in making decisions about poor teachers. The major problem identified was the principal playing conflicting roles—consultant as well as evaluator. They showed that a principal who has trouble finding a balance to these roles will usually lead toward, “the positive role of consultant rather than the negative role of evaluator” (p. 36). They also suggested that teacher deficiencies usually show up during the first year of teaching. The principal needs to actively monitor and evaluate all probationary teachers. Only the best should be kept in the classroom.

According to Sawyer (2001), the Washoe County School District in Reno, Nevada, dissatisfied with an evaluation system that was over 20 years old, revamped the system by creating a task force to determine the best of the best practices. The task force studied samples of teacher evaluation models from around the state and country and read numerous books and articles on teacher evaluation. The widespread dissatisfaction raised questions and helped the task force clarify what they wanted from their evaluation process: Could the evaluation system given veteran teachers more autonomy and encourage them to move

towards National Board of Professional Teaching Standards (NBPTS) certification? Could it cause more self-monitoring and more self-modification by teachers? Could a teacher evaluation process actually provide motivation for continuous improvement? Would it be possible to give low-performing teachers the kind of specific feedback and assistance that result in real progress?

Sawyer (2001) added that the task force identified four domains of teaching that would become part of their evaluation system: planning and preparation, classroom environment, instruction, and professional responsibilities. The task force also believed novice teachers need to be monitored, guided, and assisted more during their first two years. In their new evaluation process, novice or probationary teachers receive three written evaluations during their first year on December 1, February 1, and April 1. The evaluating administrator decides, on the basis of the summative evaluation, if the novice needs a second probationary year.

Post-probationary teacher evaluations are scheduled on a three-year cycle. During the first year, a major evaluation focuses on two of the teaching domains. During the second and third year, minor evaluations focus on the remaining two domains. Teachers receive one written evaluation each school year on April 1.

Two years after the implementation of this process, data was collected. Sawyer (2001) claimed that written comments revealed that a majority of the experienced teachers were revitalized by the reflection the new system encouraged and by the confirmation that their expertise could be stated in

descriptive terms. Novice teachers who responded felt secure in knowing what the district expected and what the indicators of success would be.

In summation, quality supervision and evaluation should include a number of key elements. First, the overall purpose should be to help teachers improve their teaching. This should be accomplished through improved communication between administration and teachers, through the recognition and rewarding of outstanding teaching, and through identification of weaknesses and follow-up assistance to correct these weaknesses. Only when poor teachers fail to follow-up on recommended procedures for improvement should a teacher be terminated.

Evaluation Purposes

Evaluations have a formative purpose and a summative purpose. Formatively, the results are used to support development, growth, and self-improvement. Summatively, the results are used to make personnel decisions on tenure, promotion, reappointment, and salary. Since the 1970's there has been a debate over whether an evaluation system can be both summative and formative, yet still be effective. Viewed broadly, said Rifkin (1995), evaluation is the gathering of information for understanding and improving performance, as well as judging its quality.

According to Brandt (1996), principals and teachers have become frustrated with conventional practices typically used to determine teacher effectiveness and the tenure and promotions that accompany them. These

evaluation practices stress accountability and are frequently based upon teacher-directed models of learning such as lectures, demonstrations, and modeling designed to pass knowledge and cognitive skills to students.

Weiss and Weiss (1998) believe these evaluation procedures have the potential to become meaningless exercises for the majority of teachers who are already performing at or beyond the minimal level. They believe traditional evaluation models are not necessarily structured to support “dynamic, regenerative school environments” (¶ 2). Evaluation procedures that focus on complying with regimented sets of behaviors do not encourage teacher involvement in their self-development or in the development of collaborative school cultures. Evaluation needs to be participatory and reflective in order to be meaningful for teachers.

Consistent with the goals of education for students to become life-long learners and thoughtful decision-makers in our democratic society, according to Weiss and Weiss (1998), “constructivist” perspectives view schools as diverse learning communities where teachers must possess a broad repertoire of skills and knowledge consistent with the needs of students. Administrators and teachers need access to comprehensive evaluation models that capture the complexities of teaching. Congruent with an expanding knowledge base of teaching and learning, performance standards are being developed that lead to reconfigured assessment designs requiring a wide array of reflective and analytical skills.

The National Board of Professional Teaching Standards was created in 1987 to promote discussion for more meaningful standards for teachers and resulted in the development of a performance-based assessment system to recognize advanced competencies among teachers. These assessments help teachers reflect and learn from their practice. They are based on the following propositions that educators agree are essential to accomplished teaching:

(a) Teachers are committed to students and their learning; (b) Teachers know the subjects they teach and how to teach those subjects to students; (c) Teachers are responsible for managing and mentoring student learning; (d) Teachers think systematically about their practice and learn from experience; and (e) Teachers are members of learning communities. According to Weiss and Weiss (1998), a set of model performance-based licensing standards for “new teachers” have been developed by the Interstate New Teacher and Assessment and Support Consortium (INTASC) and are compatible with the NBPTS’s certification standards. These core standards define the knowledge, dispositions, and performances essential for all beginning teachers.

Peterson (as cited in Millman & Darling-Hammond, 1990) said teachers are asked to demonstrate how their teaching relates to their students’ learning through the use of established guidelines. Evaluation becomes part of a reflective process in which teaching is studied on a regular basis with colleagues for purposes of continual growth. A single observation or principal’s report alone provides an incomplete picture of what teachers do. Teaching needs to be

understood dynamically in its multiple contexts and performance data needs to be gathered from diverse sources.

The process of evaluation, then, according to Weiss and Weiss (1998), becomes an integral part of everyday practice. Altering the teacher evaluation process provides impetus for deeper structural changes in their responsibilities. For example, through a rigorous process, a governing panel of teachers and administrators select consulting teachers who mentor probationary teachers and intervene with tenured teachers having difficulty. In each program, standards are strengthened for obtaining tenure and/or remaining in teaching. The success of peer review and assistance programs can then be attributed to more useful measures of performance, intensive assistance, and expertise of the consulting teachers who are matched by subject area and grade level with teachers being helped.

Weiss and Weiss (1998) added that in Toledo, Ohio, since 1981, all newly hired teachers have been assigned a consulting teacher. The evaluation process includes mutual goal setting using classroom observations and follow-up conferences. In Rochester, New York, new teachers are observed three times a year by a supervisor for the first three years. Most first year teachers participate in a mentor intern program as well, in which they are observed by a lead teacher over 40 times per year. In each instance, tenure is granted only after rigorous evaluation of performance by administrators during the first few years of teaching.

History of Pertinent Nebraska Legislation

According to the Nebraska State Legislature's Minutes of Committee on Education (1981) the Nebraska Legislature, in 1943, passed its first tenure bill for public school teachers in the state of Nebraska. This legislation applied only to Omaha and Lincoln Public Schools. In the late 1960's, the Nebraska State Education Association contended that teachers in all public schools in Nebraska should have an opportunity to be granted tenure.

The Nebraska Unicameral passed Legislative Bill 266 in 1971. This bill amended Neb. Rev. Stat. § 79-1254. It stated that the original contract of employment with an administrator or teacher and a board of education of a Class I, II, III, or VI district required the sanction of a majority of the members of the board. Any contract of employment between an administrator or teacher who held a certificate which was valid for a term of more than one year and a Class I, II, III, or VI district was to be deemed renewed and remain in full force and effect until a majority of the members of the board voted on or before May 15 to amend or terminate the contract at the close of the contract period; provided that the secretary of the board, by no later than April 15, notify each administrator or teacher in writing of any conditions of unsatisfactory performance or other conditions which the board considered may be cause to either terminate or amend the contract for the ensuing school year.

While Legislative Bill 266 created procedures to be followed for teacher evaluations, it was Legislative Bill 259, signed into law in 1982 that gave structure and substantive rights to the evaluation process.

According to the Floor Debate (1981), the Nebraska Legislature's Education Committee, on January 26, 1981, instructed Legislative Bill 259 to be advanced to General File. The original intent of this bill, as identified in the Introducer's Statement of Intent (1981), was to allow teachers of the Omaha and Lincoln school districts the same two-year probationary period as all other teachers in Nebraska. The Minutes of Committee on Education (1981) noted that at that time, the current law that applied to Omaha and Lincoln teachers prescribed probationary periods be at least three years in length. The probationary period could be extended to the fourth or fifth year if the Board of Education chose to do so.

The legislature's Committee on Education convened on February 2, 1981, to conduct a Public Hearing on LB 259 at the Nebraska State Capitol. According to the Minutes of Committee on Education (1981), proponents speaking on behalf of the bill included Senator Don Wesley; Senator David Newell; Pat Shafer, Associate Executive Director of the Omaha Education Association; and Yale Wishnick, Executive Director of the Lincoln Education Association. Senator Wesley argued that two years was sufficient time to grant tenure in the majority of the state and that Lincoln and Omaha should not be discriminated against. He stated that uniformity to tenure requirements should be the key issue.

Senator Newell agreed that two years was enough time to determine tenure. He argued that most state employees averaged only a six-month probationary period.

The Minutes of Committee on Education (1981) identified both Shafer and Wishnick as concurring with the uniformity issue, calling for the same provisions for the process of tenure in Lincoln and Omaha that were “adequate for their colleagues in the rest of the state” (p. 11).

Shafer noted that 35 to 40% of all Omaha Public School teachers were on probation at that time and that the process for non-renewing a teacher in Omaha was an “anonymous process” that provided very little opportunity for probationary teachers to be noticed by the Board of Education. She added that as long as teachers were on one-year probationary contracts, regardless of whether in their first or fifth year, the school district would need to show no cause for non-renewal, and it was normally the principal involved in the evaluation and non-renewal of probationary teachers.

Wishnick stated that LB 259 would improve the quality of education of the students in the state. He argued that passage of this bill would protect the rights of the good teachers and really did not have anything to do with the bad teachers. He said the two-year probationary period would protect the interests of parents by forcing strong evaluations to occur. If they did not occur, the district would not be able to make a decision relative to the status of that teacher.

According to Minutes of Committee on Education (1981), Kelly Baker, an attorney representing the Nebraska State School Boards Association; Bob Peterson, Executive Secretary for the Nebraska Council of School Administrators; Carroll Sawain, Director of Personnel at Lincoln Public Schools; and Dale Siefkes, presenting written testimony of Omaha Public Schools Superintendent Owen Knudzen, shared opposition to LB 259. All four individuals argued that two years was too short of a time period to assist marginal teachers in overcoming deficiencies. Two years also left little time for the “rookie” teacher to become an accomplished and productive teacher. Knudzen’s testimony added that if the intent of the bill was to strengthen the employment practices of all school districts in the state, then the existing tenure law for Omaha and Lincoln should be made applicable to all school districts in the state.

In the Minutes of Committee on Education (1981), Mark McGuire, Legal Counsel for the Nebraska State Education Association, noted that during the 1979-1980 school year, there were 46 probationary teachers in Nebraska facing possible termination. One-third of them were still teaching because of problems in communication. McGuire stressed that any teacher achieving tenure, regardless of the length of the probationary period, could still be terminated. He suggested that regardless of the length of time that a teacher has been employed, the district must be able to provide evidence of proof of deficiencies.

On March 3, 1981, according to Minutes of Committee on Education (1981), the Education Committee, in Executive Session, voted to hold LB 259 in Committee for further study.

The Nebraska Legislature's Committee on Education wrote a new LB 259 statement of intent on January 22, 1982. The new proposal, according to the Introducer's Statement of Intent (1982), would reduce the probationary period of Class IV and Class V districts after September 1, 1983, to three successive school years.

On January 26, 1982, the Committee on Education conducted a hearing to modify provisions for terminating teachers' contracts in accordance with LB 259. The major objection to this bill, according to Minutes of Committee on Education (1982), was the length of probationary period for Class I, II, III, and VI school districts. Senator Newell; Jim Griess of the Nebraska State Education Association; Dr. Don Andrews of Omaha Public Schools; and Carroll Sawain, Director of Personnel at Lincoln Public Schools all spoke in favor of this "compromise" bill, which would reduce the probationary period in Omaha and Lincoln schools but add no time to the probationary period of other schools in the state. Don Stroh, Superintendent of Millard Public Schools; Bill Hoyt, Westside Community Schools Director of Personnel; and Senator Howard Lamb argued the merits of LB 259, but pushed for changing the two years of probationary period to three years so that all school districts in Nebraska would have the same set of rules. According to Griess, "What the compromise does is recognize the

historical difference between the evolution of the tenure law as it relates to Class IV and V school districts and the continuing contract law as it relates to the rest of the school districts” (p. 26).

Stroh argued,

I don't think our people have more skills than they do and can do it in two years. It's very difficult in a short time to determine tenure. . . . Discrimination and different laws for different schools in this state is historically been that way and I think we ought to start straightening those things out.” (p. 37)

Minutes of Committee on Education (1982) also noted that the Nebraska State School Boards Association (NSSBA) also opposed the bill in the revised form. It favored providing at least a three-year probationary period for all teachers in all classes of all school districts. Anything less, argued Justin King, Executive Director of the NSSBA, would be too short of a time to determine a teacher's weakness, provide necessary in-service training, reevaluate, and decide whether the teacher had the potential to become a skilled practitioner. King said:

The principal purpose of teacher evaluation is not to compile a file on which to base a recommendation for non-renewal. The purpose is rather to discover any weaknesses the teacher may have and to help him or her overcome them. Progress in overcoming weaknesses cannot be expected over night. I think the real question appears to be the quality of the evaluation that this legislature wishes to endorse. The ultimate question is whether to allow teachers sufficient time to prove his or her competence, or to judge him or her on the basis of considerably less than two year's experience. (p. 52)

King argued that if the legislature believed three years was an important period of time for the two largest districts in the state, how could it deny that it is equally important for any other school in the state.

According to the minutes of this meeting, on February 1, 1982, the Education Committee, in Executive Session (1982), voted to advance LB 259 in Committee to General File as amended. The proposal to extend three-year tenure for all classes of schools was considered, but it failed to be adopted.

According to the record of the Floor Debate (1982), LB 259 was introduced to the full legislature on March 3, 1982, by Senators David Newell, Don Wesley, Steven Fowler, Bernice Labeledz, Karen Kilgarin, Steve Wiitala, John DeCamp, Peter Hoagland, and Gerald Koch. Senator Koch said LB 259 was introduced because the Education Committee felt they needed to examine the issue of tenure, how it was achieved, how it was being administered, and how, in some cases, it was not being administered at all.

Attached to LB 259 was an amendment by Senator James Goll that changed the teacher tenure period from two to three years across the line for Classes I through VI school districts, with the exceptions of Omaha and Lincoln. Proponents of the amendment concurred that an extra year would allow school districts the opportunity to work with marginal teachers and give them the necessary assistance to improve their skills. Senator Goll argued that probation was not for good teachers anyway. He said was designed for those needing “nurturing and the additional help and guidance of administration” (p. 8158).

Senator Lamb supported the amendment, claiming that it takes the same length of time to develop a good teacher in small schools as it does it big

schools. Adding a third year, he said, would give the administration an extra year to work to make a teacher better so that the teacher was not just fired.

During the Floor Debate (1982) opponents to the amendment to LB 259 agreed that there needed to be unity across all schools in the state, but most of these opponents, including Senator Wesley, believed two years should be the rule for every school district. Wesley said:

Tenure is an important question in the state. There are occasions where teachers are not doing the best job possible. . . . Our efforts here are not to protect teachers that are not doing a good job. Absolutely not. And we don't touch the question of the causes for which a teacher can be removed. We're talking about protecting good teachers who are doing a good job and for perhaps frivolous reasons from time to time are threatened with a job loss for no good reason. This bill does not touch the question of the bad teacher being removed. It talks about the good teacher trying to improve, the system making sure they know why they are being removed when they are on probation, and trying to improve the process. (p. 8166)

Before the legislature voted on the amendment, Senator Wiitala pointed out that few school systems in the state had an evaluation policy to take care of the weaker teachers, and if they had an evaluation system, seldom was it carried out by having a specific procedure for reviewing each young teacher. "What it boils down to," Wiitala said, "is it's just not good administration" (p. 8169).

The legislature then voted 24-22 in favor of amending LB 259 to change the granting of tenure from after two years to after three years across all school districts in Nebraska. Following the vote, Senator Koch proposed another amendment saying that probationary teachers in their first three years in a school district should be evaluated at least once per semester in accordance with

procedure outlines. The Floor Debate (1982) noted that these probationary employees were to be evaluated based upon classroom observation for an entire instructional period. Should deficiencies be noted in the work performance of any probationary employee, the evaluator would be responsible to provide the teacher, at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming those deficiencies, and follow up evaluations and assistance when deficiencies remain. This amendment passed by a 23-6 margin. On May 3, 1982, LB 259 was advanced to the Enrollment and Review Committee for Engrossment. On March 21, 1982, the final reading of the bill was passed by a 44-0 margin. On March 24, 1982, the governor signed LB 259 into law.

On July 8, 1985, as a result of the passage of LB 259, the Nebraska State Board of Education put into effect Title 92, Nebraska Administrative Code, Chapter 34: Regulations Regarding Approval of Teacher Evaluation Policies (hereinafter Rule 34). Rule 34 provided the procedures and standards for approval of teacher evaluation policies and procedures developed by school districts and educational service units. Obtaining approval by the Nebraska Department of Education of such policies and procedures is a requirement for a school district to legally operate as an approved school in Nebraska. This rule was authorized by Neb. Rev. Stat. § 79-328(5)(i).

Rule 34 has since become embedded in Rule 10. Rule 10 states that policies and procedures of the evaluation process of a school district must be

submitted for approval by the Nebraska Department of Education, in writing, and shall include a policy containing the statement of purpose of the teacher evaluation process in that district and a procedure for teacher evaluation, which is to include an instrument designed primarily for the improvement of instruction. Minimally, it is to include evaluation of instructional performance, classroom organization and management, professional conduct, and personal conduct. The procedure also must include the duration and frequency of the observations and the formal evaluations for probationary and permanent certificated teachers. In addition, procedures provide for written communication to the evaluated teacher on all noted deficiencies, specific means for the correction of the noted deficiencies, and an adequate time line for implementing the concrete suggestions for improvement. All observed teachers are provided an opportunity to write a response to the evaluation. The procedures call for school administrators to specify the training that will be provided by the district for the evaluators and for the evaluation procedures to be communicated annually, in writing, to those being evaluated. Finally, all evaluators are required to possess a valid Nebraska Administrative Certificate and are to be trained to use the evaluation system employed by the district.

Minutes of Committee of Education (1996) note that on January 5, 1996, Nebraska State Senator Ardyce Bohlke, Chair of the Education Committee, selected LB 900 as one of the two priority education bills for the legislative session. LB 900 recodified Chapter 79 of the Nebraska Revised Statutes,

reorganizing the provisions and updating the language. There were no substantive changes to the law. As a part of the new organization, some sections were divided and others joined together. What were 40 articles became 17. The theme of the restructuring was to get the provisions that had some common subject together located together. On January 16, 1996, this bill advanced out of committee, and on February 27, 1996, it passed final reading by a 39-0 vote of the legislature.

As a result of these revisions, current statutes related to tenure now fall under Neb. Rev. Stat. § 79-824 to § 79-842. Section 79-824 defines a probationary certificated employee as a teacher who has served under a contract with a school district for less than three successive school years in any district and is employed one-half time or more by a school district.

The key provisions of Nebraska state statutes that pertain to probationary teacher evaluations are found in Sections 79-828(2-4). The purpose of the probationary period is to allow the employer the opportunity to evaluate, assess, and assist the employee's professional skills and work performance prior to the employee obtaining permanent status. All probationary certificated employees employed by Class I, II, III, and VI school districts are to be evaluated at least once each semester during each year of probationary employment. The probationary teacher is to be observed and evaluated based upon actual classroom observations for an entire instructional period. If deficiencies are noted in the work performance of any probationary employee, the evaluator is

responsible for providing the teacher at the time of the observation, with a list of deficiencies, a list of suggestions for improvement, and assistance in overcoming the deficiencies, and follow up evaluations and assistance when deficiencies remain. Any certificated employee employed prior to September 1, 1982, by the school board of any Class I, II, III, or VI school district will serve the probationary period required by law prior to that date and is not be subject to any extension of probation.

Section 79-828 also states that if the school board, superintendent, or superintendent's designee determines that it is appropriate to consider whether the contract of a probationary certificated employee should be amended or not renewed for the next school year, that certificated employee will be given written notice of such considerations. At the certificated employee's request, notice shall be provided that contains the written reasons for such proposed amendments or non-renewal and shall be sufficiently specific so as to provide the certificated employee the opportunity to respond. All reasons set forth in the notice must be employment related.

The school board may elect to amend or not renew the contract of a probationary certificated employee for any reason it deems sufficient if such non-renewal is not for constitutionally impermissible reasons.

Nebraska Court Decisions

Three significant Nebraska Supreme Court decisions clarify statutory provisions regarding the retention and/or dismissal of a probationary certificated employee.

The Nebraska Supreme Court affirmed the decision of the district court in *McQuinn vs. Douglas County School District No. 66 et al. (2000)*. The board of education elected not to renew the contract of McQuinn, a probationary certificated employee, based upon the recommendation of McQuinn's principal. The district court had affirmed the decision of the board of education.

McQuinn was employed by the school district, beginning with the 1994-95 school year. She was assigned to teach at Westside Middle School. She remained employed by the district during the 1995-1996 and 1996-1997 school years, during which time she taught at Oakdale Elementary School.

On March 26, 1997, the Oakdale principal notified McQuinn by letter that he would not be recommending the renewal of her teaching contract for the 1997-1998 school year, citing problems with classroom management. The principal recommended that Quinn's contract not be renewed based on his classroom observations and evaluations of her classroom management during the 1996-1997 school year.

On April 1, 1997, McQuinn received a letter for the district's assistant superintendent stating, due to the recommendation of the principal, McQuinn's probationary position with the district was under consideration for termination at

the end of the 1996-1997 school year. McQuinn was offered and accepted the offer of a hearing before the board of education.

During the hearing, McQuinn contended that statutory evaluation procedures were not followed during her third year of employment by the district and testified that the principal never had told her during the 1996-1997 school year that her control over her students was inadequate or that her classroom management skills were otherwise deficient. She believed that classroom management was listed as an area for growth on each of the three evaluations performed by the principal during the 1996-1997 school year because that was an area in which all teachers should strive to continuously improve. She stated that the principal did tell her to improve her technology skills and that she had taken steps in that direction. McQuinn claimed that the principal never warned her during the 1996-1997 school year that her job was in jeopardy due to her problems with classroom management.

After the hearing, the board announced it was recessing its deliberation to obtain legal counsel on the options available to the board. We would hope to work out an agreement with Mrs. Quinn and the district for a waiver of tenure and continuation of a probationary status and assignment to another school. (¶ 5)

Both parties agreed in writing to extend the deadline for a hearing and for final action by the board of education to June 15, 1997, as permitted by Neb. Rev. Stat. § 79-831.

Attorneys for McQuinn and the district then began drafting an agreement whereby McQuinn's contract would be renewed subject to the condition she would remain on probationary status.

In a letter to McQuinn's attorney dated May 23, 1997, the attorney for the district wrote that the next board meeting would be on June 2, 1997, and that deliberations on McQuinn's contract would reconvene at the end of that meeting and conclude with the board voting to renew, not renew, or extend probationary status per the negotiated agreement. A second letter, dated, May 28, 1997, was sent to McQuinn's attorney including duplicate originals of the agreement between the board the McQuinn. McQuinn was to sign both originals and return them to the district's attorney and she was informed that the agreement would not be effective unless and until appropriate action was taken by the board.

Neither McQuinn nor her attorney were present when the board met on June 2, 1997, where, in open session, it voted in favor of non-renewal of McQuinn's contract.

McQuinn challenged the decision by the board of education in the district court, claiming that the district failed to comply with statutory provisions governing the procedure for evaluation of probationary employees and that the proceedings which led to the non-renewal of her contract were conducted in violation of statutes governing teacher tenure and open public meetings.

The district court affirmed the board of education's actions, finding that McQuinn was a teacher under a probationary contract and that she was properly

notified that her contract would not be renewed. The district court also affirmed that McQuinn requested and received a hearing.

The court further found that the principal evaluated McQuinn on several occasions during the first and second semesters of the 1996-1997 school year, followed each time by a conference in which the principal discussed his observations with McQuinn and made suggestions for improvement.

The Nebraska Supreme Court, in affirming the decision of the district court, noted that the records reflect that McQuinn and the principal developed a written growth plan during the first semester as a follow-up to evaluations of McQuinn's performance during the previous year. The growth plan listed "active participation" as a goal for the 1996-1997 school year. The principal testified that this was an aspect of classroom management. The record also reflects that the principal conducted two formal observations of McQuinn's performance during the first semester, each for an entire instructional period. The principal's notes of the first observation on November 8 reflect several deficiencies in McQuinn's performance.

During the second semester of the 1996-1997 school year, the principal conducted one formal observation for an entire instructional period on February 17, 1997, as well as three to four subsequent informal "walk-through" evaluations. The principal's notes from the formal observation listed "management," including problems with inattentiveness, as an area for growth. Following this evaluation, the principal testified that he had a conference with

McQuinn and discussed these classroom management issues, offering suggestions and strategies on how to deal with the problems. At some point soon after this evaluation session, the principal concluded no significant improvement had been made in the classroom management problems exhibited by McQuinn since the 1995-1996 school year. The principal testified that until February, he tried to help McQuinn improve the best he could. At that point, he concluded that things had not and were not going to get any better and that because he believed classroom management skills had declined during the 1996-1997 school year as compared to the previous year, he recommended that her contract not be renewed.

The Nebraska Supreme Court found that McQuinn admitted in her testimony at the hearing before the board of education that these conferences with the principal did take place. The court concluded by finding that the hearing on May 6 was an informal hearing, and except for deliberations and taking of the vote, was held in open session. The court held that McQuinn's due process rights were not violated and also found that the formal action for non-renewal, as per statute, was the only part of the hearing needing to be held in open session.

It was determined that McQuinn's principal did follow the statutory provisions governing the procedure for the evaluation of probationary employees and that proceedings leading to the non-renewal of her contract were conducted within the statutory requirements governing teacher tenure and open public meetings.

Another Nebraska Supreme Court case also provides a foundation for what public schools in Nebraska must do to comply with state statute.

In *Nuzum v. Board of Education of School District of Arnold*, (1988), the Nebraska Supreme Court overturned the decision of the district court, ruling that the board of education acted within its jurisdiction in electing to non-renew a probationary certificated employee's contract. Nuzum was hired by the board of education at the beginning of the 1983-84 school year as a high school principal and teacher.

Nuzum completed his first year of service with no complaints from the board or from his evaluator, the superintendent of schools. But during Nuzum's second year, the school's superintendent became convinced Nuzum did not work well with some of the high school teachers on the staff. The superintendent wanted Nuzum to be more firm and confront those individuals who made comments about Nuzum.

Nuzum testified that he received comments and suggestions made by the superintendent from time to time, but that he was given little verbal notice concerning performance deficiencies and was unaware of problems severe enough to warrant his dismissal until March, 1985, when the superintendent told Nuzum his contract would likely not be renewed and it would be best if he resigned.

Nuzum was given another written evaluation on April 10, 1985, by the superintendent, who stated Nuzum lacked confidence and was easily intimidated by certain individuals when they did not agree with him.

Nuzum submitted a letter of resignation to the superintendent on March 15, 1985, but on March 27 and April 3, he wrote letters to the superintendent and the board of education withdrawing his resignation. Never-the-less, the board of education met on April 8, 1985, and accepted the resignation at that time.

On April 12, 1987, the superintendent wrote a letter advising Nuzum that "if necessary," the board would again consider the non-renewal of Nuzum's teaching contract for the ensuing school year. At the hearing, the board refused to address the issue of the resignation. Nuzum subsequently filed suit against the board.

The district court, in its ruling, determined the board of education was in error in non-renewing its probationary contract with Nuzum. On appeal, the Nebraska Supreme Court concluded that a resignation tendered by a teacher or administrator is subject to being withdrawn until accepted by the board with which the contract of employment exists; however, it overturned the ruling of the district court, ruling that proper procedures for evaluation of Nuzum had been followed by the school superintendent during the evaluation process. The court determined that while a probationary employee is to be observed and have an evaluation based upon actual classroom observation for an entire instructional

period, this provision did not apply to a principal because, as an administrator, a principal cannot be observed for an entire instructional period. Thus, no evaluation can be based upon such an observation. It held the board of education had reached its decision not to renew Nuzum's contract in accordance with applicable law.

In *Cox vs. York County School District No. 083* (1997), the Nebraska Supreme Court, in upholding the decision of the district court, also made clear its ruling that school administrators must follow procedural evaluation requirements as provided by law if there is to be any attempt for non-renewal of a certificated employee's contract.

Cox, hired by the district on June 1, 1993, for the 1993-1994 school year, was a first year, probationary teacher who received no administrative feedback regarding her performance other than occasional positive remarks during her first semester as a teacher in the district. Near the end of the first semester, school administrators learned a number of band students were intending to drop out of band at the end of the first semester. Without Cox's knowledge, the administration interviewed students and their parents. Students allegedly complained that Cox had made demeaning remarks to them about their performance. After the interviews, school administrators discussed with Cox their concerns about students dropping out of band. They suggested to Cox that she might be able to remedy the situation with one student by visiting with that student. Cox was not receptive to that idea.

Cox received her first formal evaluation on January 28, 1994, which was during the second semester of the school year. The evaluation, by the school's principal, was based on one full instructional period, as well as alleged informal observations made during the first semester. Cox's evaluation rated her as satisfactory in all areas except her relationship with students, which was noted as "needs improvement." Cox was also given a list of suggestions for improved performance. She later testified that in response to this evaluation, she requested more specific guidance on how to improve, but was not given any.

On March 14, 1994, the board took formal action to renew contracts of all certificated employees except Cox. On March 15, 1994, Cox received her second formal evaluation, this time by the superintendent, who also served as the elementary principal. Again, her relationship with students was noted as "needs improvement." On April 1, 1994, Cox received formal notification that she was being recommended to the board for non-renewal. Cox requested a hearing that was held on May 3, 1994. At this hearing, Cox testified she had been receptive to suggestions by the administration and had worked to remedy problems.

Following the hearing, the board determined not to renew Cox's contract for the following year. Cox appealed the decision to the district court. It reversed the board's decision and ordered Cox reinstated with the district as of May 3, 1994. The Nebraska Supreme Court upheld the district court's decision, citing that the school district did not meet the statutory requirements of the evaluation process for Cox, a probationary certificated employee. The district and its administration

failed to comply with the requirements of state statute by failing to evaluate Cox based on actual classroom observations for an entire instructional period at least once each semester during the 1993-94 school year.

Summation

This review of literature describes the necessity of quality supervision and evaluation of teachers. While Nebraska statutes give flexibility to school districts for development of an evaluation process, they also provide guidelines that must be adhered to. Nebraska Department of Education Rule 10 also clearly identifies the guidelines in the evaluation of probationary teachers. With these guidelines in place as required by law, the Nebraska Supreme Court, the lower courts, and the school boards have legal support for decisions rendered regarding retention or dismissal of probationary teachers.

This review has identified areas needing to be examined through research. This includes determining what Nebraska public school districts are doing to comply with Nebraska statutes and Nebraska Department of Education Rules regarding teacher evaluation. It also seeks to identify if probationary teachers are being supervised and evaluated following all of the guidelines established through Neb. Rev. Stat. § 79-828.

Chapter 3

Methodology

Introduction

The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts. A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

Class I and Class VI schools were not studied because the introduction and debate of LB 126 in the Nebraska legislature in 2005 created uncertain futures for Class I and Class VI schools. Class IV and Class V schools also were not used for this study as they are not addressed in Neb. Rev. Stat. § 79-828 (hereinafter Section 79-828).

To accomplish the purpose of the study, information about supervision and evaluation of teachers were obtained in two ways: (a) a sample of school board policies on file with the Nebraska Department of Education were reviewed and analyzed; and (b) a sample of Nebraska school principals was surveyed to identify the practices used in their school districts.

School administrators are responsible for the development of probationary teachers through the teacher evaluation process. The ultimate goal is to enhance the abilities of these teachers through evaluation practices that encourage probationary teachers to improve classroom instruction.

Administrators must examine the practices that exist within their school districts and consider which ones are effective in improving classroom instruction of probationary teachers. This study focused only on Class II and Class III Nebraska public school districts. The key research question in this study was two-fold:

1. What policies and practices are used in Class II and Class III Nebraska school districts to supervise and evaluate probationary teachers?
2. What differences exist between policies and practices applicable to tenured teachers and to probationary teachers?

Two sub-questions were addressed:

1. Do these policies and practices comply with the procedures required by Neb. Rev. Stat. § 79-828(2) and Nebraska Department of Education Rule 10, which provides that during each year of probationary employment:
 - a. the teacher shall be evaluated at least once each semester,
 - b. the teacher shall be observed and evaluation shall be based upon actual classroom observations for an entire instructional period;
 - c. if deficiencies are noted in the work performance, the evaluator shall provide the teacher at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow-up evaluations and assistance when deficiencies remain?

2. Are these procedures different for teachers who have obtained tenured status?

Target Samples

Two samples were studied: Nebraska school district policies and Nebraska school principals.

The sample for the policy study was a set of 49 randomly selected Class II and Class III Nebraska public school districts.

Policies for teacher evaluation are to be approved by the Nebraska Department of Education and are on file at the Nebraska Department of Education. A sample of school districts' policies was obtained from the Nebraska Department of Education in the spring, 2006, and examined to determine if they meet the criteria of Rule 10 and Nebraska statutes.

The sample of the survey instrument study was 49 randomly selected principals who supervised and evaluated certificated employees of Class II and Class III public school districts in the state of Nebraska during the Spring Semester, 2006. All were adults over the age of 19.

Data Collection

An examination of the literature on teacher evaluation led to the researcher designing a survey document to provide a method of collecting information from the targeted population of school principals. The rationale for this data collection was based on availability, convenience, and cost effectiveness.

The 2004-2005 Nebraska District/System Ranking by Membership of Class 2-5 Schools, Table 11, was used to determine the population sample size. This table was provided by the Nebraska Department of Education. The number of principals in each district was taken from the *2004-2005 Nebraska Department of Education Directory*.

Table 11 ranked school districts by enrollment size, from largest to smallest. There were 239 school districts listed and a total K-12 enrollment of 273,113 students. Omaha Public Schools (Class V), and Lincoln Public Schools (Class IV) were eliminated from the sample list because this study involves only Class II and Class III districts. Millard Public Schools (Class III) was also eliminated from this study because its student population is significantly larger than any other Class III school district. The remaining 236 Class II and Class III districts, their enrollments, and the number of principals in each district were then used to determine the sample size of the survey instrument study.

The 236 schools were divided into three groups representing student population by percentage. A near mirror image was created using the columns indicating percentage of total enrollment (of students) and the percentage of total principals, to establish the number of districts to be placed in each group. Once this was completed, it was determined that 8% of the total number of principals in each group would be surveyed. This number was selected because of the small number of districts in Group A. This method created a sample size of 49. A principal from each of the nine districts in Group A was mailed a surveyed.

Principals from 21 districts in Group B were also surveyed and principals from 19 districts in Group C were surveyed (see Table 1).

Table 1

Groups Representing Student Enrollment by Percentage

	Student Enrollment	% of Total Enrollment	Number of Districts	Number of Principals	% of Total Principals	Principals in Sample
Group A	52,177	30%	9	116	19%	9
Group B	86,961	50%	89	263	43%	21
Group C	34,785	20%	138	236	38%	19
Totals	173,923	100%	236	615	100%	49

The principals in each group were randomly selected for this study. Each district in each group had a number assigned to it. These numbers came from the 2004-2005 Nebraska District/System Ranking by Membership of Class 2-5 Schools, Table 11. A Microsoft Excel spreadsheet was programmed to generate random numbers to be selected for each group. In Group A, all 9 districts were selected. In Group B, 21 districts were selected, and in Group C, 19 districts were selected.

The name of the principals randomly selected to participate in this study came from the *2005-2006 Nebraska Department of Education Directory*. Only one principal per school district selected for the study would receive a survey. To select the principal to be surveyed, each principal in the district was assigned a

number and one number from each district was selected using a Random Number Generator on a Texas Instrument TI-83 Plus calculator.

Each selected principal was mailed a survey cover letter (Appendix B) describing the study and informing him/her that he/she was selected to participate in this study during the Spring Semester of the 2005-2006 school year. This letter included information on Informed Consent. The "Teacher Evaluation Survey" (Appendix C) was also included in the mailing, along with a self-addressed stamped envelope in which the survey was to be returned to the researcher when completed.

By sending all surveys directly to the respondents and providing envelopes for their return, the process provided guaranteed anonymity.

Permission to conduct this study was obtained from the Institutional Review Board at Research Compliance Services at the University of Nebraska-Lincoln (Appendix A).

On April 8, 2006, all 49 surveys were mailed to the randomly selected principals. By April 17, 2006, 36 surveys (73.5%) had been completed and returned to the researcher.

The 13 principals who did not return their completed surveys were called between April 18 and April 19, 2006. Using a prepared script, the researcher requested the principals to complete and return the survey. Seven of those 13 were completed and returned by April 27, 2006, leaving only six unreturned surveys.

On April 28, 2006, the researcher mailed six more surveys to more randomly selected principals. These principals were group specific selections and corresponded to the six surveys not completed. Two principals from Group A schools were selected. One principal from a Group B school was selected, and three principals from Group C schools were selected. By May 7, 2006, four of the six surveys had been completed and returned to the researcher. On May 8, 2006, the researcher called the two principals who had not yet completed and returned their surveys using a prepared script. One response was received by May 15, 2006.

For the policy review study, a second population was identified. An identical number of districts (49) were selected. The same number of districts selected from each group for the survey instrument was used for the policy review study. Because of the small number of districts in Group A, the same nine schools that were surveyed also had their policies reviewed. Because there are a significant number of principals in each of these districts, and only one principal was asked to respond to the survey, anonymity was maintained.

To assure that school districts and school principals could not be linked, it was essential that the districts having their policies reviewed not be the same districts that had a principal complete the survey. In smaller districts (Group B and Group C), there may only be one principal and it became important not to match up policies and survey responses to maintain anonymity of all participants.

Therefore, the schools in Group B and Group C who had a principal selected to complete the survey did not have their policies reviewed.

In Group B, 21 districts were selected, and in Group C, 19 districts were selected. Using the numbers previously assigned to each school from the Microsoft Excel spreadsheet programmed to generate random numbers, the next 21 districts from Group B (numbers 22-42) and the next 19 districts (numbers 20-38) from Group C were used for policy review.

Survey Design

The “Teacher Evaluation Survey” was designed as survey research. It was selected because descriptive, explanatory, or exploratory data from a large population could be obtained with survey research. The first section of the survey was designed to collect statistical information of the administrators who consent to participate in this study. The remainder of the study included items of selected response, short answers, and “yes” and “no” responses. Survey instrument items were derived from the current review of literature and addressed the primary and secondary research questions.

The Policy Review Checklist use for policy reviews was designed using key components of Rule 10 and Section 79-828. Information gathered from these reviews provided information as to whether or not districts are satisfying the requirements of the Nebraska Department of Education.

Validation of the Instrument

The researcher's doctoral committee and advisor evaluated the "Teacher Evaluation Survey" for face validity. The instrument was also evaluated by two principals of Class III schools within the state not selected through the random sampling. The purpose for gathering an evaluation of the survey instrument to determine face validity was fourfold:

- a. to allow the researcher to determine if the proper data could be collected through the proposed instrument
- b. to allow principals outside of the sample population the opportunity to examine the questions for improvement in wording or format,
- c. to determine if the instrument was easily understood and readable, and
- d. to determine if the length of the instrument was appropriate for a survey of this type.

Analysis of the Data

The analysis of the data provides information stratified by district enrollment size to give a representative look at school districts of all sizes across the state.

Survey Data

Each of the survey instruments returned to the researcher was tabulated in a quantitative method in an attempt to gain insight as to the practices which are occurring in Class II and Class III school districts in Nebraska. The quantitative results were analyzed and interpreted by the researcher. Some

responses allowed for narrative responses and were required to be analyzed qualitatively.

Those survey questions having multiple choices for responses were tabulated in relation to a percentage of each response by the principal competing the survey.

For survey questions asking the responder to indicate if they believe the statement was true, the same process was used.

Survey questions asking the responder to fill in a blank or to give a brief narrative response were analyzed qualitatively in an attempt to identify common themes.

Policy Data

Each of the 49 policies reviewed by the researcher were evaluated against a Policy Review Checklist (Appendix H) to see whether the policy satisfied the requirements of Section 79-828 and Nebraska Department of Education Rule 10. Information was entered into the right hand column of each statement to signify whether that statement was or was not satisfied in the policy provided to the NDE. In addition, the review was to identify additional items in board policy not required by statute.

The information gathered was analyzed and interpreted both quantitatively and qualitatively. Quantitative item analysis was done using the percentage of “yes” and “no” responses to each item. The open-ended response at the end of the survey was analyzed qualitatively in an attempt to identify common themes.

Chapter 4

Results

Purpose

The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts. A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

Class I and Class VI schools were not studied because the introduction and debate of LB 126 in the Nebraska legislature in 2005 created uncertain futures for Class I and Class VI schools. Class IV and Class V schools also were not utilized in the study as they are not addressed in Neb. Rev. Stat. § 79-828 (hereinafter Section 79-828).

To accomplish the purpose of the study, information about supervision and evaluation of teachers was obtained in two ways: (a) a sample of school board policies on file with the Nebraska Department of Education was reviewed and analyzed; and (b) a sample of Nebraska school principals was surveyed to identify the practices used in their school districts. The key research question in this study was two-fold:

1. What policies and practices are used in Class II and Class III Nebraska school districts to supervise and evaluate probationary teachers?

2. What differences exist between policies and practices applicable to tenured teachers and to probationary teachers?

Two sub-questions were also addressed:

1. Do these policies and practices comply with the procedures required by Neb. Rev. Stat. § 79-828(2) and Nebraska Department of Education Rule 10, which provides that during each year of probationary employment:
 - a. the teacher shall be evaluated at least once each semester,
 - b. the teacher shall be observed and evaluation shall be based upon actual classroom observations for an entire instructional period;
 - c. if deficiencies are noted in the work performance, the evaluator shall provide the teacher at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow-up evaluations and assistance when deficiencies remain?
2. Are these procedures different for teachers who have obtained tenured status?

Participation

Cumulatively, 48 survey responses were collected, representing a 98.0% response rate of the original 49 surveys.

To gain information about the sample of Nebraska principals who participated in the survey, respondents were asked to identify the grade

configuration of the school in which they worked, the enrollment of the school they served, and the number of years they had served in their current position.

Data revealed that 16 of the 48 respondents (33.3%) were primarily secondary principals (6-12, 7-12, 9-12), 17 of the respondents (35.4%) were primarily elementary principals (PK-2, PK-5, PK-6, K-4, K-5, K-6, K-8), 11 of the respondents (22.9%) were K-12 principals, and 4 of the respondents (8.3%) were middle level principals (5-8, 6-8, 7-8) (see Table 2).

Table 2

Survey Participants By Grade Configuration

Principals of . . .	No. of Respondents	% of Respondents
Primarily Elementary	17	35.4%
Primarily Secondary	16	33.3%
K-12	11	22.9%
Middle Level	4	8.3%
Total	48	100%

Thirty-one of the respondents (64.6%) were principals of schools of 101-300 students, 12 respondents (25.0%) were principals of schools of 301-600 students, 3 respondents (6.2%) were principals of schools of 601-900 students, and 2 respondents (4.2%) were principals of schools of 901-1200 students (see Table 3).

Table 3

Survey Participants by School Enrollment

Principals of . . .	No. of Respondents	% of Respondents
101-300 Students	31	64.6%
301-600 Students	12	25.0%
601-900 Students	3	6.2%
901-1200 Students	2	4.2%
Total	48	100%

Of the 48 respondents, 15 respondents (31.2%) were in their first or second year of their current position, 13 respondents (27.1%) were in their third or fourth year in their current position, and 20 respondents (41.7%) indicated they had been in their current position for five or more years (see Table 4).

Table 4

Survey Participants by Years in Current Position

Principals with . . .	No. of Respondents	% of Respondents
1-2 Years in Position	15	31.2%
3-4 Years in Position	13	27.1%
5+ Years in Position	20	41.7%
Total	48	100%

For the policy review study, a second population was identified. An identical number of school districts (49) were selected. The same number of

districts selected from each group for the survey instrument was used for the policy review study. Because of the small number of districts in Group A, the same nine schools that were surveyed also had their policies reviewed. Because there are a significant number of principals in each of these districts, and only one principal was asked to respond to the survey, anonymity was maintained during the policy review.

For Group B and Group C, the same schools did not have their policies reviewed. To assure that school districts and school principals could not be linked, it was essential that the districts having their policies reviewed not be the same districts that had a principal complete the survey. In smaller districts (Group B and Group C), there may only be one principal and it became important not to match up policies and survey responses to maintain anonymity of all participants.

In Group B, 21 districts were selected, and in Group C, 19 districts were selected. Using the numbers previously assigned to each school from the Microsoft Excel spreadsheet programmed to generate random numbers, the next 21 districts from Group B (numbers 22-42) and the next 19 districts (numbers 20-38) from Group C were used for policy review.

Findings

Research conducted through a random survey of Class II and Class III principals of Nebraska school districts and the compilation of data through a random review of policies for teacher evaluation on file at the Nebraska

Department of Education indicate that Section 79-828, Nebraska Department of Education Rule 10, and district board policies are significant documents utilized in creating policy and practices for supervising and evaluating teachers.

Nebraska Department of Education Rule 10, Section 007.06, requires each school's board of education to have a written policy for the evaluation of teachers and that annual written communication of the teacher evaluation process must be provided to those being evaluated. Of the 49 districts reviewed, all 49 (100%) had this policy on file with the Nebraska Department of Education. Each of the 49 policies reviewed had a statement that annual written communication is provided to those staff being evaluated.

Teacher Evaluation Survey Question 6 asked principals if they discussed their evaluation system procedures with their teachers each year. Of the 48 respondents, 41 respondents (85.4%) said yes, while 7 respondents (14.6%) said no.

The primary purpose of teacher evaluation is to improve the quality of instruction (Rule 10, 2004). Of the 49 board policies reviewed, 47 policies (95.9%) included a statement that the goal of teacher evaluation is to improve instruction. One district's board policy made no mention of the goal and another district, while it made no mention in board policy, showed the statement appearing in the teacher evaluation report.

Rule 10 (Section 007.06A1f) also requires a description of the district plan for training evaluators and that all evaluators possess a valid Nebraska

Administrative Certificate and are trained to use the evaluation system used in the district (Section 007.06B). Of the 49 board policies reviewed, 48 (98.0%) provided a description of the district plan for training evaluators.

Teacher Evaluation Survey Question 5 asked principals if they had ever received formal training on how to use the evaluation system employed by their school. Of the 48 respondents, only 20 respondents (41.7%) said “yes,” while 28 respondents (58.3%) said “no.”

Staff development supports instructional improvement and Rule 10 requires that the school system annually conduct or arrange staff development sessions. Section 007.07A requires each teacher to participate in at least ten hours of staff development activities each year. Teacher Evaluation Survey Question 3 indicated that all 48 principals responding (100%) said that the schools they served annually provided staff development activities/sessions.

Rule 10 requires each district's evaluation procedures to include criteria for (a) instructional performance, (b) classroom organization and management, and (c) personal and professional conduct. Each of the 49 district policies (100%) reviewed, included criteria for evaluation of instructional performance, classroom organization and management, and personal and professional conduct.

Teacher Evaluation Survey Question 15, Question 16, and Question 17 asked principals to indicate if these criteria were used in their evaluation procedures. Of the 48 respondents, 46 respondents (95.8%) said instructional performance was part of their evaluation procedures, 47 respondents (97.2%)

said classroom organization and management were part of their evaluation procedures, and 47 respondents (97.2%) said personal and professional conduct were part of their evaluation procedures.

Policies and Practices Used to Supervise and Evaluate

Probationary Teachers

As provided for in Section 79-828, probationary teachers are required to be evaluated at least one time per semester. Rule 10 places an additional requirement that a description of the duration and frequency of observations and written evaluations be provided for probationary teachers be provided for in board policy. Each evaluation is to be based on an actual classroom evaluation for an entire instructional period.

All 49 board of education policies (100%) reviewed described the frequency of evaluations of a probationary teacher. All 49 policies (100%) stated the probationary teachers must be evaluated at least one time per semester. Of the 49 policies reviewed, 41 policies (83.6%) required that probationary teachers be evaluated the minimum of one time per semester, and 8 policies (16.4%) required more evaluations than the minimum (see Table 5).

Teacher Evaluation Survey Question 7 asked principals which response best described how often they performed formal evaluations for probationary teachers. Of the 48 respondents, 37 respondents (77.1%) selected “one time each semester,” and 11 respondents (22.9%) selected frequencies greater than the minimum (see Table 6).

Table 5

Frequency of Probationary Teacher Evaluations—Policy Review

	Number of Policies	Percentage
1X per semester	41	83.6%
At least 1X per semester	2	4.1%
2X per year	2	4.1%
Other	4	8.2%
Total	49	100%

Table 6

Frequency of Probationary Teacher Evaluations—Teacher Evaluation Survey

	No. of Principals	Percentage
Never	0	0%
Once each semester	37	77.1%
Twice each semester	8	16.7%
Once each year	0	0%
Other	3	6.2%
Total	48	100%

Of the 49 board policies reviewed, 47 policies (96.0%) described the duration of an observation of a probationary period. Of these 47 policies, 34 policies (69.4%) used the term “entire instructional period,” and 4 policies (8.2%) used “one complete instructional period of at least 30 minutes.” Other duration descriptions included “duration of a complete lesson,” “entire

instructional period of at least 90 minutes,” “full class period of at least 45 minutes,” “entire instructional period or a minimum of 50 minutes,” “one full class period or one hour,” “minimum of 50 minutes,” “entire instructional period or the functional equivalent thereof established by the administration,” “one hour,” and “sufficiently long to include the beginning, middle, and ending of at least one instructional session and will be at least 15 minutes in length.”

Teacher Evaluation Survey Question 23, Question 24, and Question 25 asked principals what they determined to be an “entire instructional period.” If principals evaluated elementary teachers, they were to respond to Question 23. If principals evaluated middle school teachers, they were to respond to Question 24. If principals evaluated high school teachers, they were to respond to Question 25. Principals who listed themselves as K-12 or 7-12 principals responded to each question relevant to their supervisory level.

Elementary principals shared the most diverse responses. These included responses such as “an entire subject,” “the beginning to end of a lesson,” “from the beginning of a content area to the end,” and “we base elementary periods to equal that of a high school teacher—52 minutes.” Those elementary principals who shared a time frame for the instructional period listed the duration of an instructional period as “40-45 minutes,” “30-45 minutes,” “45-60 minutes,” “50 minutes,” “60 minutes,” and as long as “90 minutes.”

Middle school and secondary principals were more rigid and specific in their interpretation of an entire instructional period as “bell to bell,” “a full class

period,” and “from the beginning of class until their last strategy has been completed.” Those middle school and secondary principals who shared a time frame for the instructional period listed the duration of an instructional period in terms of minutes. These included 40, 43, 45, 47, 48, 49, 50, 51, 52, 53, 56, and 60 minutes.

Teacher Evaluation Survey Question 22a asked principals how often they observed probationary teachers for an entire instructional period. Of the 48 respondents, 19 respondents (39.6%) said they did so two times per year, another 5 respondents (10.5%) said they observed probationary teachers for an entire instruction period once each semester, 4 respondents (8.3%) said they observed teachers four times per year, and another 4 respondents (8.3%) said they observed teachers two or more times per year. The remaining respondents gave varying answers including “always,” “all the time,” “four to six times a semester,” “100 percent of the time,” “three times a year,” “monthly,” and “twice during the first semester and once during the second semester” (see Table 7).

Teacher Evaluation Survey Question 9 asked principals to identify the format used for the supervision and formal observation/evaluation of probationary teachers. Of the 48 respondents, 46 respondents (95.8%) said they conducted a pre-conference, conducted the observation, and followed up with a post-observation conference. One respondent (2.1%) did all of this plus mentoring of the teacher, and one respondent (2.1%) conducted the pre-conference,

Table 7

Frequency of Principal Observations of Probationary Teachers

	No. of Principals	Percentage
2X per year	19	39.6%
1X per semester	5	10.5%
4X per year	4	8.3%
2 or more X per year	4	8.3%
Other	16	33.3%
Total	48	100%

observation, and post-observation conference, and also did mentoring and peer coaching.

In addition to the formal observation and conferences, 37 of the 48 respondents (77.1%), in Teacher Evaluation Survey Question 14, said that informal walk-through observations were a part of the evaluation process. The other 11 respondents (22.9%) did not use walk-through observations as part of the evaluation process.

Teacher Evaluation Survey Question 10 asked principals how often they did informal visits in each probationary teacher's classroom. Of the 48 respondents, 14 respondents (29.2%) said they did monthly informal visits, 12 respondents (25.0%) said they did informal visits on a bi-weekly basis, 20 respondents (41.6%) did informal visits weekly, and 2 respondents (4.2%) reported doing informal visits on a daily basis (see Table 8).

Table 8

Frequency of Principal's Informal Visits of Probationary Teachers

	No. of Principals	Percentage
Never	0	0%
Monthly	14	29.2%
Bi-weekly	12	25.0%
Weekly	20	41.6%
Daily	2	4.2%
Total	48	100%

Teacher Evaluation Survey Question 21a asked principals how many probationary teachers they evaluated during the 2005-2006 school year. Some principals said they did not evaluate any probationary teachers. The greatest number of probationary teachers evaluated by any one principal in the survey was 13. Table 9 shows the distribution of probationary teacher evaluations per grade configuration.

Section 79-828 requires a list of deficiencies to be provided by the evaluator to the teacher at the time of the observation. The evaluator must provide to the teacher, at the time of the observation, a list of suggestions for improvement and assistance to overcome any deficiencies. Follow-up evaluations and assistance when deficiencies remain are to be provided to the teacher. Of the 49 board policies reviewed, 48 policies (98.0%) complied with

Table 9

Probationary Teachers Evaluated by Grade Configuration of School

	Teachers	Average	Least	Most
Primarily EL	67	3.9	0	6
Primarily SEC	77	4.8	0	13
K-12	31	2.8	0	6
Middle Level	32	8.0	6	12
Total	207	4.3		

these requirements. Similarly, Rule 10 states that provisions for written communication and documentation must be provided to the teacher specifying all noted deficiencies, specifying means for the correction of the noted deficiencies, and providing an adequate timeline for implementing the concrete suggestions for improvement.

Finally, Rule 10 provides for teachers to offer a written response to the evaluation. Of the 49 board policies reviewed, 48 policies (98.0%) complied with these requirements. Teacher Evaluation Survey Question 18 asked principals if probationary teachers were offered an opportunity for a written response to each evaluation. Of the 48 respondents, 47 respondents (97.9%) reported that this opportunity was given to probationary teachers, and 1 respondent (2.1%) reported that the opportunity was not given for probationary teachers to respond to each evaluation.

Teacher Evaluation Survey Question 11 asked principals how they shared information regarding deficiencies with their probationary teachers. Of the 48 respondents, 13 respondents (27.1%) said they did so orally after the observation period. Another 18 respondents (37.5%) said they did so in a written format and then shared them in a scheduled conference with the teacher, and 6 respondents (12.5%) shared teacher deficiencies through an action or improvement plan. The remaining 11 respondents (22.9%) listed “other” as how they shared teacher deficiencies. Of these “other,” 4 respondents said that they did so orally, in written form, and in an action/improvement plan; 4 respondents said they shared deficiencies orally and in written form; 1 respondent shared deficiencies in written form and in an action/improvement plan; and 1 respondent said that any deficiencies were discussed with teachers immediately when they were noticed (see Table 10).

Table 10

Procedures Principals Use to Share Deficiencies with Probationary Teachers

	No. of Principals	Percentage
Orally	13	27.1%
Written	18	37.5%
Action/Improvement Plan	6	12.5%
Other	11	22.9%
Total	48	100%

Teacher Evaluation Survey Question 12 asked principals how they shared suggestions for improvement with the probationary teachers once deficiencies were noted. Of the 48 respondents, 10 respondents (20.8%) said they did so orally after the observation period, 24 respondents (50.0%) said they did so in a written format and then shared them in a scheduled conference with the teacher, and 6 respondents (12.5%) shared suggestions for improvement through an action or improvement plan. The remaining 8 respondents (16.7%) listed “other” as how they shared suggestions for improvement. Of these, 4 respondents said they did so orally, in written form, and in an action/improvement plan, 4 respondents shared suggestions for improvement orally and in written form, and 1 respondent shared suggestions in written form and in an action/improvement plan (see Table 11).

Table 11

Procedures Principals Use to Share Suggestions For Improvement with Probationary Teachers

	No. of Principals	Percentage
Orally	10	20.8%
Written	24	50.0%
Action/Improvement Plan	6	12.5%
Other	8	16.7%
Total	48	100%

Teacher Evaluation Survey Question 13 asked principals how often follow-up evaluations and assistance are provided to probationary teachers when deficiencies remain. Of the 48 respondents, 22 respondents (45.8%) said they gave assistance and follow-up evaluations and assistance on a monthly basis, 7 respondents (14.6%) said they did so bi-weekly. The remaining 19 respondents (39.6%) gave assistance and follow-up evaluations on a weekly basis (see Table 12).

Table 12

Frequency Principals Give Assistance and Follow-Up Evaluations to Probationary Teachers with Remaining Deficiencies

	No. of Principals	Percentage
Never	0	0%
Monthly	22	45.8%
Bi-weekly	7	14.6%
Weekly	19	39.6%
Daily	0	0%
Total	48	100%

Teacher Evaluation Survey Question 19 asked principals if adequate time is provided for probationary teachers to implement the suggestions for improvement when deficiencies are identified. All 48 respondents (100%) believed adequate time was provided.

Differences Between Policies and Practices Applicable to Tenured Teachers and Probationary Teachers

Neither Section 79-828 nor Nebraska Department of Education Rule 10 establishes criteria for the evaluation of tenured teachers. Rule 10, Section 007.06A, states only that the school district must have a written board policy for the evaluation of teachers and that the policy is approved by the Department of Education.

Teacher Evaluation Survey Question 20 asked principals if procedures used for evaluating probationary teachers are the same as those used for tenured teachers. Of the 48 respondents, 40 respondents (83.3%) said procedures were the same for probationary and tenured teachers while 8 respondents (16.7%) indicated procedures were not the same for probationary and tenured teachers.

All 49 board policies (100%) reviewed described the frequency of evaluations of a tenured teacher. Of the 49 policies reviewed, 33 policies (67.3%) described the frequency as “one time per year,” 9 policies (18.3%) described the frequency as one time every three years. The remaining 7 policies varied in frequencies including “one time per semester,” “two times in a three year cycle,” “once every two years,” “one time per year for traditional evaluations or two times per year for alternative evaluations,” and “two documented walk-throughs and one announced or unannounced per year” (see Table 13).

Table 13

Frequency of Tenured Teacher Evaluations—Policy Review

	No. of Policies	Percentage
1X per year	33	67.3%
1X every three years	9	18.3%
1X per semester	2	4.1%
1X every two years	2	4.1%
Other	4	8.2%
Total	49	100%

Teacher Evaluation Survey Question 8 asked principals which response best described how often they performed formal evaluations for tenured teachers. Of the 48 respondents, 30 respondents (62.5%) selected “once each year,” 4 respondents (8.3%) selected “once each semester,” and 2 respondents (4.2%) selected “twice each semester.” The remaining 12 respondents selected “other” as their response. Of these 12, 8 respondents (16.7%) noted they perform formal evaluations on tenured teachers one time every three years. Other responses included “two times every three years,” “one time every two years,” “at least once a year,” and “teachers are on a self-growth plan for two years and then are evaluated formally in the third year” (see Table 14).

Teacher Evaluation Survey Question 22 asked principals how often they observed tenured teachers for an entire instructional period. Of the 48 respondents, 21 respondents (43.8%) said they did so one time per year,

Table 14

Frequency of Tenured Teacher Evaluations—Teacher Evaluation Survey

	No. of Principals	Percentage
Never	0	0%
Once each semester	4	8.3%
Twice each semester	2	4.2%
Once each year	30	62.5%
Other	12	25.0%
Total	48	100%

7 respondents (14.6 %) said they observed tenured teachers for an entire instruction period two times per year. Another 7 respondents (14.6%) said they observed teachers one time every three years, and 3 respondents (4.2%) said they observed teachers four times per year. The remaining respondents gave varying answers including “always,” “seldom,” “two times a semester,” “100% of the time,” “once every two years,” and “when deficiencies are identified” (see Table 15).

Of the 49 board policies reviewed, 47 policies (95.9%) described the duration of an observation of a tenured teacher. Of these 47 policies, 34 policies (69.4%) used the term “entire instructional period,” and 4 policies (8.2%) used “one complete instructional period of at least 30 minutes.” Other duration descriptions included “duration of a complete lesson,” “entire instructional period

Table 15

Frequency of Principal Observations of Tenured Teachers

	No. of Principals	Percentage
1X per year	21	43.8%
2X per year	7	14.6%
1X every three years	7	14.6%
4X per year	2	4.2%
Other	11	22.8%
Total	48	100%

of at least 90 minutes,” “full class period of at least 45 minutes,” “entire instructional period or a minimum of 50 minutes,” “one full class period or one hour,” “minimum of 50 minutes,” “entire instructional period or the functional equivalent thereof established by the administration,” “one hour,” and “sufficiently long to include the beginning, middle, and ending of at least one instructional session and will be at least 15 minutes in length.”

Teacher Evaluation Survey Question 21 asked principals how many tenured teachers they evaluated during the 2005-2006 school year. The smallest number evaluated by any principal was one tenured teacher. The greatest number of probationary teachers evaluated by any one principal in the survey was 45. Table 16 shows the distribution of tenured teacher evaluations per grade configuration.

Table 16

Tenured Teachers Evaluated by Grade Configuration

	Teachers	Average	Least	Most
Primarily Elementary	277	16.3	5	27
Primarily Secondary	313	19.6	1	45
K-12	149	13.6	6	25
Middle Level	61	15.3	5	18
Total	800	16.7		

Summary

The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts. A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

Neb. Rev. Stat. § 79-828 and Nebraska Department of Education Rule 10, provide legal requirements dictating what school boards use to create policy and practices for supervising and evaluating teachers are adhered to closely in the creation of these policies.

Each school board policy reviewed included criteria for instructional performance, classroom organization and management, and personal and professional conduct, but not all principals responding to the survey said they use all three criteria in their evaluation of teachers.

“Duration,” in most board of education policies, is defined as “one instructional period,” which is taken directly from statute. Principals generally define this as “bell to bell” or the number of minutes in a class period.

Each of the 48 principals responding to the survey said they evaluate their probationary teachers at least one time per semester for one entire instructional period. Of the 48 respondents, 37 respondents (77.0%) said they evaluated probationary teachers for only the minimum of one time per semester, and 24 respondent (50.0%) said they observed probationary teachers only one time per semester. Informal walk-throughs are used as part of the evaluation process by 37 (77.0%) of principals responding to the survey. All who use walk-throughs reported they did so at least on a monthly basis and often more frequently.

All 48 principals responding said they use a pre-conference, observation, post-observation conference method for the formal observation/evaluation. Only four percent indicated they do more than this.

Deficiencies of probationary teachers and suggestions for improvement once deficiencies are noted are shared with probationary teachers either orally after the observation period, in written format, or through an action/improvement plan. The frequency of follow-up assistance and evaluations is varied between weekly, bi-weekly, and monthly.

There are few differences between the policies and practices applicable to tenured teachers and probationary teachers. Neither Section 79-828 nor

Nebraska Department of Education Rule 10 establishes criteria for the evaluation of tenured teachers.

All 49 school board policies reviewed described the frequency of evaluations of a tenured teacher, though those frequencies varied from one time per semester to one time every three years. According to principals, tenured teachers are observed and evaluated less frequently than probationary teachers. Of the 48 respondents, 40 respondents (83.3%) said procedures used to evaluate probationary teachers and tenured teachers are the same.

Though all 49 policies reviewed (100%) state that the evaluation system procedures is to be discussed with their teachers on a yearly basis, only 41 of the 48 respondents of the survey (85.4%) said that this is done.

Rule 10 requires a description of the district plan for training evaluators and all evaluators possess a valid Nebraska Administrative Certificate and that they are trained to use the evaluation system used in the district. While 48 of the 49 policies reviewed (98.0%) provided a description of the district plan for training evaluators, just 20 of the 48 respondents (41.7%) have ever received formal training on how to use the evaluation system employed by their school.

Chapter 5

Summary, Discussion, Recommendations, and Considerations

Summary

The purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts. A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

To accomplish the purpose of the study, information about supervision and evaluation of teachers was obtained in two ways: (a) a sample of 49 school board policies on file with the Nebraska Department of Education were reviewed and analyzed; and (b) a sample of 49 Nebraska school principals were surveyed to identify the practices used in their school districts. The key research question in this study was two-fold:

1. What policies and practices are used in Class II and Class III Nebraska school districts to supervise and evaluate probationary teachers?
2. What differences exist between policies and practices applicable to tenured teachers and to probationary teachers?

Two sub-questions were also addressed:

1. Do these policies and practices comply with the procedures required by Neb. Rev. Stat. § 79-828(2) and Nebraska Department of Education

Rule 10, which provides that during each year of probationary employment:

- a. the teacher shall be evaluated at least once each semester,
 - b. the teacher shall be observed and evaluation shall be based upon actual classroom observations for an entire instructional period; c
 - c. if deficiencies are noted in the work performance, the evaluator shall provide the teacher at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow-up evaluations and assistance when deficiencies remain?
2. Are these procedures different for teachers who have obtained tenured status?

Discussion

The main purpose of this study was to identify policies and practices used to supervise and evaluate probationary teachers in Class II and Class III Nebraska school districts.

The results of this study indicate Neb. Rev. Stat. § 79-828 (hereinafter Section 79-828) and Nebraska Department of Education Rule 10, legal documents which dictate what school district boards of education use to create policy and practices for supervising and evaluating teachers, are adhered to closely in the creation of these policies. Even so, what is written in policy is not

followed 100% of the time during the observation and evaluation of probationary teachers by their supervising administrators.

Instructional performance, classroom organization and management, personal conduct, and professional conduct are all criteria required in each Class II and Class III district's evaluation procedures by Rule 10. Two of the 48 principals responding to the survey indicated that instructional performance was not a criteria used in evaluation procedures. One principal indicated classroom organization and management was not part of the evaluation procedure. One principal also indicated that personal and professional conduct was not part of the evaluation procedures. While these initial percentages of failure to comply may seem insignificant, they do raise the question as to how many teachers are directly affected by the failure of principals across the state to follow guidelines established by Rule 10.

Frequency and duration of observations and evaluations were of significant interest in this study. "Duration," in most board of education policies, is defined as "one instructional period," which is taken directly from statute. Principals generally define this as "bell to bell" or the number of minutes in a class period.

Frequency of observations and evaluations appear to be more varied. Of most noted significance is the compliance to the minimum requirements by principals in the observation and evaluation of probationary teachers. Of the 49 school board policies reviewed, 41 policies (83.7%) of school board policies

stated that probationary teachers were to be evaluated one time per semester, which is the statutory minimum. Only 8 of board policies reviewed (16.3%) had a frequency requirement that was more than the minimum.

Of the 48 principals responding to the survey, 40 respondents (77.0%) indicated they were evaluating probationary teachers one time per semester. This was the minimum requirement. Of the 48 principals responding to the survey, 24 respondents (50.0%) indicated they observed probationary teachers only one time per semester for the full instructional period. This too, was a minimum requirement. While principals seemed to be meeting the minimum requirements of the observation and evaluation of probationary teachers, the Teacher Evaluation Survey responses suggest that principals may not be going beyond the statutory minimum to assist probationary teachers in improving their instructional practices by observing for a full instructional period more frequently and evaluating these teachers more frequently.

On a more positive note, informal walk-throughs are used as part of the evaluation process by 40 (77.0%) of the 48 principals responding to the survey. Every principal who used walk-throughs reported they did so at least on a monthly basis and often more frequently.

All 48 principals responding indicated they use a pre-conference, observation, and post-observation conference method for the formal observation/evaluation. According to Glanz and Sullivan (2000), this sequence already existed in the 1920's. Morris Cogan is credited with developing the

elaborate concept and techniques that make up the clinical supervision cycle that has been a major force in educational supervision since the 1960's.

Even within this structure, there are differences that exist. While all principals indicated they shared deficiencies with probationary teachers at the time of the evaluation, the process was varied. Of the 48 respondents, 18 respondents (37.5%) indicated they shared deficiencies in written format, 13 respondents (27.0%) indicated they did so orally, and 6 respondents (12.5%) indicated they did so through an action/improvement plan. The other 11 respondents (23.0%) indicated they shared deficiencies using varying combinations of the three formats.

The 48 respondents indicated that the process of sharing suggestions for improvements once deficiencies were noted had similar differences. Of the 48 respondents, 24 respondents (50.0%) indicated they shared these suggestions in written format, 10 respondents (20.8%) indicated they did so orally, and 6 respondents (12.5%) indicated they did so through an action/improvement plan. The other 8 respondents (16.7%) indicated they shared suggestions for improvement using varying combinations of the three formats.

Follow-up assistance and evaluations provided for probationary teachers when deficiencies remained varied. Only 19 (39.6%) of principals indicated they gave assistance and follow-up evaluations on a weekly basis. Bi-weekly assistance and follow-up was done by just 7 (14.6%) of the principals. Monthly

assistance and follow-up evaluations was done by 22 (45.8%) of the principals. No principals indicated they did this on a daily basis.

As with formal observations and evaluations, the results of this study indicated that principals are more inclined to comply with minimum requirements of observation, evaluation, and improvement of probationary teachers.

A secondary purpose of this study was to identify any differences that may exist between policies and practices applicable to tenured teachers and to probationary teachers.

Of the 48 principals responding to the survey, 40 respondents (83.0%) indicated procedures used to evaluate probationary teachers and tenured teachers are the same.

The results of this study indicate there are few differences between the policies and practices applicable to tenured teachers and probationary teachers. Section 79-828 establishes procedures for the evaluation of probationary teachers, but it does not establish procedures for the evaluation of tenured teachers. Nebraska Department of Education Rule 10 provides for the school district to establish minimum criteria regarding instructional performance, classroom organization and management, and personal and professional conduct of probationary and tenured teachers. Rule 10 also requires a description of the duration and frequency of observations and written evaluations of both probationary and tenured teachers.

All board of education policies reviewed described the frequency of evaluations of a tenured teacher, though those frequencies varied from one time per semester to one time every three years. According to principals, tenured teachers are observed and evaluated less frequently than probationary teachers.

Of the 48 principals responding to the survey, only 6 respondents (13.5%) indicated they evaluate tenured teachers at the same minimum as probationary teachers (at least once per semester) and 30 respondents (62.5%) said they evaluate tenured teachers one time per year. The remaining 12 respondents (25.0%) indicated that tenured teachers are formally evaluated less than once time per year.

Concerning formal observations, only 7 (14.6%) of the 48 responding principals indicated they observed tenured teachers at the same minimum as probationary teachers (at least once per semester) and 21 (43.8%) of the 48 responding principals indicated they observed tenured teachers one time per year.

How do teaching and learning improve? According to Glickman (2002), the answer is no mystery. It is as simple as this: "I cannot improve my craft in isolation from others. To improve, I must have formats, structures, and plans for reflecting on, changing, and assessing my practice." Nebraska school districts make assumptions that tenured teachers do not require the same attention to supervision and evaluation as probationary teachers do.

Two of the most significant findings of this study involve the discussion of the evaluation system with teachers on an annual basis and the training provided evaluators on the evaluation system used in the principal's district.

Though 100% of the 49 school board policies reviewed stated that principals are to discuss the evaluation system procedures with their teachers each year, only 41 (85.4%) indicated that they did so. Teachers, probationary and tenured, need to have an open dialogue with their principal in regards to the expectations and purposes of the observation and evaluation processes.

Nebraska Department of Education Rule 10 requires school board policies include a description of the district plan for training evaluators, that all evaluators possess a valid Nebraska Administrative Certificate, and that they are trained to use the evaluation system used in the district. While 48 of the 49 policies reviewed (98.0%) provided a description of the district plan for training evaluators, only 20 (41.7%) of the principals responded that they had ever received formal training on how to use the evaluation system employed by their school. It is difficult to conceive that principals who do not have/receive this training, could be considered "experts" as an evaluator.

Recommendations

Recommendation #1

It is recommended that current evaluation systems be evaluated for effectiveness and modified as necessary, including the consideration of raising minimum requirements for observations, establishing specific criteria for

assistance for probationary teachers, and establishing criteria for the evaluation of tenured teachers.

According to Danielson and McGreal (2000), many teacher evaluation systems in use today were developed in the early to mid-1970's and reflect what educators believed about teaching at that time. They believed this traditional approach to teacher evaluation is no longer adequate. They claim current evaluation systems are grounded in the conception of teaching that prevailed in the 1970's and many are based on the work originally done by Madeline Hunter. Though well-intentioned, these systems are burdensome and not helpful for teachers who want to improve their practice. Nor do they assist administrators in making difficult decisions regarding teacher performance.

These current systems rely heavily on the documentation of a small number of observable behaviors. Consequently, teachers, in their observed lessons, will do all the things they "should" do.

According to Glickman (2002), the typical and infrequent drop-in visit by an evaluator a few times a year without continuous discussion, critiquing, and planning with others leads to the deadening and routinization of practice and the diminishment of teaching as a profession. Glickman defined a profession as a work of a person who possesses a body of knowledge, skill, and practices that must be continually tested and upgraded with colleagues.

Glickman (2002) also described a better and more concise way to understand the approaches, structures, and practical applications of leadership

for continuous improvement of classroom teaching and learning. Force, care, and structure can be brought into the process of making the often private act of classroom teaching increasingly public so that a school comes vibrantly alive with faculty and students as lifelong learners in their own practice. The difference, Glickman suggested, is how time, focus, and structure are used; how staff development, school improvement, personnel evaluations, and classroom assistance are used together; and how instructional leadership is defined and employed.

Haefele (as cited in Danielson & McGreal, 2000) suggested a clear purpose should govern the design of a teacher evaluation system. He argued the following purposes must be served: screen out unqualified persons from certification and selection processes; provide constructive feedback to individual educators; recognize and help reinforce outstanding service; provide direction for staff development practices; provide evidence that will withstand professional and judicial scrutiny; aid institutions in terminating incompetent or unproductive personnel; and unify teachers and administrators in the collective efforts to educate students.

Recommendation #2

It is recommended that all principals receive formal training using the evaluation system employed in the district in which they serve. While this is a requirement through the Nebraska Department of Education Rule 10, the

majority of principals responding to the survey indicated that no such training had ever taken place.

Principals must be equipped with the knowledge of what is in Nebraska Revised Statutes in regard to teacher evaluations, what is required by Nebraska Department of Education Rule 10, and what is in the school district's board policies. Principals must understand the criteria for evaluating teachers. When deficiencies exist, principals must share these with the teacher and be able to give suggestions for improvement and follow-up assistance in a manner that is consistent with laws, policies, and procedures.

If principals do not have this training, it would be difficult to consider their "level of expertise" as an evaluator.

Recommendation #3

It is recommended that all principals formally discuss the evaluation system and procedures they use with their teachers on an annual basis to supplement the requirement of Rule 10 which states that annual written communication of the evaluation process must be provided to those being evaluated.

Because teaching is complex, Danielson (1996) believed it is helpful to have a road map through the territory, structured around a shared understanding of teaching. Novice teachers, of necessity, are concerned with day-to-day survival; experienced teachers want to improve their effectiveness and help their

colleagues do so as well; highly accomplished teachers want to move toward advanced certification and serve as a resource to less-experienced colleagues.

Considerations

Consideration #1

All school districts should consider the implementation of mentoring of probationary teachers as an additional piece in the supervision and evaluation of probationary teachers.

According to Bey and Holmes (1990), the origin of the term mentor is found in Homer's epic poem, *The Odyssey*, wherein Odysseus gave the responsibility to his loyal friend, Mentor, of nurturing his son, Telemachus. Odysseus ventured off to fight the Trojan War while Mentor educated and guided his son. "This education was not confined to the martial arts but was to include every facet of his life—physical, intellectual, spiritual, social, and administrative development."

Glickman, Gordon, and Ross-Gordon (1998) defined mentoring as the process that facilitates instructional improvement when an experienced educator and a novice teacher study and deliberate on ways in which instruction in the classroom may be improved. The teachers study collaboratively and non-judgmentally in doing so. Mentors are not judges or critics, but facilitators with the purpose of providing individualized and ongoing professional support to the novice teacher.

Weiss and Weiss (1999) suggested successful mentor programs are dependent upon the quality of training afforded the mentors. Research indicates that beginning teachers who are mentored are more effective teachers in their early years, since they learn from guided practice rather than depending upon trial and error alone. Mentored novice teachers tend to focus on student learning sooner and leave teaching at a lower rate.

Glanz and Sullivan (2000) suggested that any educator may volunteer to be a support mentor. A supervisor or administrator, knowing a staff member's expertise may request that an individual serve in this capacity. If asked, a staff member must agree, but not be directed to do so, to serve. A mentor plan is developed by the educator, approved by the supervisor, and shared with those individuals to be mentored. The mentor implements the plan and reports on the plan activities to the supervisor.

Rather than comprehensively dealing with all aspects of intellectual, personal, and spiritual growth, a mentor teacher in a school context is most likely to limit the focus to the professional growth of a new teacher.

Bey and Holmes (1990) believed it is desirable that mentor teachers be wise, caring, humorous, nurturing, committed to their profession, and share a disposition of openness, leadership, and concern. The mentor needs to deal with the survival anxieties, self-concept issues, and reality shock surrounding teaching that sometimes engulf the new teacher. Smith and West-Burnham (1993)

believed mentors should act as role models, be responsible for “hands on” training, and give honest feedback.

Ultimately what is sought in the mentoring relationship is a mutual trust and belief in one another. In an assistance-based mentoring process, evaluations of new teacher performance by mentoring teachers are done for the sole purpose of facilitating the teachers’ professional development. This is different than an assessment-based mentoring process, where the evaluation of new teachers by mentor teachers are used to determine whether new teachers have mastered teaching competencies sufficiently well to be certified and/or retained on the instructional staff.

Consideration #2

Consideration should be given to conducting future research in the area of supervision and evaluation of probationary and tenured teachers and the effects/impact that observations and evaluations have on the improvement of classroom instruction and student learning.

Consideration #3

Consideration should be given to conducting future research in the area of supervision and evaluation of probationary and tenured teachers from the perception of the classroom teachers to identify shared perceptions and differing perceptions of teachers and principals.

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Appendix A

Institutional Review Board (IRB) Approval



HUMAN RESEARCH PROTECTIONS
Institutional Review Board

April 7, 2006

Robert Michl
Dr. Donald Uerling
8150 Wemsha Street
Lincoln NE 68507

IRB # 2006-03-292 EP

TITLE OF PROJECT: **Supervision and Evaluation of Probationary Teachers: Policies and Practices in Class II and Class III Nebraska School Districts**

Dear Robert:

This letter is to officially notify you of the approval of your project by the Institutional Review Board (IRB) for the Protection of Human Subjects. It is the Board's opinion that you have provided adequate safeguards for the rights and welfare of the participants in this study. Your proposal seems to be in compliance with this institution's Federal Wide Assurance 00002258 and the DHHS Regulations for the Protection of Human Subjects (45 CFR 46).

Date of EP Review: **04/04/06**.

You are authorized to implement this study as of the Date of Final Approval: **04/06/06**. This approval is Valid Until: **04/05/07**.

1. You have received the IRB approved Informed Consent form for this project. Please use this form when making copies to distribute to your participants. If it is necessary to create a new informed consent form, please send us your original so that we may approve and stamp it before it is distributed to participants.
2. Please include the approved and assigned IRB# on the cover letter. Please return one copy of the cover letter, with the number included, for our files.

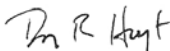
We wish to remind you that the principal investigator is responsible for reporting to this Board any of the following events within 48 hours of the event:

- Any serious event (including on-site and off-site adverse events, injuries, side effects, deaths, or other problems) which in the opinion of the local investigator was unanticipated, involved risk to subjects or others, and was possibly related to the research procedures;
- Any serious accidental or unintentional change to the IRB-approved protocol that involves risk or has the potential to recur;
- Any publication in the literature, safety monitoring report, interim result or other finding that indicates an unexpected change to the risk/benefit ratio of the research;
- Any breach in confidentiality or compromise in data privacy related to the subject or others; or
- Any complaint of a subject that indicates an unanticipated risk or that cannot be resolved by the research staff.

For projects which continue beyond one year from the starting date, the IRB will request continuing review and update of the research project. Your study will be due for continuing review as indicated above. The investigator must also advise the Board when this study is finished or discontinued by completing the enclosed Protocol Final Report form and returning it to the Institutional Review Board.

If you have any questions, please contact Shirley Horstman, IRB Administrator, at 472-9417 or email shorstman1@unl.edu.

Sincerely,


Dan R. Hoyt, Chair
for the IRB


Shirley Horstman
IRB Administrator

cc: Faculty Advisor

Appendix B

Survey Cover Letter



COLLEGE OF EDUCATION AND HUMAN SCIENCES
Department of Educational Administration

April xx, 2006

8150 Wemsha Street
Lincoln, Nebraska 68507

IRB#2006-03-292 EP
Date Approved: 04/06/06
Valid Until: 04/05/07

Name
Address
Address

Dear (Name of Principal):

This is a request for your assistance in completing my dissertation research at the University of Nebraska-Lincoln. The purpose of my study will be to identify the policies and practices used in Class II and Class III Nebraska school districts for the supervision and evaluation of probationary teachers.

A part of my dissertation research involves asking a random sample of principals in those Nebraska school districts to complete and return the enclosed survey.

Please answer each question on the survey in a way that best reflects your thoughts. Completion of the instrument should take no more than 30 minutes. It would be helpful to have your responses returned in the enclosed self-addressed stamped envelope by xxxx xx, 2006. Please note that your participation in this study is completely voluntary.

You will note that a code number on the return envelope will be used to identify those who have responded. When I have received your response, I shall check off your name and destroy the envelope. The survey instruments are not coded in any way, so the actual responses will remain anonymous and confidential. Results will be shared upon completion of the survey and at your request.

If you have any questions about this study, please feel free to contact me at 402-325-9389 or Research Compliance Services, Institutional Review Board at the University of Nebraska-Lincoln, at 402-472-6965.

Again, thank you for your assistance at this busy time of the year.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Michl".

Robert W. Michl

Appendix C

Teacher Evaluation Survey

TEACHER EVALUATION SURVEY

The purpose of this survey is to collect information from Nebraska public school principals regarding the supervision and evaluation of probationary teachers in their schools.

Please respond to the following questions.

Thank you, in advance,
for your time
in completing this survey.

1. What is the grade configuration of the school you serve ?

Lowest Grade Level _____ Highest Grade Level _____

Research Related Information - Please place an "X" in the box that best describes your situation as a building principal.

2. What is the Fall, 2005 enrollment of the school you serve?

- a. ___ Less than 100
- b. ___ 101 to 300
- c. ___ 301 to 600
- d. ___ 601 to 900
- e. ___ 901 to 1200
- f. ___ More than 1200

3. Does the school you serve annually provide staff development activities/sessions?

- a. ___ Yes
- b. ___ No

4. How many years have you held your current position?

- a. ___ 1 - 2 years
- b. ___ 3 - 4 years
- c. ___ 5 years or more

5. Have you ever received formal training on how to use the evaluation system employed by your school?

- a. ___ Yes
- b. ___ No

6. Do you discuss your evaluation system procedures with your teachers each year?

- a. ___ Yes
- b. ___ No

7. Which response best describes how often you perform formal evaluations for probationary teachers?

- a. ___ Never
- b. ___ Once each semester (always)
- c. ___ Twice each semester (always)
- d. ___ Once each year
- e. ___ Other - Please list: _____

8. Which response best describes how often you perform formal evaluations for tenured teachers?

- a. ___ Never
- b. ___ Once each semester (always)
- c. ___ Twice each semester (always)
- d. ___ Once each year
- e. ___ Other - Please list: _____

9. Which response best describes the format used for the supervision and formal observation/evaluation of probationary teachers?

- a. ___ Pre-conference, observation, post-observation conference
- b. ___ Mentoring
- c. ___ Peer Coaching
- d. ___ Portfolio Assessment
- e. ___ Other - Please explain: _____

10. Which response best describes how often you do informal visits in each probationary teacher's classroom?

- a. ___ Never
- b. ___ Monthly
- c. ___ Bi-weekly
- d. ___ Weekly
- e. ___ Daily
- f. ___ More than once a Day

11. If deficiencies exist and are noted in the work performance of a probationary teacher, how are these deficiencies shared with the probationary teacher?
- Orally, after the walk-through/ observation period
 - Written, then shared in a scheduled conference
 - Through an action or improvement plan
 - Other - Please explain: _____

12. If deficiencies exist and are noted in the work performance of a probationary teacher, how are suggestions for improvement shared with the probationary teacher
- Orally, after the walk-through/ observation period
 - Written, then shared in a scheduled conference
 - Through an action or improvement plan
 - Other - Please explain: _____

13. Which response best describes how often follow-up evaluations and assistance are provided to probationary teachers when deficiencies remain?
- Never
 - Monthly
 - Bi-weekly
 - Weekly
 - Daily

For the following list of statements, please place an "X" in the blank of each which is a true statement in your principal's position.

14. Informal walk-through observations are a part of the evaluation process.
15. The evaluation procedure used in my school include criteria involving instructional performance.
16. The evaluation procedure used in my school includes criteria involving classroom organization and management.
17. The evaluation procedure used in my school includes criteria involving personal and professional conduct.
18. Probationary teachers are offered an opportunity for a written response to each evaluation.
19. When probationary teachers have an identified deficiency, adequate time is provided for the teacher to implement the suggestions for improvement.
20. The procedures used for evaluating probationary teachers are the same as those used for tenured teachers.

Please answer the following questions with a brief response.

21. How many certified staff members will you evaluate this year?
- a. Probationary _____
 - b. Tenured _____
22. How often you observe each teacher for an entire instructional period?
- a. Probationary _____
 - b. Tenured _____
23. If you evaluate elementary teachers, what do you determine to be an "entire instructional period"?
24. If you evaluate middle school teachers, what do you determine to be an "entire instructional period"?
25. If you evaluate high school teachers, what do you determine to be an "entire instructional period"?

Appendix D

Policy Review Checklist

POLICY REVIEW CHECKLIST

SCHOOL DISTRICT NUMBER _____ Group _____

NEB. REV. STAT. 79-828	NOTE
Probationary teachers are evaluated at least one time per semester.	
Each evaluation is based on actual classroom evaluation for one entire instructional period.	
A list of deficiencies are provided by evaluator to teacher at the time of the observation.	
A list of suggestions for improvement and assistance to overcome deficiencies are provided by evaluator to teacher at the time of the observation.	
Follow-up evaluations and assistance when deficiencies remain are provided to the teacher.	
RULE 10	
The school district has a written board policy for the evaluation of teachers.	
Annual written communication of the evaluation process is provided to those being evaluated.	
A description of duration and frequency of observations and written evaluations for probationary teachers is provided.	
A description of duration and frequency of observations and written evaluations for permanent teachers is provided.	
District defined evaluation criteria, including instructional performance is provided.	
District defined evaluation criteria, including classroom organization and management, is provided.	
District defined evaluation criteria, including personal and professional conduct is provided.	
Provision for written communication and documentation to the evaluated teacher specifying all noted deficiencies is provided.	

Provision for written communication and documentation to the evaluated teacher specific means for the correction of the noted deficiency is provided.	
Provision for written communication and documentation to the evaluated teacher specifying an adequate timeline for implementing the concrete suggestions for improvement is provided.	
Provision for the teacher to offer written response to the evaluation is provided.	
A description of the district plan for training evaluators is provided.	
BOARD POLICY	
There is a statement in Board Policy that says the goal of teacher evaluation is to improve instruction.	
There is a description of the duration of an observation of a tenured teacher. (If yes, list length of time)	
There is a description of the duration of an observation of a probationary teacher. (If yes, list length of time)	
There is a description of the frequency of evaluations of a tenured teacher. (If yes, describe frequency)	
There is a description of the frequency of evaluations of a probationary teacher. (If yes, describe frequency)	
Additional Board Policy Information	

Appendix E

Nebraska Revised Statute § 79-828

State of Nebraska Statutes**Section 79-828**

Probationary certificated employee; probationary period; evaluation; contract amendment or nonrenewal; procedure.

(1) The contract of a probationary certificated employee shall be deemed renewed and remain in full force and effect unless amended or not renewed in accordance with sections 79-824 to 79-842.

(2) The purpose of the probationary period is to allow the employer an opportunity to evaluate, assess, and assist the employee's professional skills and work performance prior to the employee obtaining permanent status.

All probationary certificated employees employed by Class I, II, III, and VI school districts shall, during each year of probationary employment, be evaluated at least once each semester, unless the probationary certificated employee is a superintendent, in accordance with the procedures outlined below:

The probationary employee shall be observed and evaluation shall be based upon actual classroom observations for an entire instructional period. If deficiencies are noted in the work performance of any probationary employee, the evaluator shall provide the teacher or administrator at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and followup evaluations and assistance when deficiencies remain.

If the probationary certificated employee is a superintendent, he or she shall be evaluated twice during the first year of employment and at least once annually thereafter.

Any certificated employee employed prior to September 1, 1982, by the school board of any Class I, II, III, or VI school district shall serve the probationary period required by law prior to such date and shall not be subject to any extension of probation.

(3) If the school board or the superintendent or superintendent's designee determines that it is appropriate to consider whether the contract of a probationary certificated employee or the superintendent should be amended or not renewed for the next school year, such certificated employee shall be given written notice that the school board will consider the amendment or nonrenewal of such certificated employee's contract for the ensuing school year. Upon request of the certificated employee, notice shall be provided which shall contain the written reasons for such proposed amendment or nonrenewal and shall be sufficiently specific so as to provide such employee the opportunity to prepare a response and the reasons set

forth in the notice shall be employment related.

(4) The school board may elect to amend or not renew the contract of a probationary certificated employee for any reason it deems sufficient if such nonrenewal is not for constitutionally impermissible reasons, and such nonrenewal shall be in accordance with sections 79-824 to 79-842. Amendment or nonrenewal for reason of reduction in force shall be subject to sections 79-824 to 79-842 and 79-846 to 79-849.

(5) Within seven calendar days after receipt of the notice, the probationary certificated employee may make a written request to the secretary of the school board or to the superintendent or superintendent's designee for a hearing before the school board.

(6) Prior to scheduling of action or a hearing on the matter, if requested, the notice of possible amendment or nonrenewal and the reasons supporting possible amendment or nonrenewal shall be considered a confidential employment matter as provided in sections 79-539, 79-8,109, and 84-1410 and shall not be released to the public or any news media.

(7) At any time prior to the holding of a hearing or prior to final determination by the school board to amend or not renew the contract involved, the probationary certificated employee may submit a letter of resignation for the ensuing year, which resignation shall be accepted by the school board.

(8) The probationary certificated employee shall be afforded a hearing which shall not be required to meet the requirements of a formal due process hearing as set forth in section 79-832 but shall be subject to section 79-834.

Source:

Laws 1982, LB 259, § 5
Laws 1986, LB 534, § 1
R.S.1943, (1994), § 79-12,111
Laws 1996, LB 900, § 458

Annotations:

Only the superintendent or the superintendent's designee can determine and recommend to the school board that it should consider the nonrenewal of a teaching contract. Once the school board, superintendent, or superintendent's designee recommends that the school board should consider nonrenewal of a teaching contract, one of those three must give notice to the teacher that the school board will be considering nonrenewal of such teacher's contract. Bentley v. School Dist. No. 025 of Custer County, 255 Neb. 404, 586 N.W.2d 306 (1998).

Subsection (2) of this section (formerly subsection (2) of section 79-12,111) requires that superintendents be evaluated in accordance with the statutory provisions. Subsection (2) of this section (formerly subsection (2) of section 79-12,111) requires that the school board evaluate its superintendent at least twice during his or her first year of employment. Subsection (2) of this section (formerly subsection (2) of section 79-12,111) requires that a school board provide its superintendent with notice in the form of a biannual evaluation his or her first year of employment as to any deficiencies in his or her work. *Boss v. Fillmore Cty. Sch. Dist. No. 19*, 251 Neb. 669, 559 N.W.2d 448 (1997).

The notice required under subsection (3) of this section refers to nonrenewal or amendment of the contract of a probationary certificated employee for the next school year. Under subsections (6) and (7) of this section, such employee is entitled to confidential treatment of the notice and reasons supporting possible amendment or nonrenewal of the contract of employment only if requested by the employee. Under subsection (8) of this section, a probationary employee is entitled to only an informal hearing, not a formal due process hearing. *Matrisciano v. Board of Ed. of Brady Sch. Dist. No. 6 of Lincoln County*, 236 Neb. 133, 459 N.W.2d 230 (1990).

Subsection (4) of this section subjects the nonrenewal of a probationary teacher's contract because of a reduction in force to the notice provisions of subsections (3) and (5) of this section. *Kennedy v. Board of Ed. of Sch. Dist. of Ogallala*, 230 Neb. 68, 430 N.W.2d 49 (1988).

This provision is applicable to a principal employed as a probationary certificated employee. *Nuzum v. Board of Ed. of Sch. Dist. of Arnold*, 227 Neb. 387, 417 N.W.2d 779 (1988).

~ Reissue Revised Statutes of Nebraska

Appendix F

Nebraska Department of Education Rule 10

TITLE 92
CHAPTER 10

007.06 Teacher Evaluation. Quality Indicator: The primary purpose of teacher evaluation is to improve the quality of instruction. The procedures are clear, equitable, and systematic.

007.06A The school district has a written board policy for the evaluation of teachers. The policy is approved by the Department as required by 79-318 (5)(h) R.R.S. Sections 007.06A through 007.06B are based on statute and cannot be waived under the provisions of Section 013 of 92 NAC 10.

007.06A1 The policy is implemented by written procedures that include:

007.06A1a Annual written communication of the evaluation process to those being evaluated;

007.06A1b A description of the duration and frequency of observations and written evaluations for probationary and permanent teachers;

007.06A1c Specific district-defined evaluation criteria, which include, at a minimum:

007.06A1c(1) Instructional performance,

007.06A1c(2) Classroom organization and management,
and

007.06A1c(3) Personal and professional conduct.

007.06A1d Provision for written communication and documentation to the evaluated teacher specifying all noted deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement;

007.06A1e Provision for the teacher to offer a written response to the evaluation; and

007.06A1f A description of the district plan for training evaluators.

TITLE 92
CHAPTER 10

007.06A2 In the event a district changes its policies or procedures for teacher evaluation, it shall submit the revised policies and procedures to the Department for approval. If the Department finds the policies and procedures in compliance with the requirements of Sections 007.06A through 007.06A1f, of this Chapter, it notifies the district in writing that such policies and procedures are approved. Such approval shall remain in effect until there is a change in the policies or procedures by the district, or the amendment of state law or regulations relating to such approval. In the event the Department does not find the revised policies and procedures of the district in compliance with the provisions of this Chapter, the Department will notify the district in writing. The district may resubmit amended policies and procedures or may appeal such decision to the State Board pursuant to the procedures set forth in 92 NAC 61.

007.06B All evaluators possess a valid Nebraska Administrative Certificate and are trained to use the evaluation system used in the district.

007.07 Staff Development. Quality Indicator: **Staff development supports instructional improvement, the local school improvement plan, and accomplishment of school and/or school system goals.**

007.07A The school system annually conducts or arranges staff development sessions. Each teacher participates in at least ten hours of staff development activities each year.