

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~xxx~~ p.m. on MONDAY, APRIL 1, 1985 in room 254-E of the Capitol.

All members were present except:

Senator Anderson, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SCR 1608 - Urging state department of education to reduce amounts retained for administration of federal block grants.

Proponents:

Mr. Craig Grant, Director of Political Action, K-NEA
Dr. M. D. McKenney, Acting Executive Director, USA

SCR 1610 - Directing the state board of regents and state board of education to establish regional study teams on teacher education programs

Proponents:

Mr. Craig Grant, Director of Political Action, K-NEA
Dr. M. D. McKenney, Acting Executive Director, USA

SCR 1619 - Requesting the state board of education to study performance-based salary plans for public school employees

Proponents:

Mr. Craig Grant, Director of Political Action, K-NEA
Ms. Connie Hubbell, member, State Board of Education
Dr. Bill Curtis, Asst. Exec. Director, KASB
Dr. M. D. McKenney, Acting Executive Director, USA

SCR 1624 - A concurrent resolution encouraging school district boards of education to give careful consideration to a post-Labor Day commencement of the school term

Proponents:

Mr. Nick Jordan, Legislative Chairman, Travel Industry Association of Kansas; Director, Overland Park Convention and Visitors Bureau

Opponents:

Dr. M. D. McKenney, Acting Executive Director, USA

SCR 1608 - After calling the meeting to order, the Chairman recognized Mr. Craig Grant, Director of Political Action, Kansas-National Education Association, who stated that he is testifying in support of SCR 1608 which had been requested by K-NEA. Mr. Grant explained background information relating to federal block grants to states and informed the Committee that according to federal rules and regulations states may keep up to twenty percent of the block grant money for purposes of administration. Mr. Grant stated that this difference equates to approximately \$630,000 for Kansas. Mr. Grant recommended a five percent reduction in fund retention for administrative purposes during each of three successive years until the amount retained by the State Department of Education is equivalent to five percent of the federal block grant money received. Mr. Grant indicated that actual cost for administration purposes is approximately five percent or less and urged that the additional fifteen percent now retained by the State Department of Education be distributed to USD's for inclusion in their general budgets.

Dr. M. D. McKenney, Acting Executive Director, United School Administrators, also urged passage of SCR 1608 in his testimony found in Attachment 1.

SCR 1610- When Mr. Craig Grant, Director of Political Action, Kansas-National Education Association, presented testimony in support of SCR 1610, he recommended that school administrators, also, be included in the studies proposed by SCR 1610.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 254-E, Statehouse, at 1:30 ~~am~~/p.m. on MONDAY, APRIL 1, 1985

Dr. M. D. McKenney affirmed support for SCR 1610 on behalf of United School Administrators of which he is Acting Executive Director. (Attachment 2)

SCR 1619 - The Chairman called upon Dr. Bill Curtis, Assistant Executive Director, Kansas Association of School Boards, who testified that the concept of SCR 1619 had been studied by various interim committees for some time in an effort to formulate a viable plan to present to the legislature. SCR 1619, he explained, would create a task force to research information regarding performance-based salary plans on a statewide and national basis in order to submit a model plan for Kansas for consideration by the legislature at the commencement of the 1986 regular session. He said he would support an amendment whereby this resolution would address all public school employees and not just teachers.

Mr. Craig Grant, Director of Political Action, Kansas-National Education Association, testified that he agrees with SCR 1619 which expresses a need for further studies relating to performance-based salary plans for public school employees and endorses the language on page 2 of the resolution whereby the task force would include a representation of the people it will affect. Mr. Grant cautioned, however, that a performance-based salary plan could be costly but that it is needed if we are seeking to improve the quality of education in Kansas.

Ms. Connie Hubbell, member of the State Board of Education, Topeka, related actions being undertaken by the State Board regarding SCR 1619. Her testimony in support of SCR 1619 is found in Attachment 3.

Dr. M. D. McKenney testified that United School Administrators supports SCR 1619 in his testimony found in Attachment 4.

SCR 1624 - Mr. Nick Jordan, Legislative Chairman, Travel Industry Association of Kansas, and Director of the Overland Park Convention and Visitors Bureau, commented briefly on SCR 1624 relating to commencement of school after Labor Day. Mr. Jordan reminded the Committee that the resolution is in response to Committee reaction which had indicated that members do not wish to mandate a post-Labor Day commencement of school. Mr. Jordan, after referring to a survey which had been conducted in Kansas and which indicated that a majority of persons surveyed support a post-Labor Day school opening, urged the Committee to support SCR 1624. Previous to a call to order by the Chairman, Mr. Jordan had distributed to Committee members copies of the resolution relating to post-Labor Day commencement of school as drafted by the Travel Industry Association of Kansas (Attachment 5).

Dr. M. D. McKenney, Acting Executive Director, United School Administrators, opposed passage of SCR 1624, and his testimony is found in Attachment 6.

Following testimony by Dr. McKenney, the Chairman announced that the hearing on SCR 1624 was concluded.

When the Chairman called upon Senator Salisbury, chairman of the subcommittee to report on HB 2142, Senator Salisbury reported the following recommendations (Attachment 7):

1. That HB 2142 be amended to insert "at all grade levels" on line 0027 and that it be recommended favorably for passage.
2. That the Education Committee direct a recommendation to the Conference Committee on liquor related issues urging that 10% tax monies on cereal malt beverages sold in private clubs be used for continuum of care.
3. That the Senate Education Committee introduce a resolution directed to U.S.D.'s that encourages the high prioritizing of drug and alcohol abuse programs directed to early intervention and resolution of alcohol and drug abuse problems at all grade levels.

When the Chair called for discussion or action on HB 2142, Senator Salisbury moved that the Subcommittee report on HB 2142 be approved. This was seconded by Senator Karr, and the motion carried.

CONTINUATION SHEET

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room 254-E, Statehouse, at 1:30 ~~am~~/p.m. on MONDAY, APRIL 1, 1985

Senator Salisbury moved that HB 2142 be amended by inserting "in all grade levels" on line 0027. This motion was seconded by Senator Karr, and the amendment was adopted.

The Committee, by consensus, directed the Chairman to write a letter on behalf of the Committee to the Conference Committee on liquor-related issues urging that 10% tax monies on cereal malt beverages sold in private clubs be used to fund the alcohol abuse related programs in the schools.

Senator Kerr then distributed copies of a model letter (Attachment 8) which, he explained, could be used for reference by the Chairman when he writes to the Conference Committee on liquor related issues.

The Committee, by consensus, directed Ms. Avis Swartzman, revisor of statutes, to prepare a resolution directed at USD's to encourage the highest prioritizing of drug and alcohol abuse programs for early intervention and resolution thereof at all grade levels.

When the Chair called for action on HB 2142, Senator Karr moved, and Senator Salisbury seconded the motion to recommend HB 2142, as amended, favorably for passage. The motion carried.

The Chairman then called the Committee's attention to HB 2116 relating to employee contracts and notification of discontinuation. Senator Montgomery distributed copies of an amendment (Attachment 9) to HB 2116 which, he said, he would like the Committee to consider. Following discussion, Senator Montgomery moved that the amendment be adopted. This was seconded by Senator Allen, and the amendment was adopted. Senator Salisbury abstained and requested that her abstention from voting be recorded.

Senator Allen then moved that HB 2116, as amended, be reported favorably for passage. The motion was seconded by Senator Montgomery, and the motion carried. Senator Parrish requested that her nay voted be recorded. Senator Salisbury abstained from voting and requested that her abstention be recorded.

Senator Allen moved, and Senator Arasmith seconded the motion to approve Committee minutes of March 27 and March 28. The motion carried.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Monday, April 1, 1985

GUEST LIST

| <u>NAME</u> | <u>ADDRESS</u> | <u>ORGANIZATION</u> |
|-----------------|--------------------------------|---------------------|
| Jim McHenry | 2700 W. 6 th Topeka | SRS/ADAS |
| TERRY BERGEN | 5732 S.W. 33 TOPEKA | KS. Bd. of Regents |
| A. D. MCKENNETT | Topeka | USA |
| Craig Grant | Lawrence | K-NEA |
| PHILIP THOMAS | 120 E 10 Topeka | KSPD |
| Bob Johnson | Topeka | U.S. Administrator |
| Chris Burnett | Topeka | U.S.D. 501# |
| Connie Hummel | St. Bl. of ed. Topeka | St. Bl. of ed. |
| Bill Curtis | Topeka | KASB |
| Jim Youally | Shawnee Mission | USD #512 |
| Ken Rapp | Paola | SD # |
| Mary Payne | Topeka | TIAK |
| Wid Ford | Central Park | TIAK |
| Chris Graves | Topeka | ABK |
| Mark Walker | " | " |
| Mike Slatsky | Lawrence | Inter. Sch. Parish |
| Bill Saut | Topeka | Eagle-Beacon |
| Robert Kelly | Lawrence | Assoc. Press |
| George Barbre | Topeka | Ks Lodging Assoc |



UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" McKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: April 1, 1985

SUBJECT: SCR 1608

Mr. Chairman and members of the committee, I speak for the United School Administrators of Kansas in behalf of SCR 1608.

With the reduction of funding for federal programs which has already come about, and with more reductions to come, we ask that everything possible be done to make existing funding available to public schools, for whom the funds are intended.



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JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" McKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: April 1, 1985

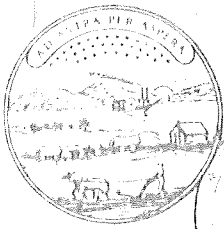
SUBJECT: SCR 1610

Mr. Chairman and members of the committee, I speak for the United School Administrators of Kansas in behalf of SCR 1610.

Teacher education programs have been the focus of much of the criticism directed at education over the recent years. Unlike business and industry, in education those responsible for programs for the development of effective teachers and administrators have not sufficiently researched their market to ensure that their product is both what the market is asking for and of the quality necessary to perform an increasingly complex function.

Recently, there have been commendable attempts to improve teacher education through adjustment of standards. Also, some topics heretofore not addressed, have been included in some of the basic courses. However, larger institutions, such as the Regents institutions, continue to reward research rather than good teaching, and often the result is that the last teacher model they observe is the poorest they have encountered in all of their schooling. The lag time encountered in the local district's efforts at addressing new problems and concepts in education is compounded by the lag time they face by not having teachers prepared for new challenges. Teacher education institutions have historically ignored the feedback from local school districts and a better means of communication must be developed. SCR 1610 may provide that means.

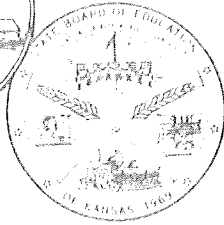
Our testimony can best be summarized by quoting a scholar whose name eludes me but is appropriate in this discussion: "In education," and here I insert a word to make that teacher education, "as in business, industry, medicine, or any other form of human endeavor, we cannot do today's job with yesterday's tools and methods and expect to be in business tomorrow."



Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612



Kay M. Groneman
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Ann L. Keener
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

April 1, 1985

Marion (Mick) Stevens
District 10

TO: Senate Education Committee

FROM: Connie Hubbell, State Board of Education

SUBJECT: Senate Concurrent Resolution 1619

My name is Connie Hubbell, a member of the State Board of Education from Topeka.

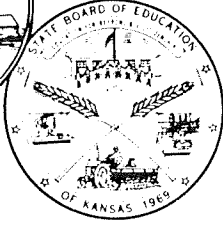
The State Board of Education has spent considerable amount of time reviewing merit pay/career ladder programs for teachers. The State Board prepared information concerning some of the alternatives for implementing merit pay/career ladder salary plans that are being used across the country. As a result of the study, the State Board and Kansas State University conducted an analysis of state policy options concerning merit pay. A copy of that analysis is attached with this memorandum for your review. We would encourage you to read this publication and in particular to review the conclusions and implications at the end of the report. The State Board has adopted the following policy:

"The State Board recommends that local boards of education begin planning and developing career incentive plans that encourage good teachers to remain in the classroom. The development of a career incentive plan will require input and cooperation from teachers, administrators, and board members. Local boards, with the assistance of the State, should be prepared to implement such a plan during the 1988-89 school year."

The State Board is continuing their study on merit pay/career ladder salary plans. An advisory committee has been appointed to assist in that endeavor. We hope that the information that is received from the study will be of assistance to the Legislature, the Governor, and school officials.

In order for a study of this nature to be comprehensive, it would be very helpful if the State would appropriate approximately \$10,000 to take care of operating expenditures for conducting such a study. We are in the process of requesting a small federal grant for this purpose, but if the federal grant is unsuccessful, the \$10,000 would be essential for the success of this study.

ATTACHMENT 3 (4/1)



Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

March 11, 1985

TO: State Legislators

FROM: *HLB* Harold L. Blackburn
Commissioner of Education

SUBJECT: Monograph on Merit Pay for Teachers

Attached you will find a monograph titled: Merit Pay for Teachers: An Analysis of State Policy Options by Dr. Terry A. Astuto and Dr. David L. Clark. This publication is being used by the Kansas Task Force studying incentive structures which is the result of a grant awarded to the Department of Education. It may also be helpful to you in considering options for merit pay/career ladders for Kansas educators.

HLB/jkw

attachment

MERIT PAY FOR TEACHERS

An Analysis of State Policy Options

**Terry A. Astuto
David L. Clark**

College of Education
Kansas State University

Kansas State Department
of Education

MERIT PAY FOR TEACHERS

An Analysis of State Policy Options

Terry A. Astuto

College of Education
Kansas State University

David L. Clark

School of Education
Indiana University

**Educational Policy Studies Series
School of Education
Indiana University
January, 1985**

FOREWORD

The purpose of this report is to summarize what is known about performance-based pay for teachers in a form useful to state educational policy makers. Section 1 is a review of the experience of local education agencies with various forms of merit pay. The authors argue that experience with and evaluations of these merit plans serve as "natural experiments" that have implications for state policy. Section 2 aggregates the research literature on merit pay in and outside education. Concentration is placed on what is known about the most and least effective ways to design and operate merit pay plans. In Section 3, the policy positions of the major professional educational organizations are analyzed to identify points of agreement and disagreement that influence the negotiation of state and local merit pay policies and plans. Fourthly, the current actions being taken and discussed at the state level are examined. The state proposals have not been in effect long enough to produce evaluative data, but they can be assessed against the research literature and the experience of local education associations and professional organizations.

This is not intended to be a position paper favoring or opposing merit pay. The authors have attempted to report accurately on the information available currently on this policy issue. When all the information sources point to a conclusion, they have noted that fact. When all the information sources are in conflict, they have tried to present both points of view. In the final section on conclusions and implications, you will find useful generalizations whether your personal preference is to advocate or oppose the growth of merit pay systems in education. In the former instance, there are suggestions to optimize policy initiatives that might be taken at the state level on incentives for teachers. In the latter, some of the limitations and requisite conditions for merit pay plans are made clear.

This is the first in a series of reports on state-level policy issues in education that will be issued by the Educational Policy Studies Group of the School of Education, Indiana University. They will all be designed to summarize current data on an issue, draw inferences from the data, and suggest alternative policy choices that decision makers may consider.

The School of Education and the authors are grateful to the Lilly Endowment, Inc., for supporting this study and to Dean Evans, senior program officer at Lilly, for his encouragement and counsel.

Howard D. Mehlinger
Dean, School of Education
Indiana University

CONTENTS

| | |
|--|-----|
| Foreword | iii |
| Section | |
| 1. Merit Pay Plans in Local Education Agencies | 1 |
| The Key Policy Issue on Teacher Compensation | 1 |
| Characteristics of Local Merit Pay Plans | 2 |
| Innovations in Local Merit Pay Plans | 3 |
| Evaluation of Local Merit Pay Plans | 5 |
| Summary of State-Level Policy Implications | 7 |
| 2. Research of Merit Pay for Teachers | 9 |
| Merit Pay and the Improvement of Teachers | 9 |
| Strategies and Tactics of Implementation | 11 |
| Merit Pay and Local School Improvement | 16 |
| Summary of State-Level Policy Implications | 17 |
| 3. Merit Pay and the Professional Education Organizations | 19 |
| Points of Agreement | 19 |
| Topics of Contention | 21 |
| Summary of State-Level Policy Implications | 24 |
| 4. Merit Pay Plans and Proposals in | |
| State Education Agencies | 27 |
| Types of Merit Pay Options | 27 |
| Building Blocks of State Policy | 31 |
| Summary of State-Level Policy Implications | 34 |
| 5. Conclusions and Implications | 37 |
| What We Know | 37 |
| What Seems Likely | 38 |
| Implications for State Policy Makers | 38 |
| References | 40 |

1. MERIT PAY PLANS IN LOCAL EDUCATIONAL AGENCIES

Educational policy makers in local education agencies (LEAs) had every reason to congratulate themselves in the 1930s and 1940s when they moved to a "single salary schedule." They were remedying almost universal ills in educational compensation plans, i.e., differential pay based on sex, grade level, and personal favoritism. And these newer compensation plans retained merit provisions of substance. In an era in which baccalaureate degrees were not required for all teachers and masters degrees were rare, the schedules rewarded advanced preparation for teaching. They recognized the advantage of job experience. Most of them included provisions for extra pay for extra service, e.g., coaching or working with the band, dramatics club, or school newspaper. Competition among local districts for teachers meant that these schedules were also market sensitive, at least at the beginning salary levels, among hiring agencies.

The personnel compensation policy that was labeled a single salary schedule never did mean, as some careless critics now point out, that all teachers were paid the same salary regardless of quality. The salary range for classroom teachers under the single salary schedule has been comparable to the range for personnel in other professional groups to which teaching might be compared, e.g., nursing, and was argued as justifiably appropriate for an occupational group in which the members were receiving borderline professional compensation. The schedule addressed the issue of providing a floor under teachers' salaries rather than focusing on competition for an inadequate salary pool.

The Key Policy Issue on Teacher Compensation

The purpose in reviewing where LEAs are now in salary policy and how they arrived at this point is to place the emerging policy alternatives on teacher compensation in perspective, free of the hyperbole that often surrounds policy debates in the public sector. The issue for local school districts can be stated matter-of-factly:

- How can we move from a merit salary schedule that recognizes training, experience, and extra pay for extra work to one that does all those things and also rewards superior teaching in the classroom?

AND

- Is it possible to do that in such a way that the reward for outstanding performance raises the productivity of the teaching staff as a whole?

The answer to those questions is not self-evident. For example, most school superintendents support the concept of merit pay based on classroom performance (80%); but have never been involved in the implementation of such a merit pay plan (84%); are not aware of a successful plan (93%); and have not discussed moving to a merit pay plan with their school boards since the publication of *A Nation at Risk* (77%).¹ In fact, the superintendents were probably stretching a point when sixteen percent reported they had been involved in the implementation of a merit pay plan. In 1978, the Educational Research Service was able to find only four percent of the 11,502 local school systems surveyed operating a merit plan.² A 1983 update provided no indication that the number of districts employing merit systems had increased.³

However, in the case of local school districts even small percentages of participants result in large numbers of trials. These local efforts to invent and implement alternatives to the single salary schedule can be treated as natural experiments to clarify state-level options in merit pay for teachers.

Characteristics of Local Merit Pay Plans

Whatever one can imagine in a merit pay plan for teachers can be found in one or more LEAs: plans that offer one time bonuses to teachers as awards, others that vary yearly increments on a basic salary schedule; plans that operate on quotas, and others that give some merit recognition to all teachers; plans based on observation of classroom performance, student test scores, the accumulation of training credits, the assumption of extra duties and a combination of some or all of these features; plans that focus on individual performance, and others that are built upon team performance — usually a school building team; plans that have been in operation for thirty years, others that did not last thirty months.

But, in the midst of this diversity, there are commonalities in the approaches of LEAs to teacher compensation:

- Most LEAs (96%) are not using pay for performance systems;
- More LEAs that have tried merit pay systems have dropped them than have retained them;
- Most LEAs invest little money in their merit pay systems — many spending less than the cost of a single teacher's salary for the entire plan;

1. *Superintendents Respond to Merit Pay* (Arlington, VA: American Association of School Administrators, October 1983), p. 5.
2. *Merit Pay for Teachers* (Arlington, VA: Educational Research Service, Inc., 1979).
3. *Merit Pay for Teachers: Status and Descriptions* (Arlington, VA: Educational Research Service, Inc., 1983).

- The majority of the plans employ an assessment of input criteria to evaluate teachers, e.g., knowledge of subject, evidence of preparation;
- Less than one of five attempt to link merit pay to student achievement test scores.

If one were pressed to generalize the experience of local school districts in compensation plans for teachers, it would be appropriate to note that performance-based merit pay plans have been (1) difficult to initiate, (2) hard to sustain, (3) based on process rather than product measures of performance and (4) supported with modest budgetary allocations.

Innovations in Local Merit Pay Plans

The interesting things to note about merit pay in LEAs come not from the typical plans, but from those that have been cited repeatedly in the literature because they are extraordinary in some respect. In the midst of inconstancy, for example, some plans are characterized by durability (e.g., the Ladue, Missouri School District has operated a continuous merit pay plan since 1931). While most districts have avoided the use of student achievement test scores in their merit plans, a few have emphasized them (e.g., Weber School District of Ogden, Utah and the Seiling, Oklahoma schools are basing individual merit awards for teachers solely on classroom student test scores and Dallas, Texas is providing outstanding school performance awards for the top 25% of schools scoring above student achievement expectancy levels). Most districts have sought precision in measurement to reward a few teachers; however, some have emphasized comprehensiveness of criteria to include most teachers (e.g., Houston's Second Mile Plan that includes provisions for (1) market-sensitive pay in areas of teacher shortage, (2) flat grant stipends for teaching in schools with educationally disadvantaged or special students, (3) bonuses for attendance, (4) stipends for completing in-service training courses, and (5) stipends for service in a school where student achievement test scores are high). While most districts have grappled with refinements in conventional evaluation techniques, others have been innovative in changing the evaluators (e.g., the Toledo, Ohio use of peer evaluation that has captured the interest of teacher groups concerned with equity in evaluation).

None of the local plans is an exemplar. Most local policy makers argue, at best, that the plan is working well for them in their local context. Reporting in detail on a single plan has little utility, but looking across the more popular and successful local plans may offer clues to emerging trends in merit pay plans in LEAs. We think there are trends that are likely to dominate experimentation in teacher merit pay plans in the near future:

● *Including Student Outcome Measures in Evaluation.* The persistent interest by the public in some form of product or outcome evaluation of teacher performance will continue. Districts are responding to this pressure by (1) combining outcome measures with other evidence on teacher performance, and (2) broadening the unit of outcome evaluation from the classroom to the school by allocating rewards for school building gains in achievement, e.g., Dallas and Houston.

● *Increasing the Criteria Used in Evaluation.* School districts are moving toward the use of diversified measures in assessing the performance of teachers. These more comprehensive rating systems take into account various combinations of classroom observation of performance, in-service training, student output measures, assumption of additional classroom-related responsibilities, and involvement in extra-curricular activities. This trend has the dual advantages of (1) increasing the total body of evidence on which evaluations are based and (2) expanding the number of positive contributions for which a teacher could be rewarded.

● *Emphasizing Achievable Standards Rather than Exclusive Awards.* Many of the current plans are searching for ways to provide reinforcement to most teachers rather than using a quota system or emphasizing withholding merit pay from poor performers. The Ladue plan, as an extreme case, reported that all 245 teachers in the system received some merit pay during the 1982-83 school year — actual increments ranged from \$2100 to \$4500.⁴ The Seiling, Oklahoma plan, which is noteworthy for its exclusive use of student test score gains, granted awards in 1983 to 38 of its 43 teachers.⁵

● *Using Teacher Participation in Evaluation.* Although the majority of operating programs that rely on classroom performance evaluation do not employ peer review, this feature is being incorporated in several of the most prominent new plans, e.g., Toledo, Ohio and Charlotte-Mecklenburg, North Carolina. The Round Valley, California plan has added a type of negotiated evaluation, i.e., teachers have an opportunity to design a part of their individual evaluation by choosing to be assessed in special areas of expertise, e.g., materials development, teaching an elective course, running a school activity.

● *Integrating Merit Pay with Personnel Development.* More local plans are emphasizing merit pay as an integral part of the district's personnel development system. These plans make clear that merit pay presupposes a reasonable salary base, selective retention of teachers during the probationary period, opportunities for in-service professional development, and job enrichment or enhancement as well as extra pay. Charlotte —

4. Ibid., p. 41.

5. Ibid., p. 46.

Mecklenburg, for example, refers to its plan as a "Teacher Career Development Program."

● *Involving Interested Parties in Planning.* The best of the new plans are providing time and opportunity for the board of education, citizens, administrators, teachers, and parents to be involved jointly in designing and planning for the implementation of merit pay. This movement recognizes that there are competing interests which need to be represented at all stages of the process. A plan that misses community objectives is useless. A plan that is not feasible to administer or credible to teachers is hopeless.

● *Taking Time for Planning and Implementation.* The most highly publicized of the new merit plans is the career ladder design of Charlotte-Mecklenburg. The planning for that project began four years ago and the planning for implementation is already projected to July, 1988.⁶ Building a career development program, of which merit pay is a part, is a process not an event. Initial design needs to be followed by a period of experimentation, followed by redesign, constant evaluation, and renegotiation. When merit pay is introduced in a school system, it becomes an integral part of the LEA's personnel development program. As such, it requires time for design and planning and continuous evaluation and refinement.

What, then, can we say in summary about local merit pay plans for teachers? Firstly, they are becoming less homogeneous and are trying to respond to interests and pressures of diverse groups. School-based reward plans, for example, are an effort to emphasize student achievement and yet ameliorate the abuses inherent in employing test scores to evaluate individual teachers. Secondly, they involve more people (e.g., peer evaluation) and look at more evidence (multiple criteria) to improve both the validity and reliability of evaluation. Thirdly, they are attempting to emphasize reward rather than punishment by establishing diverse performance goals and setting achievable performance expectations. Fourthly, they are involving more of the interested parties in the planning, design, and implementation of the systems and allowing more time for implementation. Perhaps most importantly, the best of the new plans consider merit pay to be only one facet of a personnel development system — and an aspect that may have negative rather than positive effects on the system as a whole unless it is integrated thoughtfully with the system.

Evaluation of Local Merit Pay Plans

There is little evaluative evidence on merit pay plans for teachers. There is no compelling evidence to suggest that merit pay is related positively or negatively to teacher motivation or performance or student outcomes. Many merit pay plans for teachers have failed on simple

6. *Leadership Reports: Merit Pay* (Alexandria, VA: National School Boards Association, 1984), pp. 18-22.

grounds — they have been dropped by the district. Although the paucity of data on the outcomes of using various forms of merit pay in LEAs makes decisions in this area by the policy maker problematic, the Educational Research Service did query the respondents in both their 1979 and 1983 surveys about why they had dropped merit pay plans. Those district administrators noted the following problems:⁷

- Unsatisfactory evaluation procedures — This is *the* key difficulty. Districts noted that the criteria or procedures failed on grounds of impartiality, reliability, or validity.
- Administrative problems — These included changes in school district leadership, the time involved in evaluation and record keeping, and apparent failure to meet program goals.
- Staff dissension — High on the list of reasons for termination were lowered teacher morale, opposition by teacher unions, jealousy among teachers and charges of favoritism by evaluators.
- Financial problems — These included a lack of funds to support the merit system, insufficient funds to make a meaningful distinction between merit and non-merit increments, and the unanticipated level of the cost of the plan to the local taxpayer.

On the other side of the coin, a team of researchers for the Rand Corporation, searching for successful evaluation programs, surveyed 32 school districts identified as having thoroughly developed teacher evaluation programs and studied four of the districts in detail. They arrived at five conclusions which they argued were necessary, but not sufficient, conditions for successful teacher evaluation:⁸

1. "To succeed, a teacher evaluation system must suit the educational goals, management style, conception of teaching, and community values of the school district."

The team warned school districts against adopting an evaluation system simply because it worked in another district. And they advised state policy makers to consider this conclusion before attempting to impose prescriptive teacher evaluation requirements on local districts.

2. "Top-level commitment to and resources for evaluation outweigh checklists and procedures."

The recommendations growing out of this conclusion emphasized allocation of sufficient time to evaluation, continuous assessment of the quality of evaluation, and adequate training and retraining of evaluators.

3. "The school district should decide the main purposes of its teacher evaluation system and then match the process to the purpose."

7. *Merit Pay Plans for Teachers*, pp. 17-20.

8. Arthur E. Wise, Linda Darling-Hammond, Milbrey W. McLaughlin, and Harriet T. Bernstein, *Teacher Evaluation: A Study of Effective Practices* (Santa Monica, CA: The Rand Corporation, 1984), pp. xi-xiii.

4. "To sustain resource commitments and political support, teacher evaluation must be seen to have utility. Utility depends on the efficient use of resources to achieve reliability, validity, and cost-effectiveness."

5. "Teacher involvement and responsibility improve the quality of teacher evaluation."

In support of this conclusion, the team recommended (a) the use of expert teachers in the supervision and assistance of their peers and (b) the involvement of the local teachers' organization in the design and oversight of the teacher evaluation system.

Evidence on why merit pay plans succeed or fail is helpful if one presupposes that the plan is effective in obtaining organizational ends in the first place. We will have to turn to a broader research literature on merit pay to support or challenge that presupposition.

Summary of State-Level Policy Implications

What are the implications of these local experiences with merit pay for state educational policy planners? Surely it is clear that there is no local plan that is appropriate for dissemination to all schools. Since most local districts currently reward only experience, level of training, and extra service, they would need time to plan and experiment before they could be expected to adopt any merit system based on performance and/or outcomes. The failure rate of past efforts to implement merit pay plans in LEAs suggests that mandating action or a specific plan will probably cause negative reactions from local boards, administrators, and teachers who will have to live with the consequences of new plans that fail.

There are some interesting new ideas in local merit pay plans that seem worthy of further exploration through experimentation, i.e.:

- Peer evaluation;
- Comprehensive evaluation criteria;
- School-wide rather than individual assessment of merit.

There are other necessary features of newer merit pay systems that seem so important they would have to be reflected in an effective system, i.e.:

- Joint design, planning, and implementation involving all concerned parties — teachers, administrators, parents, community;
- Long term planning and development;
- Integration of the merit pay plan with the district's personnel and career development plans.

And undergirding the entire effort to employ merit pay for teachers are the assumptions that:

- The base pay for teachers will be competitive with other professions requiring similar preparation;

- The compensation for merit will be sufficient to justify the effort to evaluate and the extended, continuous negotiations required to sustain joint involvement in the process.

2. RESEARCH ON MERIT PAY FOR TEACHERS,

Research literature exists in both education and business and industry to inform policy makers about the necessary elements of any incentive structure policy. Issues of key importance include:

- Merit pay and the improvement of teachers;
- Strategies and tactics of implementation;
- Merit pay and local school improvement.

Merit Pay and the Improvement of Teachers

Concerns with teacher quality emerge as reformers seek ways to improve schools. The argument is simple and straightforward. If you want to improve schools, improve teachers. This focus on teachers leads to a variety of issues surrounding teacher personnel policies. How do schools recruit academically able teachers? How do schools retain academically able teachers? How do schools improve teachers? A popular solution is to establish teacher incentive structures, pay for performance. But this solution presupposes a set of assumptions about people, incentives, and productivity. And, pay for performance schemes are unlikely to offer solutions to this broad range of teacher personnel issues.

Recruitment. People choose professions for many reasons including security, self-esteem, intrinsic satisfaction, and high pay.¹ Those who choose teaching as a career identify intrinsic rewards such as providing service and the opportunity to work with young people.² People who avoid teaching as a career cite low pay and low prestige as factors.³ To tap into this latter pool through incentive schemes assumes that prospective teachers would be willing to wait for rewards and professional reinforcement until they are eligible, sometime in the future. No research supports this assumption. If pay and prestige are important factors in career choice, the appropriate solution to the problem of teacher recruitment is to increase

1. *Teacher Incentives: A Tool for Effective Management* (Reston, VA: National Association of Secondary School Principals, National Association of Elementary School Principals, American Association of School Administrators, 1984), p. 7.
2. Susan J. Rosenholtz and Mark A. Smylie, *Teacher Compensation and Career Ladders: Policy Implications from Research* (Paper commissioned by the Tennessee General Assembly's Select Committee on Education, December, 1983); Daniel C. Lortie, *Schoolteacher: A Sociological Study* (Chicago, IL: University of Chicago Press, 1975).
3. *Teacher Incentives: A Tool for Effective Management*, p. 7.

the base pay so that teaching is competitive with other professions requiring similar amounts of education and training.⁴ Incentive structures will do little to improve recruitment. Arguments are made that, even though there is not a direct link between incentive structures and recruitment, there is an indirect relationship, i.e., across-the-board pay raises for teachers will not occur unless incentive structures are in place. No evidence exists in education or any other profession to support that argument.

Retention. Teachers leave teaching for a variety of reasons. The most commonly cited is not compensation but early unsuccessful teaching experiences.⁵ Specifically, teachers leaving the profession identify factors that negatively affect their teaching performance including, for example, lack of opportunities for professional growth and development, inadequate preparation time, conflicts with administrators and/or peers, and student discipline. "Teachers who do not succeed early in their careers are not likely to endure years of continuing difficulty in the classroom in order to receive higher pay and promotions later."⁶ Are the teachers who are leaving the profession the most academically able or are they experiencing lack of success because they are the least able? The most academically able are the most likely to leave teaching.⁷ Thus, the appropriate solution to the problem of retention of academically able teachers is the improvement of school conditions and the provision of support to beginning teachers. Incentive structures will probably do little to increase the retention of academically able teachers.

Performance. Will any form of pay for performance improve teaching? Are financial and/or prestige incentives motivators of higher productivity? Yes, under certain conditions. First, pay is a motivator. The research evidence from business and industry clearly supports this position. But "pay can be a motivator for effective performance when it has two fundamental properties. First, it has to be important to people; second, it has to be tied to their performance in ways that are visible, creditable, and perceived by them to be direct."⁸ The first property is usually a given, i.e.,

pay is important to most people. The second property is where most pay for performance schemes fail. Teacher incentive structures might be a useful intervention to influence teacher improvement. But, their appropriateness depends on certain design characteristics and tactical choices, i.e., the manner in which the pay is linked to the performance.

In summary, incentive structures are obscurely related to the purposes of improving recruitment and retention of quality teachers. Incentive structures may, however, relate to the improvement of performance depending on the design of strategies and tactics of implementation.

Strategies and Tactics of Implementation

The strategies and tactics of implementing merit pay plans are not simple, technical matters. Rather, the complexities of establishing performance criteria, developing valid and reliable measures and processes, and selecting rewards and delivery systems are at the core of the development and implementation of merit pay plans. The research literature provides information to policy makers interested in building a teacher incentive structure policy.

Criteria. Pay for performance presumes the ability to judge excellence in performance. When it comes to teaching this is no easy task, despite the growing body of literature on effective teaching. Assertions are made that school districts have no agreement about goals for their schools and that no consensus exists about what constitutes effective teaching.⁹ "Because there is little agreement on what qualities constitute exemplary teaching, there is little consensus on whether or not superior teaching can be accurately measured. Researchers have encountered so many problems in evaluating teachers that some feel it is not a productive area of inquiry."¹⁰

Teaching is a multifaceted activity that can be thought of in terms of input and output variables. Input variables are those things a teacher brings to teaching, such as educational preparation, knowledge of subject matter, proficiency in minimum competencies, as well as classroom performance, e.g., student discipline, lesson preparation, questioning techniques, engagement of students in learning tasks. Output variables are the results of teaching performance including, for example, improved student behavior and increased student achievement.¹¹

4. Susan J. Rosenholtz, *Political Myths about Reforming the Teaching Profession* (Denver, CO: Education Commission of the States, July 1984).

5. *Political Myths about Reforming the Teaching Profession*, p. 13.

6. *Ibid.*, p. 15.

7. See, for example, Phillip C. Schlechty and V.S. Vance, "Do Academically Able Teachers Leave Education? The North Carolina Case," *Phi Delta Kappan*, vol. 63, no. 2, 1981; Phillip C. Schlechty and V.S. Vance, "Recruitment, Selection and Retention: The Shape of the Teaching Force," *Elementary School Journal*, vol. 83, no. 4, 1983; V.S. Vance and Phillip C. Schlechty, "The Distribution of Academic Ability in the Teaching Force: Policy Implications," *Phi Delta Kappan*, vol. 64, no. 1, 1982.

8. Edward E. Lawler, III, "Merit Pay: An Obsolete Policy?" in J. Richard Hackman, Edward E. Lawler III, Lyman W. Porter (eds), *Perspectives on Behavior in Organizations* (New York: McGraw-Hill, Inc., 1983), pp. 305-310, p. 305.

9. Susan Moore Johnson, "Merit Pay for Teachers: A Poor Prescription for Reform," *Harvard Educational Review*, vol. 54, no. 2, May, 1984, pp. 175-185, p. 181.

10. Ellen Newcombe, *Rewarding Teachers: Issues and Incentives* (Philadelphia, PA: Research for Better Schools, Inc., July, 1983), pp. 12-13.

11. Forbis K. Jordan and Nancy B. Borkow, *Merit Pay for Elementary and Secondary School Teachers: Background Discussion and Analysis of Issues* (Washington, D.C.: Congressional Research Service, The Library of Congress, July 27, 1983), pp. 27-29.

These input and output variables are relevant to teaching performance. But, environmental variables also need to be kept in mind, i.e., those factors over which the teacher has little or no control, such as the academic ability of students and parental and community attitudes toward school.¹² Additionally, arguments have been made that criteria of effective teaching lack sufficiency in that they do not encompass the scope and complexity of teaching. But introducing additional measures also adds complexity to the evaluation system. The more complex the evaluation system, the more questions are raised about the evaluation processes and the evaluators.

Processes. To be effective evaluation processes must be valid and reliable. An evaluation system is valid if it measures what it purports to measure. An evaluation system is reliable if it produces consistent measures. Evaluation systems currently in use have been attacked on the grounds that they lack both validity and reliability.

Conventional evaluation systems have typically relied on the measurement of input variables.¹³ Academic preparation, as measured by the amount of graduate coursework or advanced degrees, has been a common criterion for advancement on the single salary schedule. But concerns with the quality of teachers have resulted in the use of written tests (e.g., the National Teacher Examination) to measure academic preparation. There is no evidence to suggest that scores on the National Teacher Examination predict success in teaching regardless of whether success is measured by teacher ratings or student achievement gains.¹⁴ There is no evidence that teacher competency tests focusing on minimum literacy or knowledge of subject matter or professional knowledge are related to student achievement.¹⁵

Measurements of classroom performance have typically relied on the use of rating scales to be used during classroom observation. Measurement experts assert that measurement procedures must have four attributes: (1) use of a standard task; (2) a written record of performance; (3) an agreed-upon scoring key; and (4) publicly available norms or standards. Rating scales lack these attributes and, therefore, lack the minimum properties necessary to accurately measure performance.¹⁶ Rating scales also lack validity in that they rely on beliefs about character-

12. *Ibid.*, pp. 27-29.

13. Samuel B. Bacharach, David B. Lipsky, and Joseph B. Shedd, *Paying for Better Teaching: Merit Pay and Its Alternatives* (Ithaca, NY: Organizational Analysis and Practice, Inc., 1984), pp. 26-30.

14. Robert S. Soar, Donald M. Medley, and Homer Coker, "Teacher Evaluation: A Critique of Currently Used Methods," *Phi Delta Kappan*, December 1983, pp. 239-246, p. 241.

15. *Ibid.*

16. *Ibid.*, p. 243.

istics of effective teaching which may or may not be supported by research or agreed upon by teachers. Finally, rating scales are highly susceptible to the halo effect, i.e., the rater may be inappropriately influenced by an overall impression about the competence of the teacher being evaluated.¹⁷

Additionally, classroom observations of teaching performance have repeatedly been argued to be unreliable. Even trained evaluators produce inconsistent results. Research studies have documented that different evaluators rate the same teacher very differently.¹⁸ Thus, who evaluates is a concern of teachers. Typically the responsibility for evaluation rests with the building principal. Also typical is the complaint that administrators are too far removed from the classroom to accurately interpret what they see. Administrators complain about the lack of time available for thorough observation and evaluation. Since merit pay systems require multiple observations of all teachers, time constraints become severe.¹⁹ To respond to these problems, some trials are underway in which teams comprised of administrators and skilled teachers carry out evaluations.²⁰ This is not a solution without difficulties, however. First, peer evaluation for merit pay may produce tensions among the teaching staff and reduce the collegiality necessary in effective schools.²¹ Secondly, teaching effectiveness does not presume effectiveness as an evaluator. Minimum criteria for evaluators are that they be impartial, credible, and well-trained in evaluation processes and procedures.

Because of the lack of reliability and validity in conventional evaluation systems, recent evaluation systems focus on an output variable, i.e., student achievement as measured by scores on standardized tests. But student achievement test scores also fail as valid and reliable measures of teacher performance for two reasons. First, student variability including student ability, ease or difficulty in learning, and student store of knowledge at the beginning of the school year affect student scores on standardized tests. Secondly, classroom variability affects scores on standardized tests. Teaching is context-specific and individual classrooms may vary considerably in terms of student academic ability, attendance, entry level learning, and non-school experiences. Finally, even if measures of student achievement were reliable, the use of standardized tests to evaluate teachers negatively affects the quality of teaching. Predictably, teachers teach to the test. Teaching method and content are modified to focus on the simple objectives contained in standardized tests rather than more complex, harder to measure objectives.

17. *Ibid.*, p. 245.

18. *Rewarding Teachers: Issues and Incentives*, p. 13.

19. *Paying for Better Teaching: Merit Pay and Its Alternatives*, p. 26.

20. *Rewarding Teachers: Issues and Incentives*, p. 14.

21. *Political Myths about Reforming the Teaching Profession*, p. 25.

In summary, arguments can be made that current evaluation processes are "subjective, unreliable, open to bias, closed to public scrutiny, and based on irrelevancies."²² Even in systems where the reliability and validity seem to be high, the credibility of the rating to the person being rated may still be low because of the tendency of people to overrate themselves. In summarizing the research from business and industry, Lawler noted that individuals tend to overrate their own performance and underestimate the performance of others, which becomes a source of dissatisfaction about the evaluation system and the job.²³ "Several studies on merit pay in industry show that employees rate themselves more highly than their employers do, and their later performance is affected negatively when their employer does not agree with their self-ratings."²⁴

Difficulties with evaluation is the most frequently cited reason for districts abandoning merit pay. "Perceptions that merit evaluations are biased, subjective, and generally unfair are probably more responsible for teacher opposition to merit pay systems than any other factor."²⁵ There are not now, nor will there be, performance criteria and evaluation processes that are both comprehensive and complex and valid, reliable, and equitable. To be effective an evaluation process that is part of a merit pay system must be accepted as fair and reasonable by both teachers and administrators.²⁶ Thus, the basic issue in developing and implementing a merit pay evaluation process is political, not scientific. Teacher evaluation is context-based. Negotiations at the local level among all interested parties — teachers, administrators, the school board, and the public — need to be entered into in order to arrive at a credible, satisfactory compromise. And, all interested parties need to be cognizant of and committed to providing the human, technical, and financial resources necessary for effective implementation of an agreed-upon teacher evaluation system.

Rewards and Delivery Systems. Various types of rewards may be considered for inclusion in teacher incentive structures. Categories of incentives are: (1) compensation plans, e.g., merit pay, bonuses, grants, sabbatical leaves, special training opportunities; (2) career options, e.g., career ladders; (3) enhanced professional responsibilities, e.g., master teacher plans, differentiated staffing; (4) non-monetary recognition, e.g.,

awards programs; and (5) improved working conditions.²⁷ The issue for the consideration of policy makers is whether these rewards are incentives for improved performance. Incentives are a type of reward that are exchanged for specific work behavior.²⁸ To have incentive-value, the reward must be reliable and predictable and the mechanisms for controlling reward distribution must be known.²⁹ The strengths and weaknesses of particular incentives vary according to the context of local school districts and how the incentive system is structured and the rewards delivered.³⁰

Structuring a merit pay delivery system requires other choices. Is the merit pay to be restricted by quotas or available to all? Should the delivery system distribute incentives to individuals, work groups, or organizational units? The establishment of a quota system promotes competition and underscores the selectivity of the merit pay awards. Thus, the merit pay may seem unattainable to some, encourage isolation, hinder cooperation, and foster negative staff relationships.³¹ An obvious option is to have unrestricted merit pay awards. Another option is to distribute rewards to all staff in schools that meet an agreed-upon standard of achievement so as to reduce competition among teachers and increase collegiality and cooperation.

Effective communication and participatory decision making processes are critical to the development of an appropriate delivery system. Participants must be well-informed about the nature of the merit pay plans, the control of rewards, and the performance appraisal system.³² The importance of the involvement of participants in designing pay systems has been demonstrated in business and industry. "[W]hen participation takes place, people have more information about the system and greater feelings of responsibility, commitment, and control. And as a result, they trust the system more, have more favorable perceptions of the plan, and the system is more effective in producing the desired behavior."³³

The negative behaviors that might also accompany merit pay systems cannot be overlooked or underestimated. Teachers may modify their teaching approaches, focusing solely on the activities associated with merit. Merit pay, an extrinsic reward, may replace intrinsic motivation to improve teaching and actually result in lowered motivation levels. Merit pay plans of the past have increased dissension, rivalry, and jealousy

27. *Teacher Incentives: A Tool for Effective Management*, p. 16.

28. Douglas E. Mitchell, Flora Ida Ortiz, and Tedi K. Mitchell, "What is the Incentive to Teach?" *Politics of Education Bulletin*, vol. 11, nos. 2, 3, Spring 1984, pp. 1-6, p. 1.

29. *Ibid.*, p.1.

30. *Teacher Incentives: A Tool for Effective Management*, p. 27.

31. Susan Moore Johnson, *Pros and Cons of Merit Pay* (Bloomington, IN: Phi Delta Kappa Educational Foundation, 1984), p. 16.

32. "Merit Pay: An Obsolete Policy?" p. 309.

33. *Pay and Organization Development*, p. 50.

22. "Merit Pay for Teachers: A Poor Prescription for Reform," p. 184.

23. Edward E. Lawler, III., *Pay and Organization Development* (Reading, MA: Addison-Wesley Publishing Company, 1981), pp. 12-15.

24. Center on Evaluation, Development, and Research "Learning About Merit Pay from Business and Industry," *Phi Delta Kappa Research Bulletin*, April 1984, p. 2.

25. *Paying for Better Teaching: Merit Pay and Its Alternatives*, pp. 29-30.

26. *Rewarding Teachers: Issues and Incentives*, p. 15.

among teachers, and have negatively affected teacher-administrator relationships.³⁴ These potential negative responses underscore the fact that merit pay must be conceptualized as one part of a local district's comprehensive personnel management and staff development program.

Merit Pay and Local School Improvement

Merit pay is being discussed as an intervention to improve schools through improving teachers. The relationship between merit pay plans, local school improvement efforts, and the characteristics of effective schools is another important consideration for policy makers.

Fittingness. Fittingness is the level of compatibility between the merit pay plan and the local district context. For an incentive structure to be useful it must fit the local context including organizational conditions, the personnel management system, and emerging norms of excellence including collegiality and cooperation. Local school districts vary in terms of the characteristics of teachers employed, the characteristics of students attending the schools, the expectations about education held by the local community, and the resources available for improvement efforts. Incentive structures must be formed with an awareness of these differences. What works in one district will not necessarily work in another.

Merit pay plans must also fit the purposes of the local districts. Teacher evaluation may serve several purposes: (1) to promote accountability; (2) to foster improvement; (3) to inform organizational decisions; and (4) to assist decision making about individuals.³⁵ One system probably cannot meet all purposes. The processes used for improvement are quite different from the processes used for personnel decision making. Thus, there needs to be a match between the purposes and processes of teacher evaluation and the purposes of the local district. Merit pay plans must also match local district purposes. A merit system built to achieve all purposes will fail from overload.

Effective Schools and School Improvement. The effective schools, effective teaching, and school improvement research literatures provide information about patterns of professional behavior in effective school organizations. Effective schools are characterized by leadership on the part of the building principal, a shared instructional focus, high expectations and a sense of personal efficacy, and collegiality and cooperation among school staff. The professional development of teachers occurs when: (1) teachers engage in frequent and precise talk about teaching practice; (2) teachers are observed frequently and provided with useful

34. *Paying for Better Teaching*, pp. 16-23.

35. Arthur E. Wise, Linda Darling-Hammond, Milbrey W. McLaughlin, and Harriet T. Bernstein, *Teacher Evaluation: A Study of Effective Practices* (Santa Monica, CA: The Rand Corporation, 1984), p. 12.

feedback; (3) teachers work together in the preparation and evaluation of materials; (4) teachers teach each other.³⁶ This focus on the school as workplace and on personnel relationships leads to the view of professional development as an organizational, rather than an individual, phenomenon.³⁷ These findings should be cause for concern to policy makers considering teacher incentive structures. If the incentive structure is competitive it "would likely obstruct rather than promote collegiality and cooperation among teachers. Competitive reward systems encourage independence rather than cooperation and divert employees' commitment from group goals to personal goals."³⁸

Summary of State-Level Policy Implications

What are the implications of the research literature on merit pay for state educational policy planners? First, merit pay will not serve the broad purposes of improving recruitment and retention of effective teachers. Under certain conditions, however, a merit pay plan that is integrated into a comprehensive personnel and staff development program may positively affect teacher performance. School districts have few ways in which to recognize teaching effectiveness. Merit pay may provide a way to do that.

Secondly, there is no compelling empirical evidence to support either the claims of the advocates or detractors of merit pay. No policy decision about merit pay is obvious or necessary. The strategies and tactics for implementing merit pay plans are not simple, technical matters. Instead, they involve a set of complex choices about performance criteria, evaluation processes, and meaningful incentives and effective delivery systems. Establishing performance criteria and evaluation processes are political issues that need to be negotiated at the local district level. There are no performance criteria and evaluation processes that are at the same time comprehensive, complex, valid, reliable, and equitable.

Thirdly, the design of effective merit pay plans requires effective communication and participatory decision making among all interested parties. The review of the research literature indicates that delivery systems should be unrestricted. All teachers should be eligible. In light of the school improvement and effective schools research, consideration should be given to distributing incentives based on school rather than individual teacher performance.

36. Judith Warren Little, "Norms of Collegiality and Experimentation: Workplace Conditions of School Success," *American Educational Research Journal*, vol. 19, no. 3, Fall 1982, pp. 325-340.

37. *Ibid.*, p. 338.

38. "Merit Pay for Teachers: A Poor Prescription for Reform," p. 184.

Finally, to be successful, merit pay plans should fit the local district context and purposes and be designed to enhance collegiality and cooperation. Choosing merit pay, in any of its various forms, or no form of merit pay, involves organizational tradeoffs that can be ameliorated but not eliminated, e.g.: competition vs. collaboration, evaluation vs. improvement, rewarding vs. helping. These choices are better made at the local district level.

3. MERIT PAY AND THE PROFESSIONAL EDUCATION ORGANIZATIONS

The policy positions on merit pay assumed by professional education organizations are often portrayed simplistically, e.g., the National Education Association (NEA) opposes merit pay; the National School Boards Association (NSBA) favors it. These statements do reflect the basic orientations of the associations. However, they do not describe the substantive and procedural positions of the associations in sufficient detail to reveal the critical points of agreement and disagreement that would influence the negotiation of a salary policy that might be acceptable to the concerned organizations.

Points of Agreement

Since merit pay for teachers was recommended by each of the earliest reports on education reform in 1983 (i.e., The Report of the National Commission on Excellence, the Twentieth Century Fund Task Force, and the Education Commission of the States Task Force) most of the professional education organizations have updated their policy statements on teachers and teaching, including merit pay, within the past year. Unsurprisingly the associations agree with the reformers, and with one another, about the goal of their policy assertions on teaching. Each notes that the policy is intended to improve educational quality through the improvement of the quality of the teaching workforce. More surprisingly, the associations also agree on several basic elements of a merit pay policy for schools:¹

1. *Whatever the benefits of a merit pay plan, it is only a minor part of a comprehensive personnel development plan needed for the improvement of teacher quality.*

The NSBA policy statement on merit pay has the fewest reservations about the likely success of a performance-based merit salary system for

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1. The association positions noted in this section are those of the American Association of School Administrators (AASA), American Federation of Teachers (AFT), Council of Chief State School Officers (CCSSO), National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), National Association of State Boards of Education (NASBE), National School Boards Association (NSBA), and National Education Association (NEA). Official policy statements adopted in 1983 or 1984 were available from AASA, AFT, CCSSO, NAESP, NASBE, and NSBA. The NEA published a comprehensive position paper on merit pay in 1984. Official statements and publications were supplemented by references to association positions in other publications and conversations with association officials.

teachers. However, NSBA advocates simultaneously increased attention to in-service education, teacher training and certification, programs of teacher recognition, and "methods to give the profession of teaching the status and recognition necessary to fulfill the mission of the public schools."² The National Association of State Boards of Education (NASBE), while recommending experimentation with "mechanisms that reward teaching excellence," also recommends experimenting with "an across-the-board increase in teacher compensation" and scholarship and loan forgiveness programs. NASBE recommends further the upgrading of admission standards to the profession, improving teacher training programs, emphasizing inservice education, and improving teacher evaluation.³ There is no one out there arguing that merit pay alone will solve the problem of teacher quality or performance.

2. *Whatever the problems associated with implementing a merit pay system, the policy is worth exploration and experimentation.*

The American Federation of Teachers (AFT) has deep-seated reservations about the efficacy of merit pay. The Federation labels as "misguided" the "idea that incentive pay or discretionary merit pay is the most important cure for what ails the teaching profession."⁴ But with these reservations in mind, the policy statement notes "that some of the more recent proposals allowing the advancement of large numbers of teachers to 'master teacher' type career roles involving extra pay warrant consideration."⁵ NEA has been identified as more intransigent than AFT in opposition to merit pay but the NEA president, Mary Hatwood Futrell, noted that it is a "mistaken impression that the NEA opposes merit pay or master teacher plans across the board."⁶ There is no one out there arguing that merit pay systems should not be given consideration at the state and local levels.

3. *Substantial improvement in the base salary of teachers is necessary to the effective implementation of merit pay for teachers.*

The American Association of School Administrators (AASA) begins its policy statement on merit pay by asserting, "at the entry level, salaries should be established at a sufficiently high level to attract people from the top one-fourth of those choosing vocations requiring at least a bachelor's

degree."⁷ Merit pay for some teachers is no substitute for adequate pay for all teachers. AFT states the policy simply, "any new compensation plan should have as a fundamental a higher base pay for all teachers."⁸

4. *Apart from the issue of merit pay, incompetent teachers should not be retained by local districts.*

The policy statements of the AFT and the NSBA are almost identical on the issue of incompetent teachers. The AFT recommends "implementation of fair and practical methods for removing incompetent teachers from the profession."⁹ The NSBA "urges school boards to terminate the employment of teachers whose performance continues to be sub-standard despite efforts to help them improve."¹⁰

In addition to these four elements that are mentioned in most of the policy statements, there are two points emphasized in some of the statements to which no exception is taken by other associations, i.e.:

5. *Interested groups should be involved in planning for the design and implementation of merit pay systems.*

AASA summarizes this position by noting that involvement should include teachers, administrators, parents, the school board, business, and the community. Predictably, the associations of teachers are concerned that local teachers be involved from the beginning in planning for merit pay.

6. *Merit pay systems are context-specific, i.e., they need to fit the local community in which they are operating.*

AASA, NSBA, AFT, and NEA concur that decisions about merit pay need to be designed, planned, and implemented at the local level. No association advocates a federal role in this policy arena other than exhortation. NASBE encourages state boards to experiment with a number of financial incentives for rewarding teachers.

Topics of Contention

There are, of course, a number of issues surrounding merit pay systems on which the associations disagree in their policy statements and in their official publications. We will label these areas of disagreement (1) affect, (2) criteria, (3) process, (4) sequence, and (5) effect.

1. *Affect: The perception that merit pay systems hold substantial promise for improving the quality of American education by improving teacher performance.*

7. "AASA Position Statement on Merit Pay for Teachers," *The School Administrator*, September 1983, p. 24.

8. *AFT Policy on Education Reform*, p. 3.

9. *Ibid.*, p. 2.

10. *Resolutions of the National School Boards Association*, p. 3.

2. *Resolutions of the National School Boards Association* (Washington, D.C.: National School Boards Association, April 2, 1984), p. 3.

3. *NASBE Position Statements: 1985* (Alexandria, VA: National Association of State Boards of Education, October 13, 1984), p. 31.

4. *AFT Policy on Education Reform* (Washington, D.C.: American Federation of Teachers, 1984), p. 2.

5. *Ibid.*, pp. 2-3.

6. K. Forbis Jordan and Nancy B. Borkow, *Merit Pay for Elementary and Secondary School Teachers: Background Discussion and Analysis of Issues* (Washington, D.C.: Congressional Research Service, The Library of Congress, September 14, 1983), p. 40.

There was no doubt where the National Commission on Excellence stood on this point. The Commission recommended that "salaries for the teaching profession should be increased and should be professionally competitive, market-sensitive, and performance-based."¹¹ The report went on to recommend a specific form of merit rating, i.e., career ladders for teachers. In all, three of the seven recommendations of the Commission that were intended to make teaching a more rewarding and respected profession dealt with merit pay for teachers.

A similar tone of optimism about merit rating is reflected in the policy statement of NSBA. AASA is more cautious in its policy statement but still reflects the feeling that if the system is designed and implemented with care it will succeed. The Council of Chief State School Officers (CCSSO) calling for more research, the National Association of Secondary School Principals (NASSP) recommending discussion, and NASBE advocating experimentation seem to reflect a wait and see position.

AFT and NEA are pessimistic. The AFT policy statement points out that incentive pay or discretionary merit pay is distracting the attention of the public from proposals that would be more likely to improve teacher quality. In the preface to its formal policy proposals the Federation noted, "the history of such efforts is riddled with failure owing to their inherent subjectivity, staff morale problems, and the cumbersome nature of their administration."¹² This is similar to the NEA's review of the experience with merit pay, to wit, "the essential lesson of the past is that a major improvement in teacher compensation plans cannot come from merit pay."¹³

Despite the fact that it is literally true to argue that there is no one out there in the professional community unwilling to consider merit pay and no one who believes it will solve the problem of teacher quality, enthusiasm for merit pay does vary widely across the professional education associations. Some groups feel it can work and, if given a chance, it will improve teaching. Others are of the opinion that it is unworkable as a general compensation policy and will have little impact on teaching performance. Many of the associations are simply uncertain about the long range effect of merit pay.

2. *Criteria: The assumption that valid criteria can be constructed on which to base merit pay.*

No association is arguing that a set of valid criteria for the assessment of teaching exists currently which can be adopted by school districts that

11. National Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington, D.C.: U.S. Government Printing Office, April 1983), p. 30.

12. *AFT Policy on Education Reform*, p. 3.

13. Gary Watts and W. Frank Masters, Jr., *Merit Pay: Promises and Facts* (Washington, D.C.: National Education Association, 1984), p. 20.

wish to implement a merit pay plan. NSBA argues that some individual districts are already operating with criteria satisfactory to them. Implicit in the reform reports and the position of most of the professional education associations is the assumption that progress toward a more valid set of criteria can be made using past experience, evaluation of current plans, and research on teaching.

The teachers' associations and the National Association of Elementary School Principals (NAESP) are not sanguine about this issue. They are concerned that the criteria employed now and in the future will be too simple to reflect the complexity of teaching and/or too crude to distinguish between effective and ineffective teaching.

3. *Procedures: The assumption that criteria, when developed, can be applied reliably and equitably across teachers.*

Past experience with merit pay systems in and outside education justifies the concern of the teachers' associations that it is difficult to train observers or raters to reliably assess teacher performance. There are trade-offs that are difficult to resolve. Criteria that are sufficiently complex to reflect the dimensions of teaching are unlikely to be objective. More objective measures are overly simple and specific.

Again, the issue boils down to the predictions of what might be successful in the future. The AFT has suggested recently that well trained peer evaluators might reduce problems of reliability and equity. NSBA obviously believes the problem can be solved and points to merit systems that are currently working satisfactorily to support its point of view. The NEA believes that past failures are likely to be repeated.

4. *Sequence: The assumption that local education agencies working diligently and in good faith can solve the problems of evaluation and meet the necessary criteria for an effective merit pay system.*

Most of the policy statements indicate that merit pay can only work given a set of associated conditions, i.e., an adjustment in the base salary of teachers, a broad-based personnel development system, staff involvement in the plan's design, and adequate tools and techniques for performance-based assessment. The NEA and the AFT view these as necessary pre-conditions. If you pictured the situation as one of negotiation, the teachers' associations would tend to argue that before merit pay can be discussed the broader issues must be resolved. In counterpoint, NSBA and AASA would assume the position that some of the items can be worked out as the system is built and/or that some of the preconditions, e.g., adjustment in the base salary of teachers, cannot be attained until after merit pay has been instituted.

5. *Effect: The assumption that a merit pay plan can be devised that is effective and durable as well as technically feasible.*

This issue brings us full circle. Associations that accept the basic proposition of the National Commission on Excellence believe that merit pay systems will have payoffs in student performance. This view of the effect of merit pay justifies the conceptual, technical, and political problems surrounding its implementation. Professional associations that question the Commission's view predict that the effect obtained through merit pay will be minimal and that unforeseen effects will undermine the durability of the system, i.e., morale problems, cost, administrative workload.

Summary of State-Level Policy Implications

No policy on performance-based pay for teachers, including the single salary schedule, will be acceptable to all professional education associations. Associations representing teachers will be the most cautious in moving away from current practice in LEA salary schedules. None of the associations have expressed confidence in shifting the decision about salary policy to the state or federal levels. Even the associations with the most disparate views on salary policy, i.e., the NSBA and the NEA, would agree on the desirability of leaving the decision at the local policy level.

If a state wished to stimulate and facilitate experimentation with performance-based merit pay, the policy positions of the associations would suggest that the following factors need to be considered:

- *Cost.* A successful merit pay plan will result in significantly higher expenditures on educational personnel. In addition to the merit increments, there will almost certainly be an increase in (1) the base pay for all teachers, (2) the time involved in evaluating teachers, and (3) expenditures for in-service assistance to teachers.
- *Time.* The movement from a single salary schedule to a performance-based schedule will require time for negotiation, development of assessment criteria and processes, field trials of evaluation instruments and procedures, and training of evaluators.
- *Involvement.* No plan will work that ignores the often conflicting interests of the parties involved in performance-based pay systems. Involvement must start with the design of the system and continue through its operation.

There are pitfalls that any state proposal should certainly avoid, to wit:

- Reliance on what is described as a traditional merit pay plan, i.e., a plan designed to produce fine discriminations among teachers for yearly salary increments, in contrast to alternatives such as career ladder, master teacher, or school-based merit systems which hold greater promise for successful negotiation among professional education associations;
- Plans with quotas or exclusions that do not allow all teachers to compete for merit pay;

- Plans that have trivial financial rewards attached to the merit increments;
- Proposals that restrict the autonomy of local districts to build their own merit pay plans;
- Proposals that ignore the relationship of merit pay to other aspects of educational personnel development at the local district level.

4. MERIT PAY PLANS AND PROPOSALS IN STATE EDUCATION AGENCIES

The recent widespread popularity of pay for performance policies for teachers has resulted in some level of discussion of the issue in all states. However, at this time, ten (10) states do not report any formal policy activity, i.e., Hawaii, Illinois, Michigan, Minnesota, Montana, Nevada, North Dakota, Ohio, Rhode Island, Wyoming. Ten (10) states report that the issue is under study or formal discussion, i.e., Arkansas, Indiana, Iowa, Kansas, Missouri, New Mexico, New York, Oklahoma, South Dakota, West Virginia.¹ The remaining thirty (30) states have teacher incentive structure policies at one of five stages of policy development:

- (1) *adoption*, i.e., a policy has been chosen and passed through the legislative process;
- (2) *trial*, i.e., the policy has received approval for experimentation either through the legislative process or by executive action;
- (3) *deliberation*, i.e., a policy has been introduced in the legislative process and is under consideration or undergoing refinement;
- (4) *development*, i.e., task forces or subcommittees have been formed and charged with the responsibility of drafting a policy for consideration or making policy recommendations;
- (5) *proposition*, i.e., a particular policy direction has been proposed for discussion and possible consideration.

Figure 1 identifies the current status of the policy development activities of the thirty (30) states that are working with teacher incentive structures.²

Types of Merit Pay Options

The following policy options were chosen or are under consideration in the thirty (30) states noted in Figure 1:

- *Career Ladder Plans* — There is some form of stratification of the teaching profession, e.g., specified career advancement steps;

1. The information about merit pay plans and proposals in state education agencies noted in this section was compiled from several sources including: *Merit Pay Plans for Teachers: Status and Descriptions* (Alexandria, VA: Educational Research Service, Inc., 1983); *State Actions: Career Ladders and Other Incentive Plans for School teachers and Administrators* (Atlanta, GA: Southern Regional Education Board, August 1984); *Career Ladder Clearinghouse: News from the States* (Atlanta, GA: Southern Regional Education Board, December 1984).

2. Ibid.

| Stages in the Policy Development Process | | | | |
|--|--|--|---|--|
| Adoption | Trial | Deliberation | Development | Proposition |
| Arizona California Florida Maryland Pennsylvania Tennessee Texas Utah | Colorado Maine New Jersey Virginia Wisconsin South Carolina | Connecticut Georgia Idaho Massachusetts North Carolina | Alabama Delaware Kentucky Louisiana Nebraska Oregon Vermont Washington | Alaska Mississippi New Hampshire |

Figure 1. Policy Development Stages of 30 States Relative to Teacher Incentive Policies

- *Differentiated Staffing* — Teachers are assigned to perform specified, usually non-instructional, duties in lieu of all or a portion of the classroom teaching assignment, e.g., department chair, curriculum coordinator, team leader, parent liaison, master teacher;
- *Merit Awards to Outstanding Schools* — Awards are made to individual schools meeting some criteria of student achievement;
- *Local Initiatives* — State level support is provided for a variety of locally identified incentive structures;
- *Market-Sensitive Salaries* — Salary differentials are provided for teachers in areas of critical shortage, e.g., mathematics, science, foreign languages, special education. The policy options chosen or under consideration by the states fit loosely into one or more of these categories as depicted in Figure 2.³

Figure 2 highlights the most popular policy option, i.e., career ladder plans. Career ladders are often thought of as a mechanism for providing advancement within the teaching profession based on excellence in productivity or performance without an accompanying movement out of the classroom. The common analog is the professorial career ladder within colleges or universities. No extra duties are specified; no extended contract is considered. Any additional duties or work load is a natural accompaniment to reputation and tenure. No state plan that has been adopted, piloted, or is under consideration fits this definition. They all require or allow extra time, extra duties, or both. Examples of typical additional duties are supervising student teachers, assisting new teachers, staff

3. Ibid.

| STAGES | Types of Merit Pay Options | | | | |
|--------------|---|-------------------------|----------------------------------|--------------------------|---------------------------|
| | Career Ladders | Differentiated Staffing | Merit Awards Outstanding Schools | Local Initiatives | Market Sensitive Salaries |
| Adoption | Arizona Florida Tennessee Texas Utah | California | (Florida) | Maryland Pennsylvania | (Florida) |
| Trial | Maine South Carolina Virginia Wisconsin | New Jersey | (South Carolina) | Colorado | |
| Deliberation | Connecticut Georgia Idaho North Carolina | Massachusetts | | | |
| Development | Alabama Delaware Kentucky Nebraska Oregon Washington | | | | |
| Proposition | Louisiana Vermont | Alaska | Mississippi | New Hampshire | |

Figure 2. Policy Options Chosen or Under Consideration by States in the Area of Teacher Incentive Structures

development, curriculum design, additional projects, research, and departmental chair responsibilities. Thus, while variations occur across the states, career ladder advancement requires both outstanding performance and a willingness to assume additional responsibilities.

The range of additional activities required in differentiated staffing plans is the same as in career ladder plans. Mentor teachers in California may be assigned to work with other teachers, assist with staff development projects, or work on curriculum development projects, although the majority of their time is to be spent in classroom teaching.⁴ The proposal

4. K. Forbis Jordan and Nancy B. Borkow, *Merit Pay for Elementary and Secondary School Teachers: Background Discussion and Analysis of Issues* (Washington, D.C.: Congressional Research Service, The Library of Congress, September 14, 1983), p. 16.

under consideration in Massachusetts would provide incentives for teachers who assume additional assignments such as chairing a department or working on inservice programs.⁵

Career ladders and differentiated staffing as defined in the state plans and proposals look alike in terms of changes in the teacher's work. As defined in the research literature, they do not look alike. A career ladder is a way of modifying the traditional structure of the teaching career, whereas differentiated staffing is a way of "increasing teachers' compensation and making the job more interesting by extending and varying teachers' responsibilities."⁶ While the differences between career ladders and differentiated staffing are clear in intent, the differences become blurred in practice.

South Carolina and Florida have included provisions in their state plans for providing merit awards to outstanding schools. South Carolina is piloting a program to reward schools and school districts based on criteria such as student achievement and improved teacher and student attendance.⁷ One of the provisions of the Florida plan allows school districts to participate in the District Quality Instruction Incentives Program. As a part of this program, which is modeled on the Houston Second Mile Plan, districts may provide awards to qualifying teachers who are employed at a "school center where the school average for the student's rate of academic gain, as measured by standardized tests, is greater than the mathematically predicted school achievement expectancy."⁸ To qualify the teacher must meet the following criteria: (1) satisfactory annual evaluations; (2) one year of teaching experience; (3) certification in the assigned teaching field; (4) completion of specified educational and testing requirements; and, (5) full-time employment.⁹ These state level provisions for rewarding outstanding schools are noteworthy. Similar activities at the LEA level and supporting findings from the research literature would indicate that this type of incentive plan might become a trend.

Instead of mandating a particular type of incentive structure, Pennsylvania, Colorado, and Maryland support local initiatives. Pennsylvania provides grants to local school districts on a non-competitive basis. The grants are intended to support locally developed efforts including recognition programs, staff training programs, grants to teachers for special

projects, or other incentives.¹⁰ Colorado supports pilot programs on incentive structures to be developed at the local level. Evaluative information about successful programs will be disseminated throughout the state.¹¹ Permissive legislation in Maryland allows local school districts to allocate funds for incentive programs including, but not limited to, career ladder and master teacher plans.¹²

To establish market sensitive teacher salaries, the New Hampshire Commissioner has advocated a \$4000 salary supplement for teachers in critical shortage areas.¹³ One of the provisions of the Florida District Quality Instruction Program allows districts to provide awards to qualifying teachers who are employed in a "critical teacher shortage subject area" or a "critical shortage area school site."¹⁴

In summary, the full range of types of merit pay options have been adopted or are being considered in the states. Figure 2 highlights the most popular policy option, i.e., career ladder plans. But, the apparent uniformity masks marked differences — differences in the building blocks of a state teacher incentive structure policy.

Building Blocks of State Policy

When an incentive structure type has been chosen, the policy decision has not been made. The choice of type leaves undecided a wide range of additional options, and every type has exactly the same set of options. Don't be misled by Figure 2. It tells much on the one hand and little on the other. It tells you that there is a push to something labeled "career ladders" and so career ladders have dominated much of the policy discussion at the state level. But to build a state policy you have to consider the other options, the building blocks. Choices have to be made about (1) locus of control, (2) eligibility for participation, (3) criteria, (4) evaluation processes, (5) incentives and delivery systems. The choices made by the states that have adopted or are piloting a plan highlight the range of options available for consideration.

Locus of Control. The Tennessee plan is an example of a state mandated and controlled merit system for teachers with rigid controls. The plan is administered at the state level. Local districts are required to implement it. Incentives are provided by the state (i.e., advanced certification levels). The evaluation system was designed at the state level. Criteria and evaluation methods were established by the legislation and evaluations are conducted by state-trained teams of teachers.¹⁵ A less dominant

5. *State Actions*, p. 5.

6. *Teacher Incentives: A Tool for Effective Management* (Reston, VA: National Association of Secondary School Principals, National Association of Elementary School Principals, American Association of School Administrators, 1984), p. 16.

7. *State Actions*, p. 7.

8. *Merit Pay Plans for Teachers*, p. 168.

9. *Ibid.*, p. 62.

10. *State Actions*, p. 7.

11. *Ibid.*, p. 2.

12. *Ibid.*, p. 5.

13. *Merit Pay Plans for Teachers*, p. 65.

14. *Ibid.*, pp. 62-63.

15. *State Actions*, pp. 7-8.

state role is assumed in Utah. A career ladder system is mandated, but the local districts structure the system, design the evaluation process, and determine the types of duties to be performed by teachers advancing on the career ladder. The state provides guidelines and approves the local plan.¹⁶ At the opposite end of the continuum, Pennsylvania provides financial resources to local districts to develop their own incentive plan for teachers.¹⁷

So the first choice that needs to be made by state policy makers is who will control the incentive program. This choice will be reflected in all of the other choices necessary to build a state policy. If the decision is made in favor of rigid state control, the specific components of the incentive program must be negotiated at the state level. If the decision is made in favor of local control, the specific components of the incentive program will vary according to the context of the local districts.

Participants. In most states only classroom teachers are eligible to participate in the incentive plan. In some states the definition of "teacher" includes non-classroom instructional personnel such as media specialists and guidance counselors. In a few states, especially southern states, both administrators and teachers are included in the incentive structure.¹⁸

However, the state plans have other eligibility requirements. California mentor teachers must have "substantial," recent classroom experience.¹⁹ The Florida associate master teacher must have four years of teaching experience including two years in Florida, no unapproved absences for two of the three years preceding application, a qualifying score on a subject area examination, and a master's degree in the area of the current teaching assignment or in another area with fifteen hours in the current field.²⁰ In Texas, advancement to each of four levels requires a specified number of years at the previous level and graduate coursework.²¹ These eligibility requirements are in addition to classroom performance criteria.

Criteria. The criteria for merit pay used in all of the state level incentive plans include some measure of classroom performance, e.g., teacher ratings, student achievement test scores. In California, for example, the mentor teacher must demonstrate "exemplary teaching ability as indicated by, among other things, effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of pupils in different contexts."²² Florida requires

16. *Ibid.*, p. 9.

17. *Ibid.*, p. 7.

18. Lynn Cornett, *Career Ladder Plans: Questions Faced by the States*, (Atlanta, GA: Southern Regional Education Board, 1984), p. 1.

19. *Merit Pay Plans for Teachers*, p. 164.

20. *Ibid.*, p. 168.

21. *State Actions*, p. 8.

22. *Merit Pay Plans for Teachers*, p. 61.

superior performance evaluations and outstanding attendance of its master teachers.²³ However, as was noted in discussing eligibility requirements for participation in state incentive programs, the traditional criteria of the single salary schedule have not been abandoned. The single salary schedule includes criteria that distinguish among teachers, and these have been retained, i.e., experience, academic credits, advanced degrees, participation in inservice activities. So, although the state incentive plans have introduced new criteria, they have not eliminated traditional criteria related to pay. Thus, the criteria adopted by the states are more comprehensive.

Evaluation Processes. The degree of centralization, i.e., the choice about locus of control, influences the evaluation processes designated in the state plans. For example, in Tennessee evaluation methods and procedures were developed by the state and specified in the legislation.²⁴ Classroom observations, peer and student questionnaires, teacher portfolios, and written tests are used by state evaluation teams to evaluate Tennessee teachers at the highest career levels.²⁵ In Florida and Texas, state-developed instruments and state-specified evaluation procedures are used at the local level.²⁶ California requires that local district plans include a selection committee of teachers and administrators to nominate mentor teachers.²⁷ In Utah, local districts structure the incentive systems, but the state requires that measures of performance include formal classroom evaluations and student progress.²⁸ The Arizona and Colorado plans support local initiatives and decisions about evaluation processes are made at the local level.²⁹

In summary, the evaluation processes included in the state plans reflect three levels of state control: (1) evaluation processes are designed and implemented at the state level; (2) evaluation processes are specified or guidelines provided at the state level but implemented by local districts; (3) local districts design and implement the evaluation processes. For the state policy maker the difficult decision is who is to be trusted.

Incentives and Delivery Systems. The most common incentive is increased status or prestige through career promotions with an accompanying salary increment. In most instances the increased status and salary also require additional work, e.g., staff development, support to beginning teachers, curriculum development. Other incentives that are being con-

23. *Ibid.*, p. 63.

24. *State Actions*, p. 8.

25. *Career Ladder Plans*, p. 3.

26. *Ibid.*, pp. 2-3.

27. *Merit Pay Plans for Teachers*, p. 165.

28. *State Actions*, p. 9.

29. *Ibid.*, p. 9.

30. *Ibid.*, p. 1.

sidered include: (1) percentage merit pay increases; (2) financial support for graduate classes, workshops, or attendance at conferences and conventions; (3) sabbatical leaves; (4) extended employment; (5) grants for projects; (6) cash awards or bonuses.

The most common delivery system is pay for performance for individual teachers. But two states, Florida and South Carolina, recognize outstanding schools and provide for awards to be made to all teachers based on student progress.

The important consideration for state policy makers is the choice about what incentives and what delivery systems are most meaningful to teachers. Is a certification endorsement of master teacher as important to the teacher as differentiated assignments at the local level? Is a reward delivered by a state education agency as important as one delivered at the local district level? State policy makers can anticipate that individual teachers will view rewards and delivery systems differently. The meaningfulness of particular incentives and delivery systems will vary according to the context of the local school districts.

Summary of State-Level Policy Implications

The state experience to date actually suggests little of assistance to policy makers. The plans underway are too recent to have been evaluated. The types of policy options that have been chosen seem to have been based more on the publicity surrounding career ladders in the National Commission on Excellence Report than a careful assessment of the purpose of merit pay, how that fits various types of plans, and the possibilities for successful implementation. The emphasis on state versus local control varies by state but its effect is not yet clear.

It is possible to criticize the state actions on the basis of evidence from LEAs, professional organizations, and the research literature on merit pay. Those reference points would lead the authors to the conclusion that the states which avoided adoption of a plan in round one, i.e., 1983-84 or earlier may be advantaged by being able to use the experience of others to guide their judgment. Those states that have committed themselves to support local initiatives without a mandate for merit pay in LEAs are responsive to the finding that successful plans are context-bound. Those states that encourage trial before adoption have a better opportunity to succeed in disseminating performance-based merit pay. Those states that have left the processes of planning, implementation, and evaluation up to the local school districts seem to have a better chance of integrating merit pay into the local personnel development program and avoiding massive bureaucratic tangles.

On the basis of logical rather than empirical analysis, we would predict that the prescriptive state plan of Tennessee is the least likely of all the

state policy efforts to succeed in disseminating durable merit pay systems at the local level. Within the subset of states advocating career ladders, Utah and Arizona would, for example, better fit the conclusions of the preceding sections. Based on current information we would hold out even greater promise for those states such as Colorado and Pennsylvania that are supporting local initiatives without specifying a type of merit pay system.

5. CONCLUSIONS AND IMPLICATIONS

Experience with performance-based pay plans in and outside education and evidence from research and evaluation about such systems are sufficient to justify a number of generalizations.

What We Know

- Purposes
 - Merit pay has little or no effect on broad issues of teacher quality, e.g., recruitment and retention.
 - Merit pay can serve specific purposes in LEAs. Under favorable conditions it can affect teacher performance positively. It is neither a comprehensive personnel evaluation nor staff development system. It can provide deserved recognition to good teachers. Merit pay is no substitute for a selective retention policy to eliminate incompetent teachers.
- Criteria for Evaluation
 - Teacher evaluation will require multiple measures to assess performance.
 - There are not now, nor will there be, criteria and processes for assessing the performance of professional educators that are unassailable on grounds of validity, reliability, and equity. The basic issue surrounding evaluation in a merit system is whether a credible political compromise can be arrived at that protects the interests of the public and the teacher. Satisfactory evaluation is a political not a scientific issue.
 - Merit pay plans demand substantial time and resources for evaluation.
 - Traditional merit pay plans that labor to establish and justify narrow distinctions among teachers will finally fall of their own weight.
- Criteria for Eligibility
 - All teachers should be eligible for merit awards.
 - Successful performance-based merit pay systems emphasize achievable standards rather than exclusive awards.
- Pre-conditions for Success
 - Merit pay succeeds in successful school organizations. It is an unlikely device to trigger organizational reform.
 - Successful plans are built upon a base pay competitive with other professions requiring similar preparation.

● Context for Success

- Merit pay must be an integral part of a district's total personnel development system.
- All interested reference groups must be involved in the initial planning and implementation and continuing evaluation and improvement of the merit system.
- Merit plans require time for design, development, and installation. They need room for trial and error and renegotiation.
- Successful merit pay plans have a distinctly local flavor, i.e., they suit the community and school district in and for which they were invented.

The most recent experiences with merit pay suggest some more tentative generalizations worth examination and testing.

What Seems Likely to be True

- Credible, durable merit pay systems will involve teacher participation in evaluation.
- A delivery system that emphasizes group performance, e.g., school awards, may be more useful than one built upon individual awards.
- Modified delivery systems, e.g., career ladders, master teacher plans, differentiated staffing, that recognize directly the connection between merit pay and career development are more effective than traditional merit systems.

Implications for State Policy Makers

In the first section, we noted that "there is no local plan that is appropriate for dissemination to all schools." That is true. And it is equally true that there is no evidence that a single type of merit pay, e.g., career ladders, is appropriate for use in all school districts. This suggests to us that:

1. *State policy makers avoid mandating or advocating a particular plan or type of merit pay system for local school districts.*

Whatever action is taken should recognize the difficulty in the past of installing and maintaining merit pay plans for teachers. This infers that:

2. *The state should provide encouragement and support for local experimentation with merit pay systems with no external timelines or mandates for action imposed on LEAs.*

Since the evaluation of teaching will remain problematic on scientific grounds, state policy makers might conclude that:

3. *The state plan should avoid any effort to specify criteria for or processes of evaluation. Since a locally effective evaluation system will be based on locally acceptable negotiations among interest groups, the choice of criteria and process must be specific to the LEA. The state*

may choose to provide technical assistance to interested local educators.

With the emergence of a variety of new forms of merit pay and delivery systems for merit pay, we would suggest that:

4. *The state encourage and support systematic evaluation of local merit plans, the aggregation of those evaluation results, and the dissemination of that information to LEAs throughout the state.*

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UNITED SCHOOL ADMINISTRATORS OF KANSAS

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JERRY O. SCHREINER
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M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: April 1, 1985

SUBJECT: SCR 1619

Mr. Chairman and members of the committee, I speak for the United School Administrators of Kansas in behalf of SCR 1619 as an alternative to the Senate Bill from which this resolution came.

The belief that teachers vary in their effectiveness with students has been with us for decades. There was a time, before the single salary schedule was introduced to teaching, when a school district had the right and means of rewarding what they thought was superior teaching. And I emphasize the word THOUGHT in that last sentence. Then, as now, they did not have means of substantiating their judgment in the selection of such teachers.

Given the amount of study and the attempts made to implement a system which rewards excellence in teaching, there is evidence that doing so has been very difficult. We believe that the only way performance based programs can succeed is if they are designed by all who participate in the process and if the plan provides something in addition to what the average and below average teachers in Kansas are paid. Please bear in mind that even after performance based pay plans are functioning in Kansas, half of our Kansas teachers will still be below average.

The provisions of this resolution provide a plan which can bring us closer to a solution to the problem of adequately compensating school personnel.

UNIFORM SCHOOL OPENING

RESOLUTION

Whereas there is a clear trend within the school districts in the state of Kansas to begin school after Labor Day;

Whereas due to late August heat the opening of schools after Labor Day provides a better learning environment;

Whereas opening schools after Labor Day provides for additional employment of seasonal and part-time employees;

Whereas opening school after Labor Day has popular support among parents in the state;

Whereas post-Labor Day school openings enhance tourism opportunities within the state of Kansas; Now, therefore, be it

RESOLVED by the Senate of the state of Kansas assembled, that all school districts in the state be encouraged to begin the school year on the day next succeeding the day observed as Labor Day.



UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: April 1, 1985

SUBJECT: SCR 1624

Mr. Chairman and members of the committee, I represent the United School Administrators of Kansas who are in opposition to SCR 1624.

Our membership is almost unanimous in opposing any attempts to fix a starting date for Kansas schools. I will cite the main points from our testimony given when you were considering SB 175 which dealt with this issue.

Each district needs the flexibility to determine its calendar on the basis of other community events, air conditioning and other facilities. Many districts include parents in the determination of the school calendar. We find we must question the data cited in this resolution which implies that 78% of Kansas parents favor a post-Labor Day opening. We recognize that this resolution is the result of undue pressure being applied by business and industry in Kansas but also believe such decisions should be made in the local district as a result of discussion including parents, business persons and educators.

Therefore, we ask that you report this resolution adversely.

SUB-COMMITTEE REPORT HOUSE BILL 2142

- HB2142 be amended to insert "at all grade
1. That the bill as amended by House Committee be recommended favorably. levels" on line 27 and that it be recommended favorably
 2. That the Education Committee direct a recommendation to the Conference Committee on liquor related issued urging that 10% tax monies on cereal malt beverages sold in private clubs be used for continuum of care.
 3. That the Senate Education Committee introduced a resolution directed to U.S.D.'s that encourages the high prioritizing of drug and alcohol abuse programs directed to early intervention and resolution of alcohol and drug abuse problems at all grade levels.

Alicia Salisbury

Ronald L. Khan

Fredrick

STATE OF KANSAS

FRED A. KERR
SENATOR, THIRTY-THIRD DISTRICT
BARBER, COMANCHE, HARPER, KINGMAN, KIOWA,
PRATT, STAFFORD S RENO,
W SUMNER COUNTIES
ROUTE 2
PRATT, KANSAS 67124



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN ASSESSMENT AND TAXATION
MEMBER AGRICULTURE
EDUCATION
ENERGY AND NATURAL RESOURCES
LEGISLATIVE AND CONGRESSIONAL
APPORTIONMENT
CHAIRMAN MAJORITY PARTY CAUCUS

To: Senators Reilly, Burke and Johnston

From: Fred A. Kerr

Date: March 20, 1985

This legislature is in the process of enacting laws which further strengthen the enforcement capabilities of our state in relation to alcohol and drug abuse and in passing other legislation which updates our liquor laws. I would like to recommend that we be equally vigorous in providing additional support to the Kansas Continuum of Care, which includes prevention, intervention and treatment programs across our state.

A new tax contained in H.B. 2067 provides us an opportunity to identify and dedicate new resources. The Subcommittee on S.B. 46, chaired by Senator Vidricksen, recommended that "the 10% excise tax be placed on 3.2 beer sold in private clubs and that the new revenues be earmarked for drug and alcohol education programs". (Subcommittee Report, March 1, 1985, pg. 2.) It is my understanding that when the Senate Federal and State Affairs Committee approved the proposal, Senator Vidricksen asked that the minutes reflect the Committee's intention that this new revenue be dedicated to support education and prevention programming.

I believe that the Senate's intention will not be fulfilled unless further steps are taken to identify and route the funds attributable to this new tax. I suggest that we establish a separate alcohol and drug abuse fund with the money generated by the new Cereal Malt Beverage tax in clubs. This would require amending the former S.B. 888 to specify that at least 7% of total remittances raised by this legislation be credited to a state alcohol and drug abuse fund, to be used by the Secretary of Social and Rehabilitation Services for the purpose of preventing, educating, intervening and treating alcohol and drug abuse problems.

Using current estimates on S.B. 888 funds, a 7% set aside would yield about \$657,000 over the course of the next fiscal year. This figure coincides with estimates from the Department of Revenue regarding

the amount that the CMB tax in clubs might reasonably be expected to generate. Dedicating the 7% would, therefore, capture the CMB portion of the projected total and would not reduce the amount of local liquor tax going to cities and counties. Attached is an outline of the suggested amendment.

At recent public hearings on the SRS/ADAS FY 87 budget held in Topéka and Hays, strong support was evident for increased state financial backing for proven community and school-based prevention and intervention strategies. My guess is that all of us have received a great deal of constituent comment this session validating that concern. I hope that the conference committee will seize this opportunity to respond positively to the clear public sentiment favoring more aggressive support for our state's alcohol and drug abuse Continuum of Care.

Fred A. Kerr

FAK/lm
Attach.

79-41a03. Same; payment and collection; bond. (a) The tax levied and collected pursuant to K.S.A. 79-41a02, and amendments thereto, shall become due and payable by the club monthly, or on or before the last day of the month immediately succeeding the month in which it is collected, but any club filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club pays such retailers' sales tax. Each club shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept separate and apart from the records of other retail sales made by a club in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club as may be necessary to determine the accuracy of such reports required hereunder.

(c) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any club liable to pay the tax imposed hereunder refuses or neglects to

pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617 and amendments thereto.

(d) The secretary of revenue shall remit daily to the state treasurer all revenue collected under the provisions of this act. The state treasurer shall deposit the entire amount of each remittance in the state treasury. Subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 79-41a09, and amendments thereto, 25% of the remittance shall be credited to the state general fund and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 79-41a04 and amendments thereto.

EXPLANATION

Draft A sets up a separate alcohol and drug abuse fund with the moneys generated by the CMB tax in clubs.

Change to "22%"

Insert ", 7% of the remittance shall be credited to the state alcohol and drug abuse fund created in subsection (e)"

(e) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

History: L. 1979, ch. 152, § 13; L. 1982, ch. 424, § 1; L. 1983, ch. 315, § 3; L. 1984, ch. 351, § 24; July 1.

Insert (e) "There is hereby created a state alcohol and drug abuse fund. Moneys in said state alcohol and drug abuse fund shall be used by the secretary of social and rehabilitation services for the purpose of preventing, educating, intervening and treating alcohol and drug abuse problems. All expenditures from the state alcohol and drug abuse fund shall be made in accordance with appropriation acts upon warrant of the director of accounts and reports issued pursuant to vouchers signed by the secretary of social and rehabilitation services or by a person or persons designated by the secretary."

Change to "(f)"

79-41a04. Same; disposition of revenues. (a) There is hereby created, in the state treasury, the local alcoholic liquor fund. Moneys credited to such fund pursuant to this act or any other law shall be expended only for the purpose and in the manner provided by this act.

(b) All moneys credited to the local alcoholic liquor fund shall be allocated to the several cities and counties of the state as follows:

(1) Each city that has a population of more than 10,000 shall receive 75% of the amount which is collected pursuant to this act from clubs located in such city and which is paid into the state treasury during the period for which the allocation is made.

Change to "71%"

(2) Each county in which there is located no city that has a population of 10,000 or less shall receive 75% of the amount which is collected pursuant to this act from clubs located in such county and outside the corporate limits of any city and which is paid into the state treasury during the period for which the allocation is made.

Change to "71%"

(3) Each city that has a population of 10,000 or less shall receive 50% of the amount which is collected pursuant to this act from clubs located in such city and which is paid into the state treasury during the period for which the allocation is made.

Change to "47%"

(4) Each county in which there is located a city that has a population of 10,000 or less shall receive: (A) Seventy-five percent of the amount which is collected pursuant to this act from clubs located in such county and outside the corporate limits of any city and which is paid into the state treasury during the period for which the allocation is made; and (B) twenty-five percent of the amount which is collected pursuant to this act from clubs located in the county and within a city that has a population of 10,000 or less and which is paid into the state treasury during the period for which the allocation is made.

Change to "Seventy-one"

Change to "twenty-four"

(c) The state treasurer shall make distributions from the local alcoholic liquor fund in accordance with the allocation formula prescribed by subsection (b) on March 15, June 15, September 15 and December 15 of each year. The director of accounts and reports shall draw warrants on the state treasurer in favor of the several county treasurers and city treasurers on the dates and in the amounts determined under this section. Such distributions shall be paid directly by mail to the several county treasurers and city treasurers.

(d) Each city treasurer of a city that has a population of more than 10,000, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit $\frac{1}{3}$ of the de-

posit to the general fund of the city, $\frac{1}{3}$ to a special parks and recreation fund in the city treasury and $\frac{1}{3}$ to a special alcohol and drug programs fund in the city treasury. Each city treasurer of a city that has a population of 10,000 or less, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit $\frac{1}{2}$ of the deposit to the general fund of the city and $\frac{1}{2}$ to a special parks and recreation fund in the city treasury. Moneys in such special funds shall be under the direction and control of the governing body of the city. Moneys in the special parks and recreation fund shall be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs of alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

(e) Each county treasurer of a county in which there is located no city that has a population of 10,000 or less, upon receipt of any moneys distributed under this section, shall deposit the full amount in the county treasury and shall credit $\frac{1}{3}$ of the deposit to the general fund of the county, $\frac{1}{3}$ to a special parks and recreation fund in the county treasury and $\frac{1}{3}$ to a special alcohol and drug programs fund in the county treasury. Each county treasurer of a county in which there is located a city that has a population of 10,000 or less, upon receipt of any moneys distributed under this section, shall deposit the full amount in the county treasury and shall credit to a special alcohol and drug programs fund in the county treasury ~~25%~~ of the amount which is collected pursuant to this act from clubs located in the county and within a city that has a population of 10,000

Change to "24%"

or less and which is paid into the state treasury during the period for which the allocation is made; of the remainder, the treasurer shall credit $\frac{1}{3}$ to the general fund of the county, $\frac{1}{3}$ to a special parks and recreation fund in the county treasury and $\frac{1}{3}$ to the special alcohol and drug programs fund. Moneys in such special funds shall be

under the direction and control of the board of county commissioners. Moneys in the special parks and recreation fund shall be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs of alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making any expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditures. The board of county commissioners shall adopt the recommendations of the advisory committee concerning such expenditures unless the board, by unanimous vote of all commissioners, adopts a different plan for such expenditures.

(f) Each year, the county treasurer shall estimate the amount of money the county and each city in the county will receive from the local alcoholic liquor fund and from distributions pursuant to K.S.A. 79-41a05. The state treasurer shall advise each county treasurer, prior to June 1 of each year of the amount in the local alcoholic liquor fund that the state treasurer estimates, using the most recent available information, will be allocated to such county in the following year. The county treasurer shall, before June 15 of each year, notify the treasurer of each city of the estimated amount in dollars of the distribution to be made from the local alcoholic liquor fund and pursuant to K.S.A. 79-41a05.

History: L. 1979, ch. 152, § 14; L. 1982, ch. 424, § 5; July 1.

Proposed Amendment to House Bill No. 2116
As Amended by House Committee

On page 1, by striking all of lines 25 through 45;

On page 2, by striking all of lines 46 through 60; following line 60, by inserting six new sections as follows:

"Section 1. K.S.A. 72-5410 is hereby amended to read as follows: 72-5410. As used in this act: (a) "~~Teacher~~" ~~shall mean and include~~ means teachers, supervisors, principals, superintendents and any other professional employees who are ~~required to hold a teacher's or school administrator's certificate in any public school~~ employed in a position for which certification by the state board of education is required.

(b) "~~Governing body~~" and "Board of education" ~~shall mean~~ means the board of education of any public school district organized and operating under the laws of this state.

(c) "Primary contract of employment" means a contract of employment which is entered into by a board of education and a teacher for the performance of the sum of the duties required of the teacher by the board of education or for the performance of the principal or primary duties required of the teacher by the board of education.

(d) "Supplemental contract of employment" means a contract of employment which is separate and distinct from a primary contract of employment and entered into for the performance of duties which are incidental and additional to the principal or primary duties of the professional employee. Those duties which may be performed under a supplemental contract of employment or, at the discretion of the board of education, under a primary contract of employment include, but not by way of limitation, such duties as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket taking, lunchroom supervision and other similar and related duties.

(e) "Contract" means a primary contract of employment.

"Sec. 2. K.S.A. 1984 Supp. 72-5411 is hereby amended to

read as follows: 72-5411. (a) All primary contracts of employment of teachers in the public schools in the state shall continue in full force and effect during good behavior and efficient and competent service rendered by the teacher, and all primary contracts of employment shall be deemed to continue for the next succeeding school year unless written notice of intention to terminate the contract is served by the board of education upon any teacher on or before April 10 or the teacher gives written notice to the board of education of the school district that the teacher does not desire continuation of the contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board of education upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a primary contract of employment may be changed at any time by mutual consent of both the teacher and the board of education of the school district.

(c) The primary contract of employment of any teacher may be terminated or nonrenewed by a board of education on the basis of refusal by the teacher to renew or fulfill the provisions of a supplemental contract of employment. Nothing in this subsection shall be construed so as to modify, limit, or affect in any other manner, any existing right of a board of education to terminate or nonrenew the primary contract of employment of any teacher on the basis of any reason or reasons other than the reason expressly specified herein.

"Sec. 3. K.S.A. 72-5412a is hereby amended to read as follows: 72-5412a. (a) The board of education of any school district may enter into a supplemental contract of employment with any employee of the district. ~~As--used--in--this--section "supplemental--contract"--means--a--contract--for--services--other--than--those--services--covered--in--the--principal--or--primary--contract--of--employment--of--such--employee,--and--shall--include--but--not--be--limited--to--such--services--as--coaching,--supervising,--directing--and~~

~~assisting--extra--curricular--activities,--chaperoning,--ticket taking,--lunchroom--supervision--and--other--similar--and-related activities.~~

(b) The primary contract of employment of any employee may be terminated or nonrenewed by a board of education on the basis of refusal by the employee to renew or fulfill the provisions of a supplemental contract of employment. Nothing in this subsection shall be construed so as to modify, limit, or affect in any other manner, any existing right of a board of education to terminate or nonrenew the primary contract of employment of any employee on the basis of any reason or reasons other than the reason expressly specified herein.

(c) The provisions of article 54 of chapter 72 of Kansas Statutes Annotated which relate to the continuation of teacher contracts and to the due process procedure upon termination or nonrenewal of a teacher's contract do not apply to any supplemental contract of employment entered into under this section.

(d) As used in this section:

(1) "Primary contract of employment" means a contract of employment which is entered into by a board of education and an employee for the performance of the sum of the duties required of the employee by the board of education or for the performance of the principal or primary duties required of the employee by the board of education.

(2) "Supplemental contract of employment" means a contract of employment which is separate and distinct from a primary contract of employment and entered into for the performance of duties which are incidental and additional to the principal or primary duties of the professional employee. Those duties which may be performed under a supplemental contract of employment or, at the discretion of the board of education, under a primary contract of employment include, but not by way of limitation, such duties as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket taking, lunchroom

supervision and other similar and related duties.

(3) "Contract" means a primary contract of employment.

"Sec. 4. K.S.A. 72-5413 is hereby amended to read as follows: 72-5413. When used in this act and in acts amendatory thereof or supplemental thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the board of education of any school district, the board of control of any area vocational-technical school, and the board of trustees of any community ~~junior~~ college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but ~~shall~~ does not mean any such person who is an administrative employee.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513 and amendments thereto; and, in the case of an area vocational-technical school or community ~~junior~~ college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one

or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of meeting, conferring, consulting and discussing with boards of education with respect to the terms and conditions of professional service.

(f) "Representative" means any professional employees' organization or person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiations between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, the findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work

normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(1) "Terms and conditions of professional service" means (1) salaries and wages, including pay for duties under supplemental contracts of employment; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; re-employment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing is a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; and (2) matters which relate to privileges to be accorded the recognized professional employees' organization, including but not limited to, voluntary payroll deductions, use of school or college facilities for meetings, the dissemination of information related to the professional negotiations process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit, the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law, reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiating and partaking of instructional programs properly related to the representation of the bargaining unit; and (3) such other matters as the parties mutually agree upon as properly related to professional service. Nothing in this act, or acts amendatory thereof or supplemental thereto, shall authorize the diminution of any right, duty or obligation of either the

professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection, the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective. Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of human resources or ~~his-or-her~~ a designee thereof.

(n) "Statutory declaration of impasse date" means June 1 in the current school year.

(o) ~~"Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include but not be limited to such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket taking, lunchroom supervision, and other similar and related activities~~ "Primary contract of employment" means a contract of employment which is entered into by a board of education and a professional employee for the performance of the sum of the duties required of the professional employee by the board of education or for the performance of the principal or primary duties required of the professional employee by the board of education.

(p) "Supplemental contract of employment" means a contract of employment which is separate and distinct from a primary contract of employment and entered into for the performance of duties which are incidental and additional to the principal or primary duties of the professional employee. Those duties which

may be performed under a supplemental contract of employment or, at the discretion of the board of education, under a primary contract of employment include, but not by way of limitation, such duties as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket taking, lunchroom supervision and other similar and related duties.

(g) "Contract" means a primary contract of employment.

"Sec. 5. K.S.A. 1984 Supp. 72-5436 is hereby amended to read as follows: 72-5436. As used in this act: (a) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school or community college.

(b) "Board" means the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Primary contract of employment" means a contract of employment which is entered into by a board and a teacher for the performance of the sum of the duties required of the teacher by the board or for the performance of the principal or primary duties required of the teacher by the board.

(d) "Supplemental contract of employment" means a contract of employment which is separate and distinct from a primary contract of employment and entered into for the performance of duties which are incidental and additional to the principal or primary duties of the professional employee. Those duties which may be performed under a supplemental contract of employment or, at the discretion of the board of education, under a primary contract of employment include, but not by way of limitation, such duties as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket taking, lunchroom

supervision and other similar and related duties.

(e) "Contract" means a primary contract of employment.

"Sec. 6. K.S.A. 1984 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All primary contracts of employment of teachers, ~~as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto,~~ shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this section. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before April 10. A teacher shall give written notice to the board that the teacher does not desire continuation of the contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a primary contract of employment may be changed at any time by mutual consent of both the teacher and the board.

(c) The primary contract of employment of any teacher may be terminated or nonrenewed by a board on the basis of refusal by the teacher to renew or fulfill the provisions of a supplemental contract of employment. Nothing in this subsection shall be construed so as to modify, limit, or affect in any other manner, any existing right of a board to terminate or nonrenew the primary contract of employment of any employee on the basis of any reason or reasons other than the reason expressly specified herein."

By renumbering sections 3, 4 and 5 as sections 7, 8 and 9, respectively;

Also on page 2, in line 71, after "K.S.A.", by inserting

"72-5410, 72-5412a and 72-5413 and K.S.A."; also in line 71, after "72-5411,", by inserting "72-5436,";

In the title, in line 20, by striking all after "ACT", by striking all of lines 20 and 21; in line 22, by striking all before the semicolon and inserting "concerning contracts of employment entered into by boards of education, as therein defined, and employees thereof"; also in line 22, after "K.S.A.", by inserting "72-5410, 72-5412a and 72-5413 and K.S.A."; also in line 22, after "72-5411,", by inserting "72-5436,"