



"1. Employees of The Public Schools of Topeka shall be appointed by the Board upon recommendation of the Superintendent of Schools.

"2. It shall be the duty of the Superintendent to see that persons nominated for employment meet all qualifications established by law and by the Board of Education.

"3. There shall be no discrimination in the recruitment and selection of employees as to race, creed, color or national origin."

33. List any and all plans or proposals (formal or informal and specify dates) for racial desegregation of teachers and other employees, within your district.

ANSWER:

There is no record of any such plan or proposal. However, a procedure was used for the 1980-81 school year for the allocation and placement of certified personnel of the School District. One of the objectives of the procedure was to continue efforts to achieve a distribution of minority staff members in compliance with the requirements of law. A copy of the objectives, rules and guidelines and review of the process is attached hereto as Exhibit B.

The answers to Interrogatory Nos. 32 and 33 were prepared under the direction and supervision of Ned Nusbaum, Assistant Superintendent of Administrative Services for Unified School District No. 501.

V E R I F I C A T I O N

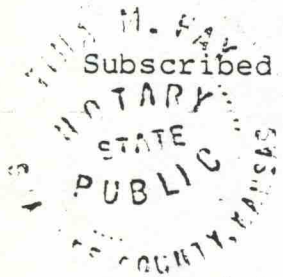
STATE OF KANSAS     )  
                              ) ss:  
COUNTY OF SHAWNEE )

The undersigned, of lawful age, being first duly sworn upon his oath, deposes and states:

That he is the Assistant Superintendent of Administrative Services for Unified School District No. 501, that he has read the answer to Interrogatory Nos. 32 and 33 of Intervening Plaintiffs' Interrogatories--First Set which was prepared under his general direction and supervision and such answer is true and correct to the best of his knowledge and belief.

Further affiant saith not.

Ned Nusbaum  
Ned Nusbaum



Subscribed and sworn to before me this 4 day of May, 1981.

Tina M Fay  
Notary Public

my appointment expires:  
4-24-83.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501 TO PLAINTIFF-INTERVENORS' INTERROGATORY NOS. 32 & 33 was served by hand-delivering the same this 6th day of May, 1981, to attorneys for intervening plaintiffs by serving Richard Jones, Jones & Jones, 724-1/2 Kansas Avenue, Topeka, Kansas 66603.

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## REPORT PERTAINING TO THE EMPLOYMENT AND ASSIGNMENT OF TEACHERS

### Part I

The quality of any educational program depends upon the skill of a good teacher in every classroom. This premise has always been a guiding principle for schools through the years. It is therefore the responsibility of an administrative staff and Board of Education to recruit, select, assign, and keep the best teacher possible in every classroom within the school system.

A Board is legally vested with the authority to employ teachers, however, it must depend upon its administrative staff for recommending qualified individuals to fill vacancies which may exist from time to time. Likewise, sound practices for the assignment of teachers to specific buildings or posts must be the responsibility of the administrative staff if it is to carry out effective teaching for boys and girls. As in the past, the administration and Board shall continue to employ and assign teachers who are highly qualified for specific positions. If a vacancy arises at any time, all pending applications shall be reviewed and a selection made on the basis of qualification for the position.

It has long been the policy in the Topeka school system for individual applicants for positions to reserve the right to inquire personally of the superintendent or his delegated representative about the status of his application and the possibility of employment in the school system. Securing a position to enable an individual to make a living for himself and his family is truly important to anyone. Good personnel practices indicate that keeping an individual's employment on a qualification basis is a sounder procedure than having a person or group of persons act in the behalf of an employee to the employer.

Any teacher, prospective or employed, can rest assured that reprisals shall not be forthcoming by members of the administrative staff or Board when his own welfare is in question. It must be presumed in this case, however, that any teacher

Exhibit A

shall so conduct himself in such a manner that the welfare of the school system or the welfare of children is not placed in jeopardy. Sound personnel practices require that proper channels for handling grievances must be adhered to by both an employee and employer.

#### Assignment of Teachers

During the course of discussions between the N.A.A.C.P. Committee and the Topeka Board of Education, Mr. Jackson has made repeated references to schools east of Topeka Avenue. It is hoped that he is not inferring that these schools are inferior due to facilities and quality of instruction. Quite the contrary, good instruction is being carried out in these schools by sincere, dedicated, and well qualified teachers who are working together for the welfare of all children.

It has been previously mentioned that assignment of teachers to specific posts is the responsibility of the administrative staff. Notices of assignments for the 1963-64 school year were sent to teachers during the latter part of June.

It is pointed out that no school in the Topeka system will have an all Negro faculty during the 1963-64 school year. During the coming school year, thirty-one Negro teachers will be very capably serving the boys and girls in our schools. Fourteen of these teachers will be serving in schools west of Topeka Avenue. Two newly employed Negro teachers have been assigned to schools having predominately white children.

Reference is made to Mr. Jackson's statement (Page 4, Minutes of July 17th meeting), where he called attention to the assignment of teachers to Monroe, Belvoir, and Parkdale schools. It is pointed out that during the coming school year, Parkdale School will have 14 white teachers and  $4\frac{1}{2}$  Negro teachers; Belvoir School will have  $12\frac{1}{2}$  white teachers and 1 Negro teacher; Monroe School will have  $2\frac{1}{2}$  white teachers and  $3\frac{1}{2}$  Negro teachers.



The following tabulation shows the assignment or re-assignment of Negro teachers for the 1963-64 school year:

Assignment of white principal to Monroe School	1
Negro teacher from Monroe to Quinton Heights School	1
Negro teacher from Monroe to VanBuren School	1
New, Negro teacher to Gage School	1
New, Negro teacher to Boswell School	1
Total	<u>5</u>

It is reiterated that the administration and Board shall always seek and employ well qualified teachers, regardless of race, creed, or nationality. Likewise, the administration shall continue to assign teachers for the best interest of children.

The Personnel Department of the Topeka Public Schools will continue to advise institutions of higher learning that well qualified applicants for teaching, supervisory, or other types of positions, are being sought, regardless of race, creed, or nationality.

#### Part II

Even though the Board of Education and administrative staff for The Public Schools of Topeka have followed the guiding principle of recruiting and selecting teachers who are well qualified, regardless of race, creed, or nationality, it is recommended that the following policy be officially adopted to incorporate in the policy manual of the Board of Education:

## RECRUITMENT AND EMPLOYMENT OF PERSONNEL

1. Employees of The Public Schools of Topeka shall be appointed by the Board upon recommendation by the Superintendent of Schools.
2. It shall be the duty of the superintendent to see that persons nominated for employment meet all qualifications established by law and by the Board of Education.
3. There shall be no discrimination in the recruitment and selection of employees as to race, creed, color, or national origin.

1-5-63  
The Public Schools of Topeka



OBJECTIVES FOR THE ALLOCATION OF CERTIFIED PERSONNEL FOR SCHOOL YEAR 1980-81

1. The goal of the placement procedure should be to develop the strongest possible staff for each school's total program.
2. Principals should have the ability to build a staff which will support the educational program planned for the building, or to maintain the continuity of existing programs which have been approved by the Education Division, and which implement the guidelines established by the Middle School Task Forces past and present.
3. Teachers should have effective input into their assignment since teacher satisfaction is a major contributing factor in the development of successful educational programs.
4. A teacher's expressed desire to change building or level assignment should be accommodated whenever possible since such movement of personnel promotes positive staff revitalization.
5. The ideal placement would reflect the mutual wishes of the principal and the staff member.
6. The placement procedure should be organized in such a way that its inherent fairness and efficiency would create good public relations among the participating administrators and the involved teacher personnel.
7. An effort should be made to insure that all schools have an equalized opportunity to build a viable staff whether they are new schools, schools with new administrators, or fully operational schools with returning administrators.
8. Placement procedures must meet the requirements of the negotiated agreement, and may necessarily involve the district's placement prerogatives stipulated in individual teacher contracts.
9. Efforts should be maintained to achieve a distribution of minority staff members which will comply with the requirements of law.
10. Teacher initiated Requests for Transfer (as opposed to Reassignment Request Forms) must be given full consideration, but such requests should not be considered until all displaced teachers who have continuing contracts have been placed.

Exhibit B



## RULES AND GUIDELINES GOVERNING THE TEACHER PLACEMENT SESSION - FEB. 19, 1980

### PARTICIPANTS

1. Judges - The Associate Superintendents will act as co-judges who will interpret the rules, arbitrate disputes, and make any necessary decisions.
2. Participants - One administrator from each secondary school may participate in the placement session.
3. Consultants - High School Associate Principals and Area Directors may observe the session, but may be consulted only with permission of the judges. (Participants may consult with each other only with the permission of the judges.)
4. Facilitators - Designated Personnel Office staff will be present to record decisions and to provide requested information.

### SELECTION RULES

1. All participating administrators will draw a number at the beginning of the placement session identifying the selection order.
2. While the order will remain the same throughout the session, the starting position will rotate through the order as each new subject area is reached. The administrator in the starting position will name the subject area to be dealt with during the round.
3. A participating administrator must pass a round which deals with a subject area in which he/she has no vacant position, but may not pass a round if a vacancy exists.
4. Participating administrators may not trade selection turns or positions.
5. Teachers' names must be chosen from the teacher pool - they may not be taken from another staff once chosen. Mutually acceptable trades may be made between consenting administrators with the approval of the judges.
6. If two principals wish to select the same teacher, a challenge may be made, but only at the time the teacher is first named. In this event, each administrator will be allowed to briefly state his/her case, and the placement decision will be made by the judges based on all available information, i.e. the teacher's request, time in service, certification, program needs, and minority placement.
7. If the judges award the teacher to the challenger, the first administrator will make another choice; the challenger will have used his/her turn in that round.
8. Teachers who are not chosen during the regular placement rounds will be placed administratively at the session as possible with due consideration being given the criteria listed in item #6.
9. Teachers still not placed because of a possible lack of vacancies will be placed by the Personnel Office as vacancies become available.

### INITIAL PLACEMENT ROUNDS - SPECIAL RULES

1. The principals of Eisenhower, French, Jardine, and Landon have been allowed to place on the placement board the names of teachers who were assigned to that building in 1979-80 whom they wish to retain for school year 1980-81. They have been allowed to place up to 80% of their staff allotment for 1980-81. The principals of the high schools have been allowed to maintain their 1979-80 staff which represents approximately 80% of their 1980-81 teacher allotment. These "protected" staffs may not be challenged.

2. During the initial placement rounds, administrators who have come to the placement session with less than 80% of their staff identified from previous teacher assignments, will be allowed to name 80% of their staff. This applies mostly to Chase and Robinson, but other administrators may join this initial round as their staff percentage is reached.
3. During this initial round only, teacher selections may be made in any subject area with each participant making one choice at a time.
4. Regular placement rounds will begin when all schools have reached the 80% level.

#### NOTIFICATION OF TEACHERS

1. The final results of the placement session will be announced ONLY by the Personnel Office. The notification forms will be sent by that office directly to the teachers, principals, and instructional specialists.

#### REQUESTS FOR TRANSFER

1. Teachers requesting a transfer to a middle school from another level will be considered for placement only after all displaced middle school teachers who have continuing contracts are placed.
2. Teachers requesting a transfer to the elementary level from the middle schools will not be considered in the placement session, but will be placed as displaced elementary teachers.
3. Requests for transfer following the placement session - i.e. those from dissatisfied teachers - will be processed, but will require written concurrence of both affected principals. Consideration in this event will be given first to any secondary teachers who are still unassigned after the placement session.



REVIEW OF TOPEKA PUBLIC SCHOOLS' SECONDARY TEACHER PLACEMENT (REASSIGNMENT)  
PROCESS 1979 - 80

STATEMENT OF NEED

During school year 1979-80, the Topeka Public Schools undertook the largest single movement of secondary teacher personnel in its history. This movement of teachers was brought about by the reorganization of the district from a 6-3-3 school grade level configuration to a 6-2-4 school grade level configuration to be implemented in August of 1980. This reorganization reflected the combined influences of the need to move ninth grade students to high school buildings ( a result of declining enrollment ), and a sincere desire to implement middle school programs for seventh and eighth graders. While a simple movement of ninth graders would have brought about a small movement of teachers, the process was complicated by the closing of five existing junior high/middle school buildings and the opening of two new middle school facilities which brought the number of middle schools from nine to six.

The total reorganization plan required the movement of about 250 certified personnel including classroom teachers, special education teachers, media specialists, and counselors. Because of the scope of the reorganization, the need for a controlled, centralized procedure was indicated. The philosophical basis of the placement procedure was formalized in a set of objectives which was prepared and presented to the Superintendent's Council, the Board of Education's attorneys, and the Board of Education for criticism and then approval. These objectives addressed district goals, teacher interests and concerns, building administrator interests and concerns, the negotiated agreement, and contract wording. (See Appendix - OBJECTIVES FOR THE ALLOCATION OF CERTIFIED PERSONNEL FOR SCHOOL YEAR 1980-81)

PRELIMINARY STEPS

The reorganization of the district's attendance centers was not undertaken without appropriate preparation for all concerned. A five-year plan had been instituted in school year 1976-77 which included district-wide consideration and plans for facilities, enrollment projections, curriculum development, staffing plans, and staff development. Advanced planning and decision making on the part of teachers was encouraged and facilitated. Staff development and in-service regarding middle school programs and the ninth grade transfer was provided to help teachers decide which level of teaching they would prefer. Transfers to the desired level were encouraged and facilitated throughout the planning period.

In November and December of 1979, the Director of Certified Personnel met with each of the middle school faculties to discuss the approaching placement procedure. Teachers were given an overview of district staffing needs, the placement process, and the approximate time schedule. They were provided with current information regarding the general pattern of declining enrollment and the district ongoing need to reduce staff without affecting tenured (on continuing contracts) teachers. The normal numbers of resignations, retirements, and requests for



leave of absence were discussed in order to put into perspective the reasonable expectations of one-year and continuing contract teachers. At this time, teachers were also given instructions on how to complete the Request for Reassignment Forms which would soon be sent to them. (See Appendix - REQUEST FOR REASSIGNMENT) With this briefing completed, the Personnel Office was ready to begin the actual placement process.

#### IMPLEMENTATION OF PLACEMENT PROCEDURE

The first step was the survey of middle school teachers to determine their placement preferences. All middle school teachers were required to complete a Request for Reassignment Form and return it to the Personnel Office. The form asked them to prioritize their placement preferences with regard to both teaching level and specific building assignment. It is interesting to note that the assignment of building administrators which had just been announced had an important influence on the teachers' choices. When those priorities were unclear, Personnel Office staff contacted the teacher to verify the teacher's choices. In instances where the teacher did not fill out a form, Personnel Office staff completed the form as much as possible, noted that the teacher had not filed a form, and sent a copy to the teacher thus further encouraging the teacher to make a specific request. These forms containing the teachers' choices, qualifications, subject matter preferences, etc. became the basic reference source for all placement decisions, and provided documentation that the teachers had had real input into the placement process.

High school and elementary teachers were not surveyed by means of the Request for Reassignment Form for several reasons. The opportunity to change teaching levels had been made available for several years prior to school year 1979-80. It was assumed that most of those teachers had already made that choice. Further, it has been district practice to give placement priority to displaced teachers. At the secondary level, all displaced teachers would initially be middle school teachers whose buildings were closing. Elementary teachers who would be displaced by the closing of their building would be similarly surveyed as to their placement preferences at a different time. Still, regular Requests for Transfer Forms were made available to high school and elementary teachers who might still wish to be considered for a change in teaching level. These requests were accepted with the understanding that they would be considered only after all displaced teachers had been placed. These forms were added to the notebook containing the Request for Reassignment Forms.

When all of the teachers' requests had been received and processed, preparations were made for teacher/principal interviews to take place. The month of January, 1980 was designated as the period allowed for interviews. The Personnel Office prepared Interview Rosters for each building principal. These rosters contained the names of all teachers who had requested that building as either a first or second choice. The limit of two interviews per teacher limited the opportunity of teachers to "shop around", but seemed fair to both teachers and building administrators. Many building administrators had sixty-five or more teachers to interview, and time became an important consideration. The priority the teacher placed on the building was not further identified since that information might prejudice the interviewer, or might change for the teacher as a result of the interview.



Building administrators were required to make contact with all the people on their roster to insure that all teachers received equal interview consideration. Principals were prohibited from interviewing teachers not on their roster. This limitation was imposed to prevent the use of pressurized recruiting techniques. Permission to interview teachers not on the list could be obtained from the Personnel Office only, and such permission was granted in situations where clerical error had worked to the disadvantage of the teacher. To protect the district's credibility with the teachers, building administrators were required to record the dates on which each teacher was contacted and/or interviewed, and these annotated rosters were filed with the Personnel Office. Finally, building administrators were cautioned not to promise any position to any teacher prior to the formal placement session.

Following the month of interviews, the first actual staff assignments were made. Middle school principals were allowed to select their Activities Coordinators, Curriculum Coordinators, and Counselors in order to facilitate the building of the master schedule which was necessary prior to further staff selection. Placement of special education teachers also preceded the formal placement session since the location of these programs in specific buildings is essentially a decision made by central administration and not the building principal.

With these initial placements made, it was possible to take the next step in the placement process, the verification of staffing needs for each secondary school. Conferences were held between the Director of Certified Personnel, the building administrator, and the Area Director. These conferences dealt with the actual staffing allotment, as determined by enrollment, and the building's staffing needs, as determined by the master schedule. Having completed the interview process, the staffing conference, and the master schedule, building administrators were ready to select their certified staff for school year 1980-81.

Throughout the month of January, the Personnel Office staff had been finalizing their plans concerning the placement session scheduled for mid-February. Specific rules and guidelines were developed to implement the objectives already accepted. These rules and guidelines were prepared by the Personnel Office staff, and studied by the Superintendent's Council and the Board of Education's attorneys to insure fairness, efficiency, and accountability. ( See Appendix - RULES AND GUIDELINES GOVERNING THE TEACHER PLACEMENT SESSION - FEB. 19, 1980)

In addition to the development of placement session rules, the Personnel Office also prepared the reference materials and visual aids that would be needed for the placement session. A placement board was designed and constructed to provide a visual description of placement decisions. Movable chips were made for each teacher which contained his/her name, certification, contract status, and EEOC category. Chips for personnel already placed, i.e. coordinators, counselors, and special education teachers, and for "protected" staff members were placed on the board prior to the placement session. (Refer to RULES for explanation of "protected" staff) ( See Appendix - PLACEMENT BOARD - DIAGRAMS.) The following reference materials were gathered to facilitate the placement process, and each was used extensively during the session:

1. Notebook containing teacher Request for Reassignment Forms
2. Computer Printouts
  - A. Alphabetical listing of all secondary teachers with



- current building assignment, certification codes, EEOC category, years of service in the district.
- B. Alphabetical listing of all secondary teachers by certification code containing all of the above information.
  3. List of teachers on one-year (non-continuing) contracts.
  4. List of minority teachers by building assignment.
  5. Lists of teachers whose first two choices were: High school; Middle school; Or a combination.

#### FORMAL PLACEMENT SESSION

The formal placement session was held in the Board Room of the Administrative Center on February 19-20, 1980. The procedure actually took two half-day sessions to complete. It was preceded by an informational meeting for all district administrators and a rules meeting for just the participating administrators. At the informational meeting, district administrators received a copy of the objectives and a general explanation of the total procedure so that they would be able to answer questions from staff members or patrons. The rules meeting was held so that participating administrators would have a full understanding of the rules so that the procedure once begun could be followed in an orderly and efficient manner.

The placement session was accomplished in the manner prescribed by the rules and guidelines, and can be best understood by careful study of those rules. In actual practice, however, several procedures proved particularly valuable. The judges were required to play a far more dominant role than had been anticipated. They were required to have some input into nearly every placement decision, and their efficiency and consistency set the tone for the entire session. Discussion of teacher qualifications was strictly limited to certification and experience; there was no discussion of "personalities", and this greatly enhanced the professionalism and credibility of the procedure and the participants. Additional credibility was provided by a routine check of each teacher's placement preferences as he/she was selected. The judges insisted that those preferences be honored whenever possible.

The placement process was strongly influenced by the assumption that there would be an appropriate placement for each teacher. Accordingly, one-year contract teachers were selected and allowed to remain on building rosters until the very end of the session when they might be displaced by a continuing contract teacher. This allowed for the efficient use of these first year teachers, minimized program disruption, and helped maintain a positive attitude among the participating administrators. When every position had been filled, very few teachers remained unassigned or assigned to an unrequested position. ( See Appendix - STATISTICAL REPORT CONCERNING TEACHER PLACEMENT SESSIONS ). The participating administrators seemed to be generally satisfied with the staffs they had been able to select as well.

Formal notification of teachers of their assignment for school year 1980-81 was made by the Personnel Office. Before the self-carboning forms were prepared and sent to teachers, administrators, and instructional specialists, all placement decisions were carefully reviewed and checked by Personnel Office staff



to be sure that no errors were made. The notification forms contained a tear-off section for teacher response to their assignment. These response forms, when signed and returned by the teachers, provided a written record of notification, and an opportunity for teachers to request further consideration for a position which might be more satisfactory than the one assigned. ( See Appendix - SAMPLE NOTIFICATION FORMS ).

At the time of the placement session, there were a few more teachers than positions available, and about twenty-five teachers were left without an assignment. Tentative Assignments were made as a courtesy to unassigned teachers who had a continuing contract. These teachers would be the first ones placed as positions became available during the spring. No assignments were made for teachers on one-year contracts who were not placed during the placement session. These teachers were given the second priority for placement during the spring as vacancies in their field opened. Past experience had shown that there was every reason to believe that these teachers would all be placed before the beginning of the 1980 school year.

Throughout the spring of 1980, the Personnel Office continued the placement process by coordinating the interviewing and placement of teachers displaced during the reorganization process. Vacancies as they appeared were filled first with teachers on Tentative Assignment, then by teachers currently unassigned or requesting further consideration. These placements were also coordinated with the placement of elementary teachers displaced by the closing of their building or declining enrollment, and teachers requesting a transfer to another building or level.

#### CONCLUSIONS AND RECOMMENDATIONS

The placement procedure outlined in this report seems to have been an effective and efficient method of accomplishing the necessary movement of certified personnel associated with the reorganization of the secondary schools. The consensus of members of the Board of Education, Central Administration, the Personnel Office, the building administrators, and the involved teacher personnel was that the process was fair, smooth, and professional; the stated objectives were satisfied, and strong educational staffs were developed.

Several recommendations concerning the procedure were suggested by various Personnel Office staff members:

1. The basic procedure could serve in the future to facilitate the staffing of all schools in the district. Such a process would allow for the smooth completion of both teacher initiated and administrator initiated requests for transfer, and for the placement of teachers displaced by declining enrollment, and perhaps, for the smooth transfer of classified personnel as well.
2. If the process were to be used again, the Objectives, and the Rules and Guidelines should remain essentially the same as they are, with only the special rules regarding the new facilities removed.

3. If the process were to be used again, the following changes would be suggested:

- A. More information regarding the total placement process should be made available to all district personnel. The decision making process for all involved personnel would be more effective, and there would be less chance for misunderstandings, and less anxiety.
- B. The Request for Reassignment Forms should be redesigned so they more clearly require personnel to make a single list of placement priorities, and so that all available options (special programs and facilities) are spelled out.
- C. The timing of the procedure would ideally be such that the majority of retirements, resignations, and requests for leave of absence would be known. This would provide the maximum number of available positions.