

# DMEA Tempo

Volume 21 Issue 5

Des Moines Education Association

January 1997

## TEACHER BASHING

by President Mann

By now the teacher bashing incident at Meredith will be old news to many of you. Briefly, we believe the facts to be as follows: Three Meredith students told the principal that they saw on a teacher's computer screen pictures of girls dressing in a Meredith girls' locker room. The principal took the girls down to examine all the programs on the computer and determined that there was absolutely nothing to substantiate their allegations. Their stories were simply not believable. She told the students to go on about their business and not spread rumors. She also called downtown to inform her supervisor of the allegations.

The next morning several sets of parents, two police officers, and a school district administrator arrived at the school simultaneously. A parent had called the police and the media, apparently out of a belief that the students' right to due process and equal protection of the law was being thwarted. Actually, a district investigation was proceeding at that time. Part of the difficulty in what happened next is due to confusion over who was in charge: the police, the building administrator or the district administrator? Other difficulties were caused by a parent whose belligerent over-zealousness resulted in extensive, sensationalized media coverage.

The police now say they believed at the time that they had been called by the school, not a parent. Actually, the parent called a police acquaintance.

They began an investigation of the computer while the teacher was in and out of her office trying to continue teaching while assisting this large group of strangers looking at her computer with the principal. It was some time before anyone told her why they were there and who they were. The teacher did everything she could to assist in the two investigations and probably offered more information than would most people. No one told her of her Miranda rights to counsel, to remain silent, or to be free from searches of her personal effects (her personal computer files?) because no official charges were ever made.

All of you need to be aware that anything you say in this initial investigation can and will be used against you in court if police later decide to press charges. The Miranda Rulings that were used in the past to throw out confessions given before police "read their rights" to suspects do not apply until official charges are made.

During the investigation, a parent hovered around, interjected unseemly comments and relayed information to a larger group of parents outside the office. At the district administrator's request, the investigation was belatedly moved to a private area. The district administrator later advised the teacher to call the DMEA. However, the DMEA was not made aware of the emergency nature of the Meredith situation until much later in the day when the teacher was about to leave to take a polygraph test. We contacted ISEA lawyers immediately to provide counsel to the teacher.

Eventually, two outside computer experts were called in, one paid for by police and one paid for by the school, who determined that the allegations were impossible, absurd, and totally without merit. Because the students stuck by their story and appeared "believable" to police, they asked the teacher to take a polygraph test. She did, and she passed. Within two days, both the police and the school district had cleared her on all counts.

The parent/accuser who called police and the media was very unhappy and very vocal, as she/he apparently would have been with any investigation that failed to produce the results she/he wanted. By this time TV stations and the paper had carried stories in which they identified the allegations of criminal misconduct, the school, the teacher's sex, age, and teaching assignment. They didn't name her, so as to protect her identity. HA!

At the present time ISEA lawyers are taking steps, as authorized by the member, to make sure the accusers cease making allegations and to pursue civil damages, if possible, against those who have victimized her. We will, of course, use the political and financial resources of the DMEA and the ISEA to support her to the full extent of the law.

At least two states have criminal sanctions against those who make malicious allegations against teachers. Perhaps Iowa needs such a law. One legislator outside of Polk County has already called me to see how she can assist us.

But the best course of action would be to convince parents that we have a credible internal district investigative process that can protect the dignity, integrity, and reputation of both students and teachers while quietly but competently arriving at the truth.

I have already met with police representatives and administrators to begin a process of examination of our current, basically fine, internal investigative procedures to be sure that a repeat of the Meredith situation does not occur. It is vital that we have a clear understanding of who is in charge when two simultaneous investigations are occurring.

We also need a clarification of what is a "personal effect" (personal computer files, personal discs, the district-provided computer?) that a teacher may say cannot be searched without a search warrant. John and I will continue to meet with district administrators and police representatives who are working cooperatively to help clarify our procedures, starting January 10.

Many teachers are not as able to defend themselves as was this teacher. Not every administrator will call in a computer expert at the school's expense who can "prove" the charges are false. Many accused teachers are suspended, fired, humiliated or otherwise "hounded" out of the classroom, thus losing their property rights to their professional practice.

The Bill of Rights guarantees every citizen accused of a "capital or otherwise infamous crime" (serious criminal offenses) the right to a grand jury hearing in order to protect the reputation and property rights of the innocent who may be mistakenly or falsely accused. Grand jury proceedings are secret until they find there is enough evidence to present an indictment. If there is not enough evidence, charges are never made public. Because the process is so time-consuming, cumbersome, and costly, it is seldom used.

Public school teachers, who are often treated as public figures by the media, need the protections offered by a grand jury proceeding. Unless we can change the interpretation of the law, it is up to us to assure that our own internal investigative procedures provide those protections. And then we must be sure that the public and the media allow it to work as intended.

## \$ Private Schools/ Public Funds

by Beth Bishop, GA Co-Chair

Governor Branstad needs to hear from you and many others. The Governor is expected to recommend a huge increase in the tax credit given to parents of private school students.

As public educators, this will be a major issue for us in the upcoming session of the legislature. The ISEA believes that this takes away vital funds from public schools that **SERVE ALL STUDENTS**. We serve all special needs students, as well as gifted and children of immigrants. We serve regular students as well as those with every kind of disfunction and behavior problem imaginable. Private schools may **SELECT** their students, but we do our best with every student we teach. Address your letter to:

**The Honorable Terry E. Branstad  
Governor, State of Iowa  
Iowa State Capitol Building  
Des Moines, IA 50309**

Here are some possible talking points for your use.

- The State of Iowa already spends close to 20 million dollars to support non-public schools. These dollars go to assist with transportation, textbooks, media services, home schooling and special education.
- The proposal offered by the private school interests is unreasonable. The total new cost for their proposal is 29 million dollars. This comes at a time that public schools continue to be financially squeezed.
- Public education is one of the services offered by government. It is unreasonable for those who choose to not use a service to expect the public to pay for those private services with tax credits.

- Tax dollars should be used to support public institutions that are available to all students.

- Tuition tax credits violate the principle of the separation of church and state. Separation of church and state benefits public and church-affiliated schools.

We will keep you informed during the upcoming session of the Iowa Legislature.

### WRITE YOUR LETTER TODAY

#### Calendar of Events

Jan. 13	HR/IPD	4:15
Jan. 16	Faculty Rep	4:15
Jan. 23	Executive Board	4:15
Jan. 30	Dept. of Nurses	4:15
Feb. 3	GA	4:15
Feb. 6	Executive Board	4:15
Feb. 10	Workshop	4:30
Feb. 12	Faculty Rep	4:15

### MLK Day Holiday

The Martin Luther King Jr. Day observance is January 20. Roosevelt High School staff will host the program starting with a continental breakfast at 7 a.m. The program will begin at 8 a.m. and conclude around 9 a.m. Principals will work with their school-based council or school improvement team to develop and submit a building plan for the remainder of the day.

∞

∞

### BRIEFLY ✓

- Fischer Scholarship applications are now available in counseling offices or by calling the DMEA office. Graduating senior sons/daughters of DMEA members are eligible. Application deadline is **March 14!**

- Election of Officers and ISEA/NEA Delegates is near. Nomination papers may be obtained from Faculty Reps in mid-February or by calling the DMEA office. DMEA positions open for election are: Secretary, Treasurer, Elementary Rep(1), High School Rep, ISEA Executive Board Rep, 12 NEA Delegates and 9 ISEA Delegates. The Department of Associate positions are Secretary and Treasurer.

- The bargaining schedule calls for us to present our proposals to the District on January 29. The District will respond to our initial proposals on February 12. Contracts for Certificated, Associates and Secretaries are bargained simultaneously. We will then follow our normal schedule for bargaining in March and early April.

- The DMEA picked up a rumor that some people believe that switching the Des Moines Retirement System over to IPERS is a "Done Deal". That rumor is not even close to being accurate. Much work remains including data collection, assessing the interest of current and retired members, and working with the Iowa Legislature. It will be a long process and everybody will have ample opportunity to provide input.

- We have asked the District to delay the development of the 1998-99 calendar to this spring. The 1997-98 calendar must be approved by the State Department of Education because it calls for classes to begin prior September 1. Once we know that the Department of Education will approve the 1997-98 calendar, we can go back and continue work on the 1998-99 calendar.