

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Education(SC-Ed)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hr_SC-Ed_Misc_pt24

➤ Record of Comm. Proceedings ... RCP

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To: Members of the Education Committee

From: Edward J. Muzik, TAUWP/WFT/WEAC Representative

Date: May 14, 1997

Re: SB 178

SB 178 should be amended to include teachers as defined in the retirement statutes. This amendment covers all educators including faculty and academic staff at the universities and at the Technical Colleges and at correctional institutions. We believe that the coverage should be broadened to cover these individuals.

Let me speak specifically to the University System where I have some knowledge. While no one in the UW System has been killed in the line of duty, random acts of violence do occur elsewhere. For example, in the neighboring state of Iowa, about 5 years ago, three professors in the Astrophysics Department at the University of Iowa were slain by a berserk doctoral candidate. At San Diego University in August 1996 three professors were gunned down by a disgruntled, deranged graduate student. News reports of the San Diego tragedy are attached.

It seems appropriate that the children of all educators, K-12, Technical Colleges, and the University of Wisconsin System, slain in the line of duty should be extended this modest benefit.

One minor point. We in the University believe we are educators and that WI STATS, ch. 36 is our charter statute. To define educators within that chapter as only k-12 seems an unnecessary affront to some university educators with world-wide reputations.

Thank you.



NATION

SAN DIEGO STATE UNIVERSITY

Professors died in a hail of gunfire

Suspect had gun stashed in first-aid kit, police say

Associated Press

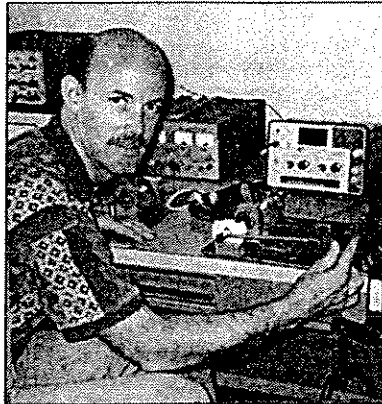
San Diego — Frederick Martin Davidson didn't wait to hear a panel of professors criticize his thesis. As soon as the meeting began, police say, he pulled out a gun he had stashed hours earlier in a first-aid kit on the wall and opened fire.

All three professors, one of whom fled to another room and tried to hide behind a desk, were killed in a barrage of at least 23 bullets Thursday.

"He was upset that his thesis had been turned down previously and thought the professors were out to get him," police Lt. Jim Collins said.

Davidson, a 36-year-old graduate student in engineering at San Diego State University, was arrested by police in the hall outside the classroom. He was jailed for investigation of murder.

The makeup of the faculty panel suggested there should have been relatively clear sailing for the thesis, titled "Char-



ASSOCIATED PRESS

Frederick Martin Davidson thought three professors "were out to get him," police said.

acteristics of Torsional Shape Memory Alloy Actuators," said Subrata Bhattacharjee, a San Diego State engineering professor.

But even minor revisions could have caused problems because Davidson would lose a year if all his work wasn't finished by Thursday, Prof. Joseph Katz said.

Davidson, a tall and balding Army veteran, enrolled at the school in 1987, got a bachelor's degree in aerospace engineering in 1991, then spent the next

three years in further study without declaring a major. He entered the master's program in mechanical engineering in 1994.

Howard Brashers, Davidson's landlord, said he thought his tenant had a promising career, noting that he and his adviser, Chen Liang, were being financed by McDonnell Douglas. Davidson's research involved "shape memory alloy," a metal that can be twisted and will hold its shape until heated.

But Brashers recalled a complaint often heard from graduate students: "He did sometimes think Dr. Liang was using him as slave labor, not giving him as much credit as he deserved."

Before the meeting Thursday, Davidson sneaked into the classroom and hid a semi-automatic 9mm pistol and five spare 15-round magazines in the first-aid kit, police said. He pulled it out just after being introduced by Liang, police said.

Killed were Liang, 32, of China; D. Preston Lowrey III, 44, who was to take over as department chairman next week; and Constantinos Lyrintzis, 36.

Three students who had come to hear the presentation escaped unharmed.

Sprangers said allegations that the county has not tried to

challenging NUESM...

Notes

title appears on our scholarship section this Faculty. tion brings together in many of the stories faculty members that have been spread throughout the Chronicle. Articles about academic life—academic the job market, tenure will appear here. So will out the research that members are conducting. al emphasis of this new ll be the developing careers e students and young mbers. the stories about nt and administrators that appeared in our nd Professional section e grouped in a sharpened J Management section. ing that *The Chronicle* ed in the past will continue e paper—just reorganized at, we think, our readers en more useful than in

Duberman is stepping executive director of the Lesbian and Gay the City University of n, a professor of theater Graduate School and a the center's board of will take his place. rman is the founder of which was established in e summer issue of its Dr. Duberman said that nter on sure footing, it hand over its reins and e of his time to research

Penckes spent the library at Brown doing research for the plays of Edward her evenings were VectorMan. es, an associate Drama at the University ti, is co-writing the for a cartoon feature e central character of a VectorMan, she says, is lonely sludge-barge s one of those assigned to earth after it has been by nuclear accidents. e second screenplay she on. The first, about a y James Bond-type as one that she wrote r, Joe Francis, a special- rt in Hollywood who will rMan. g their first script to cers, they caught the Shapiro, head of Ideal nt, who asked the duo to write It is due out in 1997. es had never heard of me and says she's not good at playing it. her academic eacted to *VectorMan*. "With envy," she says, t's seen as a paying gig."

The Faculty

Murder of 3 Professors at a Thesis Defense Causes a Stunned Campus to Ask, Why?

Police hypothesize that graduate student expected his work to be rejected

BY STEPHEN BURD

THE TRANQUILITY OF SUMMERTIME was shattered last month at San Diego State University when a disgruntled graduate student unloaded more than 20 rounds of ammunition, killing three professors.

The slayings of three of the engineering school's youngest and most popular professors left the campus reeling. In the aftermath, people here had more questions than answers: How could this have happened? Could it have been prevented? What can be done to make sure that it never happens again?

The victims were Chen Liang, an assistant professor of mechanical engineering; Constantinos Lyrintzis, an associate professor of aerospace engineering and engineering mechanics; and D. Preston Lowrey III, an associate professor of mechanical engineering.

At his arraignment in San Diego Superior Court, Frederick Martin Davidson, a master's-degree candidate in mechanical engineering, pleaded not guilty to the charge that he had killed the three professors. His lawyer said the 36-year-old student had experienced lifelong emotional problems.

The prosecutor plans to file a "special circumstances" motion, which means Mr. Davidson could get the death penalty if convicted, a spokeswoman for the San Diego District Attorney's Office said. A preliminary hearing in the case is scheduled for early December.

PLANTING THE GUN

At a press conference here last month, police said that Mr. Davidson had killed the professors at a meeting in which he was to defend his master's thesis for a second time. The police said that Mr. Davidson had failed in his first attempt several months earlier.

Police hypothesized that Mr. Davidson had expected to fail his thesis defense a second time—an outcome that might have resulted in his termination from the engineering program.

University officials, however, have raised some doubts about the police account. They said Mr. Davidson was never in danger of being terminated from the program, although they said they could not comment on any student's academic record. They also would not comment on whether this was Mr. Davidson's first or second oral defense of his thesis.

Rick Moore, a campus spokesman, said that the people with the best knowledge of Mr. Davidson's progress on his thesis were the three men he is charged with killing.

On the morning of the murders, the police said, Mr. Davidson arrived at Room 327 of the Engineering Building, hours before his thesis defense was to begin, and



Students and faculty members comfort one another the day after three professors were murdered at San Diego State U.

planted a 9-millimeter handgun in a laboratory first-aid kit in the room.

Later that afternoon, Dr. Liang, who was Mr. Davidson's adviser, formally presented him to his thesis-review committee, which was made up of Dr. Liang, Dr. Lyrintzis, and Dr. Lowrey. Police said Mr. Davidson then walked across the room, reached into the first-aid kit, and pulled out the handgun. According to the police, he first shot Dr. Liang and then hunted down and killed the two other professors as they attempted to flee.

Dr. Liang was 32, Dr. Lyrintzis was 36, and Dr. Lowrey was 44. Dr. Liang, the engineering school's newest faculty member, was married and the father of two sons, ages 1 and 3. Dr. Lyrintzis, who joined the university in 1987, was married and had a 14-month-old daughter. Dr. Lowrey, who was to become the chairman of the mechanical-engineering department this month, was married and had a 7-year-old daughter and an 8-year-old son.

THREE OTHER STUDENTS

Three other graduate students were in the room at the time to watch Mr. Davidson's thesis presentation. They told police that he had not attempted to kill them. Police officers said their account was largely based on what the students said they had seen and on a note that was found on Mr.

Davidson but that police officials do not release or describe.

Campus police officers arrived quickly at the scene of the killings and said they had found Mr. Davidson, still armed, lying up and down the third-floor hallway. They said he had begged them to help him. At their urging, he dropped his handgun, and the San Diego police took him into custody.

According to university officials, Davidson had been a student at San Diego State since 1987. He received a bachelor's degree in aerospace engineering in 1991 but then reportedly had difficulty finding a job. He took courses at the university without enrolling in a degree program from 1991 to 1994, when he started the master's program in engineering.

NO SIGNS OF BEING DANGEROUS

His thesis, "Characteristics of Torque Shape Memory Alloy Actuators," concerned research on a special alloy that can be deformed and yet retain its shape when it is heated. University officials, who would not comment on Mr. Davidson's thesis, said he had shown no signs of being dangerous.

Students and faculty members at San Diego State said they were in shock at the loss of three talented faculty members. "This leaves us with a void that w

impossible to repair," said Pieter Frick, dean of the College of Engineering. "How dare this happen to us?"

In a letter to the campus community, Stephen L. Weber, the university's president, praised the three professors for "devoting their all-too-short lives to the noble work of education."

'SHARED SENSE OF LOSS'

Dr. Weber, who took office July 1, urged students and faculty members to share their grief. "Let us not forget," he wrote, "that we are a community, that we can find solace in one another, and in our shared sense of loss."

The day after the shootings, more than 1,000 students, professors, and staff members gathered in the auditorium of Montezuma Hall to mourn together.

"I worked closely with Costas, and he

was a wonderful man and a dedicated scholar," said David Dufault, chairman of the history department, in an interview.

News of the murders spread quickly on the day of the shootings, he said. Rumors that a gunman was on the loose sent the campus into a frenzy. "For an hour and a half, no one knew what was going on, and we were all afraid," he said.

Still, he said that the university should not overreact now, such as by installing metal detectors to keep guns off the campus. "It would be very difficult, because there are so many entrances here," he said. "But more importantly, it would change the nature of the campus to one of distrust."

Dr. Dufault and other faculty members said they normally had had close relationships with students at San Diego State, and they hoped that would not change.

"Any thoughtful and demanding graduate program is bound to disappoint some students," Dr. Dufault said. "What we have to do is get better at helping students through their disappointments."

Some students here said that they too had experienced great anxiety at times over their academic work.

Still, they said, they found it difficult to understand the impulse that had led Mr. Davidson to kill three people, as the police charge.

"He must have had all his chips on the table," said Armando Berny, a senior at the university who is majoring in English.

'ESPECIALLY HARD'

With students returning to the campus this week, the engineering college was scrambling to recover from the tragedy. Nihad Hussain, associate dean of the col-

lege, said that part-time instructors would be brought in to teach the six or seven courses that would have been taught by the three professors. The college will soon begin a search to fill their positions.

Overcoming the psychic wounds may be more difficult. "You have to understand this is especially hard for us," Mr. Frick said. "Engineers and scientists are not always comfortable talking about their feelings."

He said the college had been cheered by the outpouring of support it had received from the entire university community. In the days following the shootings, students and faculty members left flowers and wreaths outside the Engineering Building. Some even ventured inside, to Room 327—some out of curiosity and others to salute the three men who were their professors, colleagues, and friends. ■

**Testimony on Senate Bill 178
Senate Education Committee
May 14, 1997**

**Margaret S. Lewis, Associate Vice President for University Relations
University of Wisconsin System**

Senator Potter and members of the Committee, I am Margaret Lewis, representing the University of Wisconsin System. I appreciate the opportunity to appear before you today to testify on SB 178, which would provide free tuition at the UW System for children of slain educators.

We warned the author of legislation last session granting a remission to fire fighters of the possibility that many others would expect the same consideration. In the last session, the Legislature passed a tuition remission for children of a correctional officer, fire fighter or law enforcement officer who was killed in the line of duty. The bill as passed included a \$30,000 appropriation – \$15,000 each for UW System and for the Wisconsin Technical College System – to prevent the costs of the program being shifted to other students. This appropriation provides tuition for approximately 5 students per year. As of May 1, \$9,428 of the \$15,000 had been used. Since the equivalent of 3.5 students qualified for the remission in 1996-97, if the number of students increases by more than 1.5 in 1997-98, passage of this bill would require additional funds.

SB 178 currently does not provide for any state funding. As worthy as the exception may be, without an appropriation, the costs of special tuition remissions raise tuition for other students. The position of the Board of Regents is that the cost of any additional remissions, which are not need based, should be accompanied by an appropriation.

I welcome any questions you may have.



United Council

of University of Wisconsin Students, Inc.

122 State Street, Suite 500, Madison, WI 53703 Phone: (608) 263-3422 Fax: (608) 265-4070

Testimony of

Steve Perala

Legislative Affairs Director

Free Tuition for Slain Educators (SB 178)

Before the Senate Education Committee

May 14, 1997

Chairman Potter, members of the committee, thank you for the opportunity to address you today on the Free Tuition for Slain Educators Bill (SB178). United Council has taken a position in the past to support similar pieces of legislation only if there is an appropriation made for the bill.

In the last session, the legislature passed a bill to give free tuition to the children of slain cops and firefighters. At that time, an appropriation was made to ensure that the cost of this bill would not affect students that were currently enrolled in the university. As this program is expanded, it is going to be increasingly important for appropriations to be made to keep up with the increased number of children that could enroll under this program.

Any bill that would increase access to education for students in Wisconsin is a benefit to everyone. If the legislature wishes to grant free tuition to certain individuals in the state that is their prerogative. Please keep in mind all of the students in Wisconsin who are having trouble financing their education and support any appropriations that would help keep higher education accessible and affordable.

WISCONSIN

Fired school official had a criminal record

Menominee blame DPI and former employer for not revealing conviction

By MEG JONES
of the Journal Sentinel staff

A school official recently fired by the Menominee Indian School District because of accusations of sexual misconduct has a criminal record in Illinois, according to an investigative report released by the district.

Now the school district is blaming the state Department of Public Instruction and the official's former employer for not revealing a misdemeanor conviction in Cook County, Ill.

The conviction stemmed from an incident where the man was found at night on the roof of a student's home, dressed in black with a face mask and carrying a can of Mace. At the time, the official worked at Glenbrook

North High School in Northbrook, Ill.

Menominee District Administrator John Rothlisberg said Wednesday that the official did not include that information when he applied for a teaching license in Wisconsin in 1993. In 1995, after the application was changed to include more questions, the official admitted his misdemeanor conviction but did not include the required paperwork.

The DPI didn't notify the school district of that, Rothlisberg said.

"I guess the thing that maybe was disturbing was the degree to what the background check is done," Rothlisberg said. "In fairness to the DPI they do 20,000 checks each year. But the information provided is gone on the premise that the applicant is going to be honest and is going to tell the truth."

The DPI followed up when it learned of the conviction but

could not tell the school district because of a confidentiality clause in state law, said Peter Burke, supervisor of teacher education and licensing for the DPI.

"He attributed it to a Halloween prank and being out in the backyard dressed up like Zorro. We accepted his explanation. We also checked with the school district and they indicated that had he not resigned they would not have been able to let him go," Burke said.

"I feel very strongly that we did our work," Burke added. "It's a shame they had to find a scapegoat and make it the state department."

The Northbrook Township High School District agreed in its settlement with the official that it would not inhibit his search for new employment and provided two positive letters of recommendation, according to the report.

Diane Freeman, spokeswoman-

an for the Northbrook, Ill., school district, did not return a phone call seeking comment on the allegations in the report. There was no phone listing in Shawano for the school official.

The official is accused of driving a boy to Wausau last October, where he bought clothes and a meal for him, then brought him back to his Shawano home, according to a search warrant filed two months ago. The boy, who is a member of the Menominee tribe, attends school in Shawano County.

The next day, the boy complained of dizziness and was taken to a hospital where a blood test showed the presence of a tranquilizer and a physical exam found a trace of semen.

Shawano County District Attorney Gary Bruno said Wednesday that no charges have been filed and the case is still under investigation.

The school official was ban-

ished from the reservation in April, shortly after the allegations surfaced. He was fired three weeks later. When the DPI began revocation proceedings following his dismissal, the school official surrendered his teaching license, Burke said.

The district hired API Inc., a private investigative agency, to look into the circumstances of the official's hiring in 1993.

The agency's report, released this week, said the district "is clearly the victim of another school's decision to conceal the circumstances of (the official's) Illinois employment separation and cover it up with glowing recommendations."

Menominee Tribal Chairman John Teller said he was disappointed that charges have not been filed.

"We were led to believe that from the investigating officer ... that a month ago charges were imminent," Teller said.



MPS tardy in checking criminal records

By MARY ZAHN
AND STEVE SCHULTZ
of the Journal Sentinel staff

At Milwaukee Public Schools, a criminal past does not guarantee a teacher's expulsion from the classroom, in part because MPS often doesn't know.

MPS started checking the backgrounds of newly hired teachers for criminal convictions in 1993, and started checking on all teachers this year. As a result, MPS has failed to detect criminal convictions of some teachers in its employ.

For example, MPS didn't know that veteran physical education teacher Earl M. Thomas III had been convicted of a misdemeanor sex assault in 1991 — for ordering a long-time girlfriend to submit to sex at gunpoint — until asked about it by the Journal Sentinel.

Since the 1970s, MPS has checked the criminal backgrounds of its janitors and food service workers only because those workers go through City of Milwaukee civil service hiring procedures. Teachers do not.

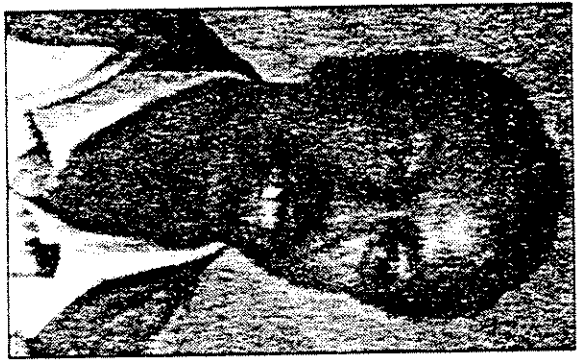
However, since 1994 several safeguards have been put in place that may prevent future cases like Thomas' from slipping through the cracks. Before resigning, MPS su-

perintendent Howard Fuller informally asked Milwaukee County District Attorney E. Michael McCann to inform him of all charges filed against MPS employees. Also, the state Department of Corrections is required to inform all school districts of any probation case involving their employees.

MPS officials are now seeking to fire Thomas, 47, who was ordered by MPS to leave Madison High School at the end of the school day Sept. 27, 1995, under emergency misconduct procedures. Those emergency procedures were enforced after reporters questioned Thomas' criminal record.

Thomas, an MPS teacher since 1970, has since returned to work pending appeal hearings on the recommendation to fire him. Thomas said in an interview in October that he pleaded no contest to the misdemeanor sex assault charge to avoid unwanted publicity and legal fees. He and his girlfriend now are trying to convince the D.A.'s office the original allegation was false. Assistant District Attorney Donald Jackson said the original felony charge was reduced at the request of the victim, who did not want to testify against Thomas or jeopardize his employment with MPS.

A Moral Code
Most criminal convictions



Marvin Reed, a teacher for 23 years, was fired after he was convicted of felony drug dealing.

don't automatically disqualify a teacher or other employee from school employment. MPS must decide whether the convictions were for "immoral conduct," a standard that's not defined.

"We have to weigh whether the circumstances of those convictions substantially relate to their employment," explained Barbara Horton, deputy MPS superintendent.

"We can't say (everybody) who committed a crime is going to be fired." To date, the state Justice Department has completed crimi-



Teacher Earl M. Thomas III was convicted of a misdemeanor sexual assault in 1991.

Teacher Earl M. Thomas III was convicted of a misdemeanor sexual assault in 1991. nal record checks on 1,491 MPS employees, or about 10% of its work force. Preliminary results showed nine current employees had felony records and 34 had misdemeanor records, said Ray Nemour, MPS director of human resources.

The cases included felony charges against one teacher, for unauthorized use of a car, and misdemeanor charges against 10 teachers for a variety of offenses, such as disorderly conduct, battery and drug charges. The other MPS employees found to have criminal convictions were teacher's aides,

playground attendants, secretaries and one assistant principal.

The Next Step

In a case involving a criminal conviction, MPS in October fired Marvin Reed, a teacher for 23 years, after he was convicted and sentenced to probation for felony drug dealing.

Reed's teaching license has been revoked by the state Department of Public Instruction. DPI is the agency charged with licensing teachers.

In Thomas' case, DPI has yet to decide whether his license will be revoked.

Under state law, felony convictions for crimes against children and crimes such as murder are cause for automatic revocation, but drug dealing is not.

"You can pretty much do something short of killing someone and you won't lose your teaching job," said Kathleen Kalashian, a DPI staff attorney.

The teacher licensing law is ill-defined.

The state superintendent of schools can revoke a teacher's license "if there's clear and convincing evidence that the person engaged in immoral conduct and that conduct is related to the health, welfare or education of any pupil," Kalashian said.

When teachers get punished

Shortcomings in MPS' personnel system obscure the true number of total misconduct allegations against MPS teachers, but newly released records allow estimates of the scope of the problem.

MISCONDUCT CASES

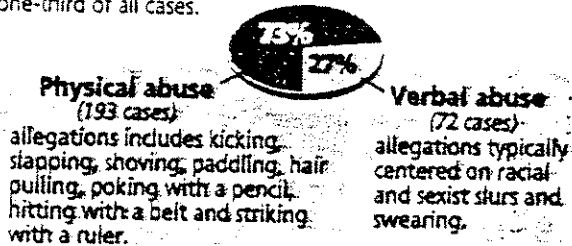
TYPES

Misconduct allegations against staff include:

- Physical abuse
- Verbal abuse
- Assault
- Sex-, drug- or alcohol-related
- Financial misdeeds
- Excessive tardiness
- Sick-leave abuse
- Emotionally disturbed behavior

NUMBER

According to MPS estimates and union records, two major categories, physical and verbal abuse accounted for **265 cases** of misconduct from 1970 to 1992, one-third of all cases.



The vast majority of those cases were filed between 1983-92, averaging 23 per year.

THE DISCIPLINE CYCLE

When the principal or supervisor notifies a teacher in writing of misconduct allegations, the teacher is then required to attend...

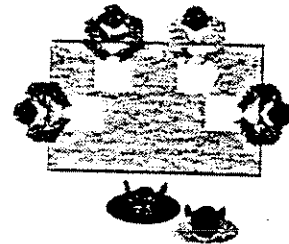
...a conference at school with the principal and a union representative, if requested, to discuss the matter.



...a hearing at the central office with the principal, union representative and MPS administrative specialist.

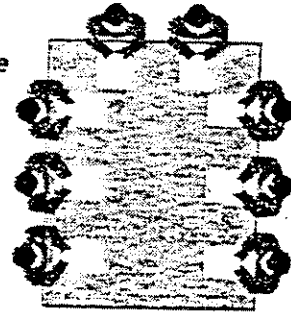


...a hearing at the central office with the principal, union representative and top MPS human resource administrators. Decision on discipline is made and submitted to the superintendent, who must approve it.



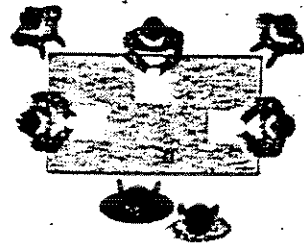
IF NOT RESOLVED

...a hearing before a School Board committee (if not tenured) or the full board (if tenured). In either case, the full board must approve final discipline. Witnesses are heard under oath and both union and city attorneys have the right to cross-examine them.



IF NOT RESOLVED

Arbitration. A formal hearing held before an independent hearing examiner with witnesses questioned by lawyers. The examiner's decision on discipline is the final step, unless a teacher decides to take the case to court.



MPS vs. arbitration

- ▶ In the last five school years, 17 teachers appealed their punishment to arbitrators. In 11 of those cases, MPS lost all or some of the imposed discipline, a 35% success rate.