

Board & Administrator

FOR SUPERINTENDENTS ONLY

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Editor: Jeff Stratton

Hired gun shooting down bond referendums

Superintendents and boards always have a 15-round fight on their hands when they try to persuade their community to pass a bond issue to increase funding for schools.

But now, the gloves are coming off.

The methods schools use to pass a bond referendum must be at a much higher level now that an Ocheyedan, Iowa man, **Paul Dorr**, is selling his consulting services to groups opposed to new school funding. Superintendents say Dorr employs bare-knuckle tactics to defeat bond referendums, while earning thousands of dollars in Midwest communities.

Superintendent **Larry Molacek** (South Tama, Iowa) doesn't know if Dorr plans to expand his efforts from the Midwest and go national, or if others will pick up on his tactics. Dorr would not comment.

But Molacek has presented at state and national conferences to bring attention to Dorr's tactics. "There is interest across the country in this type of person," he

says. When you consider floating a referendum, understand the methods Dorr uses, or risk being blindsided. Making solid preparations to counteract Dorr's tactics may become vital to your chances of success. (See "Defeat professional 'Vote No' campaigns" on page 4.)

"There is now a professional campaign manager for the no vote," Superintendent **Les Norman** (Lake Crystal, Minn.) says. "Paul Dorr is hired to change voter opinion. From what I've seen, he does his job very well."

Dorr says he has a nearly 90% success rate in defeating school funding referendums. He says he sells his services to vote no groups to provide "organized competition" to the "local government schools."

Superintendents say Dorr uses the following tactics to defeat school bond issues:

- **Campaign literature he designs to portray schools in a negative light.** The literature will:
 - ✓ **Use recent test scores** to make the district look bad to residents.
 - ✓ **Use declining enrollment** as a reason to vote no.
 - ✓ **Pound on property taxes.** "He has a heyday with property taxes in his literature," Norman says.
 - ✓ **Twist per pupil costs.** "In my opinion, he distorts these numbers—but presents them as gospel," Norman says.

90% success rate on vote-no efforts

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Board & Administrator

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From The Board Doctor®

When you sense passivity or disengagement on your board, you need to get a sense of where the specific problems lie.

Consider evaluating your board's current performance to identify the problems.



I have a board evaluation document that can help you do this. The form has five categories:

- board composition
- orientation and training
- organization of the board
- the board at work, and

- evaluation of the board.

Under each section are several statements that ask for a "yes," "no" or "need to work on this" response. For example, under the category "the board at work," you'll find the statement, "Board meetings are characterized by free discussion, general participation and active thinking."

Any statement you rate "no" or "need to work on this" deserves your immediate attention. The board needs additional support and guidance to address these problems.

If you'd like to see this board evaluation document, e-mail me at jeffs@radiks.net, and please provide a fax number.

Sincerely,
Jeff Stratton, Editor

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- ✓ **Use "skeletons" in the district's closet.** Dorr will pounce on any instances of district employees in the news in a negative light and use that to help defeat the bond issue, Norman says. Dorr's campaign literature is particularly effective because of how he times it. He mails his literature late in a campaign, superintendents say, leaving schools who are unprepared with no time to respond. "If your election is scheduled for a Tuesday, he will mail his literature on a Friday before the election," Norman says. "That does not give the district or your vote yes citizen group a chance to respond."
- **Controversial radio advertising.** Norman and Molacek believe Dorr used his own children, pretending to be students from the district, in these effective radio spots. Dorr says he uses paid actors in his advertising. Molacek describes a Dorr radio ad: "A child will say, 'I'm a student. My mom and dad have been talking about the new bills coming in and now the district wants to build a new building.

Mom and dad don't know how they will pay the bills if they have to pay more taxes. Gee, I'd like a new bike someday.'"

"This will run four or five days before the election and you don't have enough time to get out and tell the truth about what he's saying," Molacek says.

- **Ghostwritten letters to the editor.** Molacek says that an individual he believes is fictitious, Nicole Jamison, wrote one letter to the editor against the bond issue. "The day of the election the paper wrote an article, 'Where is Nicole Jamison?', but by then the damage is done," he says. Molacek believes there is no Nicole Jamison in his community.
- **Attacks on the superintendent and the board.** Molacek believes that Dorr asked the county attorney to file charges with the police against him for failing to make public documents available. In Iowa, officials have 10-20 days to respond to requests for public information. On day nine of this period, Molacek believes Dorr contacted the

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county attorney with his complaint. No charges were filed, but, according to Molacek, Dorr was able to put out a mailing that painted him as trying to hide information the public has a right to know.

- **Voter challenges.** Norman says that citizens who vote over their lunch hour may have their right to vote in the bond election challenged at the polling site. This can discourage yes voters.

“Over their lunch break, some voters may not wait for the challenge to get resolved,” he says.

- **Services sold to local landowners.** Norman believes Dorr contacts big landowners who will be most affected by a tax rate increase and offers his services. “Putting together what I’ve learned from other districts, I believe he typically charges \$10,000-\$15,000 for his services,” Norman says. ■

An interview with Paul Dorr

In response to questions from *Board & Administrator*, Paul Dorr, Copperhead Consulting Services, Ocheyedon, Iowa, e-mailed the following responses:

Board & Administrator (B&A): Why do you work to defeat campaigns to increase funding for public schools? Is this simply a business with a profit motive for you?

Paul Dorr (Dorr): An important reason is that local government schools have become a finely tuned political machine. They need a little organized competition at the voting booth. I merely assist in setting that up. The local folks take it from there.

B&A: Superintendents say you have an extremely impressive record in defeating bond referendums. What is your success rate?

Dorr: 24-3, saving \$256 million in property taxes. That is 24 bond issues (and a few legislative cap overrides and instructional support levies) defeated, and three that passed.

B&A: Is it accurate to say that to date you have worked in Iowa, Minnesota and Nebraska only? Where else?

Dorr: My business is expanding but I’ll have no other comment on that at this time.

B&A: Do you plan to offer your services in other areas of the country? Have you received much interest from other states

about your consulting work?

Dorr: No comment.

B&A: Superintendents believe you have used your children in vote-no radio ads. Do you do this? Have you ever?

Dorr: They are paid actors whose identities, as minors, I will not disclose. I would love to use local children in the ads, but their parents are terrified of the retribution meted out by administration and staff of the local school if they dared to do such. Part of what I do is help lift the oppression experienced by local parents from those holding power over their lives in government schools. This oppression is a living reality in every community where I have met with parents and grandparents. Meanwhile, I am forced to hire actors.

B&A: Superintendents characterize you as an “outsider” who comes into the community to make money, divides the community, and portrays schools in the worst possible light. Your response to that?

Dorr: Wait a minute. The majority of voters are agreeing with my clients. The only thing I am outsider to is the superintendents’ agenda. As a former bank owner and bank stock acquisition consultant, in my professional experiences—and with a few noted exceptions—I haven’t met a greater class of scoundrels than school superintendents. They are often the ones dividing up their own communities. ■

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Defeat professionally managed “Vote No” campaigns

Winning tactics

Superintendents Les Norman and Larry Molacek have passed bond issues in their communities, after the vote-no citizen’s group hired Iowa consultant Paul Dorr. Ninety percent of districts have seen their referendums defeated after the vote-no group hires Dorr.

“He has a wonderful record,” in defeating bond issues, Norman (Lake Crystal, Minn.) says. Norman says he knows of nearly 25 bond issues that were defeated after Dorr was hired, and of only a few that were successful.

So how do you counteract Dorr’s methods?

1. **Study his tactics.** Norman contacted other districts where Dorr had worked and developed a profile of his campaign tactics. Norman also brought in Molacek (South Tama, Iowa) to meet with his vote yes citizen’s group for a strategy session. “This was two months before our election, and helped our group know what they were up against,” Norman says.
2. **Prepare a reply for each negative mailing and know when they will hit the mail.** Norman advises “making friends with the postal clerk,” to learn this information. Be ready to tell your story, again and again, Norman says.
3. **Use your local media.** For Norman, this included columns in the local paper, regular letters to the editor,

and a weekly newspaper article on the bond issue. In addition, the vote-yes committee produced radio spots to match Dorr’s.

4. **Prepare to go door to door.** “We targeted people who didn’t get out and vote in our first bond issue,” Molacek says.

In addition, Molacek says a pro-school public speaking group spoke with service groups in the community to drum up support.

5. **Be proud of your district.** Defend it.
6. **Expose the outsider.** Let people know who he is, and explain his tactics. When the George-Little Rock Community School District (Little Rock, Iowa) was preparing for its bond election, the George city Web site (www.george-iowa.com) had a section titled, “Who is Paul Dorr?” The section provided links to many newspaper articles about Dorr, and some of his writings.
7. **Define political campaign information for your community.** “Districts are required to put out accurate information, and we are continually tested by the public on its accuracy,” Norman says. Political campaigns like vote-no committees aren’t subject to this requirement. “What they write is only opinion,” Norman says. The community needs to understand the distinction. ■

Board takes offensive after attack

Superintendent Les Norman says the vote-no efforts to defeat a bond issue in his community included letters to the editor discrediting the school board. Vote-no committee members also attended school board meetings. When someone made a negative remark toward the vote-no committee, Paul Dorr

used the behavior of the school board member in his literature.

Norman’s board counterattacked. “The board took the offensive and began writing letters to the editor about Paul Dorr,” Norman says.

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The board's message to the community: You need to understand that the vote-no committee has hired an individual to tell us how bad we are so that you will not support the schools.

"Typically, board members are not very aggressive," Norman says. "But because of our prior planning, board members were able to put together some very clever

letters that we could use to neutralize Dorr."

Superintendent **Larry Molacek** also says board backing was important to fighting the vote-no campaign. He incurred legal bills while ensuring his actions complied with the law, and the board understood and supported him. ■

The press and FOI: Be forthcoming or become a target

The first national "Sunshine Week: Your Right to Know" was March 13-19. The press coverage of this event shed light on the importance of government organizations like the schools, police, and local and state government officials, operating openly.

There is much at stake for superintendents regarding sunshine requests. Superintendents must be 100 percent honest with the press. When reporters are digging, stonewalling on what may be an embarrassment to you or the district could cost you your job.

Case in point: In January 2004, a Texas superintendent resigned after failing to turn over invoices for school construction work to a local newspaper.

Former Superintendent **Paul Hewitt** (Cameron Park, Calif.) says when reporters seek public information, do two things:

1. Follow the law, and
2. Prepare those who will be affected by the disclosure of public information.

"What may be a small embarrassment is really nothing compared to getting reporters stirred up enough to make you a target," says Hewitt, a consultant to school districts, and a member services representative for the Association of California School Administrators.

As superintendent, Hewitt once had a reporter ask him for the names of all the teachers in the district and their contract-

ed salaries for publication in the paper. His immediate reaction was, "That's not public information, is it?"

Hewitt called the district's attorney and was told, "Yes, that is public information, and the law requires you to provide it."

That's a bomb no superintendent wants to see dropped on his teaching staff. To prevent it from dropping unannounced, Hewitt sent a letter to each teacher in the district explaining why he had to provide the information, along with the attorney's opinion. "I told them that I thought it was an invasion of their privacy and I didn't like it," Hewitt says. "I also explained that I couldn't refuse the request based on the law."

By informing teachers before the paper hit the streets, Hewitt deflected all the anger from himself to the newspaper. "People need to be prepared for what they'll read in the paper and that was critical in this case for both teachers and the board," he says.

Redirecting the anger is a viable strategy when responding to press requests, Hewitt says. "It's something I discovered later in my career. Let your staff know you are angry about things too. Tell them that the law forces you to comply, but you consider it an invasion of privacy."

For more about open-government issues, visit www.sunshineweek.org. ■



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there, and I'd
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Education News Report

NSBA says it may have solution for objections to NCLB

The crux of the assorted challenges by districts and states to the No Child Left Behind Act has been over the issue of flexibility.

With that in mind, the National School Boards Association has proposed a series of amendments to the expansive education law. More than 800 school board leaders from across the country met with members of Congress to introduce the proposed changes.

If the NSBA's effort is successful, districts and states could receive much more leeway than they have been given to date under NCLB, yet still remain accountable, said **Tom Hutton**, an NSBA staff attorney.

"We believe that legislative changes to NCLB are important to make sure that all students benefit from the law's provisions," said **Anne L. Bryant**, the group's executive director. "Our proposal eases the financial burden on districts and gives schools and states more flexibility in meeting the law's requirements. We also want to make sure that the information provided to the public about achievement levels accurately reflects performance by students, schools and districts."

As it stands now, one student can determine whether a school or district makes adequate yearly progress. During **Rod Paige's** tenure as education secretary, the U.S. Department of Education was roundly criticized by educators for being unyielding on such issues as student participation in testing, particularly for those students with disabilities or with limited English proficiency.

But Hutton is optimistic that with a new secretary, **Margaret Spellings**, and a couple of years under NCLB's belt, both Congress and the department will be open to new ideas.

"We're certainly hopeful we can turn over a new leaf, and talk about making the law work instead of recriminations flying back and forth," Hutton said.

NSBA's proposed changes fall into three categories: AYP, flexibility for states, and sanctions.

The proposal calls for redefining AYP measures of student progress, strengthening the connection between sanctions and specific student achievement progress needs, and allowing states to more effectively mesh NCLB with their own accountability systems.

"Local school boards welcome the increased accountability for improving student achievement that comes from NCLB," said **George H. McShan**, NSBA president and a Texas school board member. "But

Congress must address these changes in order to protect the credibility of NCLB and maintain the public's confidence in our public schools."

Hutton said initial indications are that several members of Congress are reluctant "to open a can of worms" at this point, especially since NCLB comes up for reauthorization in 2007. ■

District violated superintendent's rights to due process

Case name: *Baird v. Board of Education for Warren Community Union Sch. Dist. No. 205, et al., No. 03-3630* (7th Cir. 11/12/04).

Ruling: A superintendent succeeded in overturning a district court's decision that held an Illinois school district didn't violate his due process rights by denying him due process of law prior to terminating him. The 7th U.S. Circuit Court of Appeals concluded the superintendent, who could only be terminated for cause, was entitled to due process requirements, including the right to confront his accusers and cross-examine, as well as notice and an opportunity to be heard. ■

Public Disclosure Act doesn't require availability of tapes in every format

Case name: *Boss v. Peninsula School District, No. 31784-2-II* (Wash. Ct. App. 01/25/05).

Ruling: A school district was not required under the Public Disclosure Act to provide copies of documents not in its possession or tapes of meetings in the format requested by a citizen.

Background: In order to assess candidates for a school board election, **Randy Boss** requested an audiotape of a school board meeting, as well as handouts given to the board by candidates for two vacant seats.

The district informed Boss that it did not possess the handouts and attempts to obtain copies were unsuccessful. It gave Boss a copy of the audiotape, but it was not in the standard format found in his car stereo. The district offered use of their tape players. He filed suit under Washington's Public Disclosure Act, claiming the district must produce the handouts and provide copies of the tape in a standard format. The Court of Appeals found the district had provided "the fullest assistance," as required by law, to allow Boss to review the tape. Furthermore, the act did not require a public entity to produce a document it does not possess. ■

Tips From The Trenches

Better board relationships— one board member at a time

Superintendent **Jim Burgett** (Highland, Ill.) concentrates on individual board members to keep relationships healthy.

1. Individual meetings with new board members.

“I usually set up lunch meetings with rookie board members to discuss board processes, answer questions and cover boardsmanship,” Burgett says. “We’ll go over the budget at these sessions, and discuss any complicated issues. I also offer to take new board members on tours of our schools.”

2. One-on-one sessions with board members who have an agenda. “I will invite them to my office or make an appointment to meet them in their office or home,” he says. “Being in their domain works well for reviewing areas of concern, because it’s in a friendly, one-on-one setting. It has worked for me for over 25 years.” ■

News on 2005 business mileage reimbursements

There has been no change for 2005 in the 14 cents-per-mile deduction rate that volunteers (including board members) can claim when they use their own cars on behalf of a nonprofit organization and are not reimbursed.

However, in 2005 you can give more tax-free reimbursements to employees who use their personal cars on organization business. Due to rising gas prices, the increase in this rate is the largest one-year rise ever.

The new per-mile business driving rate is 40.5 cents. This is an increase of 3 cents over the 2004 rate. ■

Nominal time investment pays off with insights

Administrator **Larry Putnam** (Malta, Mont.) tells me that making the time to learn the challenges and problems of board members’ work lives is well worth the investment.

“Board members bring a variety of work experience into the board room,” Putnam says. “I have business owners, ranchers, attorneys, bankers, human resource managers and physicians on the board.

“By taking a little time to learn a few of the work-life challenges and problems faced by board members, it really helps me to understand where an individual

board member is coming from. Sometimes, our organization is facing similar challenges and problems.”

Putnam’s organization is located in a small town—about 2,000 people. That makes it fairly easy for him to visit board members at their place of business and learn their workplace issues. “Also, because ours is a small town, I attend community events and activities that board members also attend,” Putnam says. ■

Keep a ‘results’ file on yourself

Administrator **Sherri Gideon** (Denton, Texas) keeps a personnel file for herself and uses it as a tool during her performance evaluation. In her file, she keeps examples of her accomplishments. “Each year, on the anniversary date of my employment, I give the board a review of the accomplishments I have made personally as well as those of our organization,” Gideon says.

“By keeping my personnel file up-to-date, I have justification if I need to explain why I am entitled to more compensation.”

Added bonus: You have a handy file of organizational accomplishments that can be used in printed materials like the organization’s annual report, or monthly newsletter, Gideon says. ■

Year-end report tracks key issues

Administrator **Mary Beth Corace** (Largo, Fla.) uses year-end status reports to help the board track progress on issues that are central to the board and district’s goals. “We have certain issues that are identified at the beginning of the year that we need to track throughout the year,” Corace says. “I develop a status report on every issue and follow it throughout the year. The report covers when the issue was brought up, the board’s direction to staff, who owns it and the issue’s current status.”

An example: Last year, Corace generated a status report that tracked progress on a successful referendum that increased funding for teacher salaries.

“The year-end status reports let us take a look at what we’ve accomplished over the past year, what has moved forward, and what is still on our plate. Using these reports prevents us from spinning our wheels and dropping issues during the course of the year. They are really a way of monitoring our progress.

“The status reports can also be used down the road,” she says. “The reports let me develop time lines for future years so we know when certain issues will come up.” ■

Fact sheet speeds approval of consent agenda

The consent agenda is designed to conserve board meeting time by grouping routine board business together and passing the items in one motion without discussion.

But some board members like to dig into the consent agenda, and can waste meeting time with drawn-out discussion on routine business like approval of bills and payroll.

Superintendent **Tom Kahn** (Elmwood, Ill.) speeds up board approval of the consent agenda by providing members with a fact sheet that explains every item and his recommendation on each one.

"I include the fact sheet in the board meeting packet the board receives before the meeting," Kahn says. "Now, if a board member has questions about a consent issue, they can contact me before the meeting to discuss it."

The strategy has cut meeting length

dramatically. Kahn says the fact sheet has chopped about 90 minutes off of the meeting, from 2.5 hours to one hour.

Here's an example of how Kahn words his consent agenda fact sheet:

Consent agenda item:

Approval to dismiss. Background: Enclosed in your packet are resolutions for non-reemployment for the 2004-05 school year. Included are resolutions not to rehire one first-year teacher, part-time teachers and teacher aides. The resolutions are necessary at this time due to uncertainty with the Illinois State Board of Education, the office of the Governor, future funding issues, and mandated time lines for notification.

Superintendent's recommendation: Adopt the resolutions for non-reemployment of a first-year teacher, part-time teachers and teacher aides for the 2004-05 school year. ■

Board meeting efficiency

What would you do? Bad publicity for school

A battle has erupted between your board president and the editor of the local paper. The president wrote a scathing letter to the editor and listed a litany of complaints about the paper's coverage of school events.

The board president wrote her letter on school stationery, and neither you nor the school board had any advance knowledge of her plans to complain to the paper.

You have tried to intercede in the squabble, and asked to meet with the editor to resolve the issue. The board president wants to attend the meeting, but the editor doesn't want to meet with the board president. *What do you do?*

1. Insist that the board president and editor meet to iron out their differences. After all, the paper's efforts at reporting school news could be more positive. Plus, as the board's leader, the board president should take the initiative in mending fences.

2. This is a full board problem that should be addressed by the full board. The board president has caused a public relations problem by writing her complaints on school stationery. In doing so, she has misrepresented herself.

Correct answer is #2: Yes, this is a problem for the full board. No board member, even the president, has the authority to act on behalf of the board and the schools. Board members should discuss the difference between acting for the full board and acting as an individual.

The full board is responsible for board discipline. That means correcting board members when they exceed their authority. The reality is, however, you'll probably have to help the board resolve the matter with the local paper.

Explain the situation to the full board and ask them how they would like you to resolve their problem. ■

Improper letter to the editor