

# Evaluating Coaches

Drew Bracken  
Ahlers & Cooney, P.C.  
100 Court Avenue Suite 600, Des Moines, Iowa 50309  
[dbracken@ahlerslaw.com](mailto:dbracken@ahlerslaw.com) (515)246-0307

## **I. School Boards have the Authority to set School District Policy and Goals Relative to Athletics and Other Extracurricular Activities**

### **A. Iowa Code section 279.8 General Rules**

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules. . .

### **B. Administrative Rules Relating to Extracurricular Programs**

The rules of the Department of Education show that the athletic program is indeed part of the District's instructional program

12.6(1) General guidelines. Each board shall sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate.

The program shall be supervised by qualified professional staff and shall be designed to meet the needs and interests and challenge the abilities of all pupils consistent with their individual stages of development;  
contribute to the physical, mental, athletic, civic, social, moral, and emotional growth of all pupils;  
offer opportunities for both individual and group activities;  
be integrated with the instructional program;  
and provide balance so a limited number of activities will not be perpetuated at the expense of others.

### **C. Setting the Rules: An Example**

*Board of Directors of Ames Community School Dist. v. Cullinan*, 745 N.W.2d 487 (Iowa 2008). Ames School District had adopted both a parent-athlete handbook and a coach's handbook which were critically important in the outcome of that case.

The parent-athlete handbook stated five “basic principles” including that

[t]he welfare of the kids comes first. In athletics there are numerous opportunities for coaches to exploit kids in order to win games, and we can all recount instances where this has happened. The physical, mental, and emotional well-being of our athletes must at all times be our primary concern.

The “Coach's Handbook” stated:

Your leadership is vital to the end. It is expected to be of the highest quality exemplifying to the participants, student spectators, and adult spectators, the individual and team the qualities to be developed through our activities program.

Measurement of success beyond the tangible performance record would be the intangible personality development and self-esteem factors that are a product of the major objectives of our athletic program.

Because the nature of your responsibilities are in the “public's eye,” the district expects that your behavior be above reproach at all times, both on and off the playing field, and that your objectives and expectations be high and conform with the overall philosophy of our school. Good sportsmanship by your team should be modeled by you and your staff.

## **II. The Board’s Authority to Establish Employee Evaluation Criteria**

Iowa Code section 279.23A Evaluation Criteria and Procedures.

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions.

Iowa Code section 279.14(2) Evaluation Criteria and Procedures:

The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20.

## **III. The Responsibility of Administrators Relative to Athletics**

Iowa Administrative Code section 12.4(7) Principal.

“Principal” means a licensed/certificated member of a school’s instructional staff who serves as an instructional leader . . .

provides formative evaluation for all practitioners and other persons in the school .  
..  
implements the local school board’s policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school’s student activities program.

#### **IV. The Responsibility of Coaches to Implement School Policy and Goals**

Iowa Code Chapter 272 – Educational Examiners Board  
Responsible for regulating the teaching profession in Iowa

Iowa Code section 272.31 – Coaching Authorization  
Iowa Administrative Code 281-36.1(2):

“Coach” means an individual, with coaching endorsement or authorization as required by Iowa law, employed by a school district under the provisions of an extracurricular athletic contract or employed by a nonpublic school in a position responsible for an extracurricular athletic activity. “Coach” also includes an individual who instructs, diagnoses, prescribes, evaluates, assists, or directs student learning of an interscholastic athletic endeavor on a voluntary basis on behalf of a school or school district.

Iowa Code section 272.1(15) Teacher  
Iowa Administrative Code section 281-12.4(8) Teacher

A teacher shall be defined as a member of the instructional professional staff who holds a license/certificate endorsed for the type of position in which employed. A teacher diagnoses, prescribes, evaluates, and directs student learning in terms of the school’s objectives, either singly or in concert with other professional staff members; shares responsibility with the total professional staff for developing educational procedures and student activities to be used in achieving the school’s objectives; supervises educational aides who assist in serving students for whom the teacher is responsible; and evaluates or assesses student progress during and following instruction in terms of the objectives sought, and uses this information to develop further educational procedures.

#### **V. Responsibility of Administrators to Evaluate Coaches and Respond to Concerns**

Principals are Instructional Leaders. Athletic Directors are Instructional Leaders, too.

Direction and supervision of the athletic program is exercise in an instructional leadership. Evaluation of employees should be methodical, detailed and specific.

Universal, fundamental approach for responding to concerns and complaints:

- (1) Concerns/complaints should be detailed and specific.
- (2) Administrator should make a prompt inquiry into the facts.
- (3) Administrator should apply the facts against District policy, rules or expectations. Do the actual facts show a violation/error or not?
- (4) Administrator should respond to all parties and the response also should be detailed and specific

## **VI. The Coaching Evaluation Instrument**

Iowa Code Section 284.3 – The Iowa Teaching Standards can be effectively modified to suit evaluation of coaches in athletics.

## **VII. Some Possible Additional Specific Standards of Performance**

### **A. Winning and losing:**

Two decisions from the Iowa Supreme Court imply that team performance relating to winning and losing should not be a performance criterion for a coach. In *Board of Ed. of Ft. Madison Community School Dist. v. Youel*, 282 N.W.2d 677 (Iowa 1979), the Court emphasized that the School Board did not equate the criticism of the football coach and the concerns with the football program with winning and losing. In *Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982), the Court stated that disappointing results does not necessarily mean that an athletic program is not competitive. There are many reasons why an athletic program may succeed or fail at any given time.

Query: What if winning and losing is described as an indicator of student performance? Doesn't a pattern of poor performance relative to peer institutions indicate an area needing improvement? Isn't consistent low scores in reading, relative to peer school districts, considered by some a meaningful indicator of school/employee performance? Why can't we use comparisons to peer institutions in programs that are directly competitive and where we actually keep score?

### **B. Program development - Participation vs. attrition**

Court decisions do support the use of participation as a performance criterion. But it remains a question of proof if poor participation can be attributed to the coach.

*Board of Ed. of Ft. Madison Community School Dist. v. Youel*, 282 N.W.2d 677 (Iowa 1979). Evidence in support of Superintendent's charge that the football program

deteriorated included evidence that the number of students who participated decreased and attendance at games declined. “Neither was dramatic, but the decline, however insignificant in itself, came at a time when other sports prospered and gained in popularity and support.”

*Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982). Participation by students in wrestling program was apparently a legitimate concern, but it was not proven that the Coach was responsible for the lack of sufficient participation. In response to the Superintendent’s charge that there was a decline in interest in the wrestling program, the coach presented testimony from three other coaches that showed there was a general decline in participation through out the state, that there was a negative attitude in the community that hurt the program, and that the coach was competent and dedicated. In addition, the coach presented testimony from a parent who had two sons in the program and this parent was completely satisfied.

**C. Cooperation with the Administration in Implementing School Policy**

*Board of Ed. of Ft. Madison Community School Dist. v. Youel*, 282 N.W.2d 677(Iowa 1979): Twenty five year coach was recommended for termination where reasons included, among other things, “Ft. Madison football program has been improperly handled resulting in a deterioration of that program.” Evidence related to whole program participation, enthusiasm, student interest, leadership, integration with other school programs, and economics:

[Youel] neglected making reports; he postponed submitting roster lists; he was “uncooperative” in reporting injuries and in making certain the required physical exams were scheduled and taken; he spoke out publicly, and sometimes in uncomplimentary terms, against both the superintendent and the athletic director; he made frequent public statements deriding his own players, sometimes individually, sometimes as a team; he refused to comply with suggestions from [the athletic director] and others that he recommended how the football program could be improved; he repeatedly rejected suggestions with the response, “Let [the athletic director] do it” or “Let the administration do it.”

*Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982). Six year wrestling coach recommended for termination based on (1) Failure to maintain competitive [wrestling] program and to show indication that the program will be competitive in the near future and (2) Failure to maintain rapport with the athletes and failure to properly convince them of the importance of the program.

The circumstances, however, differ from Youel. Here there was no personal conflict between Munger and his superiors. There was in fact a warm feeling of friendship which Munger and Mr. Jesse expressed for each other

even during their differences at the hearing. In Youel, the teacher repeatedly thwarted and frustrated efforts to improve the football program, refusing to comply with numerous rules and standards of the athletic department and doing all he could to sabotage the program. . . . Here the opposite is true. Not only did Munger attempt to cooperate, he even offered to resign as coach if that would solve the problem. Thus, we have here, contrary to Youel, a teacher who was trying his utmost to do what was expected of him. Although this does not mean his contract cannot be terminated, it is a circumstance to be considered in reviewing his performance.

#### **D. Subject Matter Competence**

Clearly, a coach can be expected to have competence in the subject matter of the sport or activity. In athletics cases, this factor is sometimes confused with the coach's competence as an athlete as opposed to competence as a coach. In *Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982), for example, the court noted that "the principal acknowledged that the coach was outstanding wrestler and had coached the sport for a number of years and his knowledge of the sport was unchallenged."

Query: Is there a difference between performance as an athlete, in a younger day, and subject matter competence as a coach?

#### **E. Player development**

Player development and skill development appears to be a legitimate criterion of coaching performance. But this criterion can be superficial. In *Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982), the superintendent noted concerns with the lack of participation the coaches' inability to motivate student athletes. In response, the Court noted that "the evidence showed that during the year prior to the board hearing the wrestling team boasted three all-conference champions and one second place finisher. Apparently he was at least successful in motivating these athletes."

Query: Should a coach's performance be measured by the success of a few students or, rather, by the success of all student-athletes? Are athletic programs intended to cull out average participants in order to benefit the few with the most talent and ambition? Furthermore, for head coaches in particular, should player development be across grade levels? Shouldn't head coaches have a plan for developing players as they progress through middle school and high school?

#### **F. Player evaluation - assessment**

In curricular matters, student assessment and evaluation of student progress is critically important. From a legal point of view, student assessment must be "valid and reliable" in order to survive a rational basis test under the due process clause. *Debra P. v.*

*Turlington*, 564 F.Supp. 177 (D.C.Fla.1983). Moreover, schools put a premium on communicating with parents on student performance measures.

Query: What about student-athlete performance? Good coaches should advise student-athletes as to what skills will be taught and measured. Good coaches will then use valid and reliable measures to test and evaluate student performance. Without such measures, aren't coaches' decisions arbitrary, and aren't coaches more exposed to and defenseless from charges of favoritism or retribution?

### **G. Treatment of Students**

*Board of Directors of Ames Community School Dist. v. Cullinan*, 745 N.W.2d 487 (Iowa 2008). Coach was terminated following chronic unresolved habit of mistreating players by such means as ridicule, intimidation, the use of profanity, causing negative effects upon student athletes' self-esteem, lack of team building and leading administrators to conclude that the basketball program was on shaky ground and students were not having fun and not interested in coming out for basketball.

See also *Sheldon Community School Dist. Bd. of Directors v. Lundblad*, 528 N.W.2d 593 (Iowa 1995), where a pattern of sarcasm and/or the use of objectionable statements by a teacher to and about students was sufficient cause for termination.

### **H. Organization, Use of Practice Time and Lesson Plans**

In *Board of Directors of Starmont Community School Dist. v. Banke*, 498 N.W.2d 697 (Iowa 1993), the Court found that evidence of poor planning and execution by a teacher was just cause to terminate his teaching contract. The following can and should apply to coaches as well:

[The teacher's] supervisors both noted problems with [Teacher's] lesson plans in their evaluations of his teaching. Both supervisors found that [Teacher's] lesson plans were incomplete, required improvement, and noted a lack of organization and planning in their evaluations of [Teacher]. In addition, a high school principal brought in to evaluate [Teacher] also noticed a problem with [Teacher's] organization and planning. His evaluations contained criticisms that [Teacher] appeared to be “winging” his lessons and that he used class time inefficiently.

The Board's expert reviewed the scripted portions of the evaluations and concluded that [Teacher] had problems with planning and organization. He noted that [Teacher's] students were “unclear about what the assignments were, where they were going, and what they were supposed to do.”

In addition, [Teacher's] supervisors found deficiencies in his questioning techniques. [Teacher] was also criticized for failing to state to students the

objective of lessons, failing to re-teach as needed, failing to model new techniques to students, and failing to effect closure of lessons.

All of the criticisms listed above could apply just as well to some coaches.

### **VIII. Remediation for Underperforming Coaches**

Iowa Code Section 284.8 - Performance Review Requirements for Teachers

Evaluation and Intensive Assistance

"Intensive assistance" means the provision of organizational support and technical assistance to teachers, other than beginning teachers, for the remediation of identified teaching and classroom management concerns for a period not to exceed twelve months.

*Munger v. Jesup Community School Dist.*, 325 N.W.2d 377 (Iowa 1982):

“Significant, too, is the fact that Munger was given no reason to believe his job was in jeopardy until he received notice that the superintendent intended to recommend termination. He was, in fact, tacitly assured whatever problems existed could be worked out. Thus Munger was given no real opportunity to remedy the complaints against him . .

One who is placed on a plan of remediation has an obligation to comply with the plan:

The Board found a “clear record of lack of compliance” with the principal's request for lesson plans. [Teacher] was repeatedly late in turning in requested lesson plans to his principal and on two occasions did not turn in lesson plans at all. In their evaluations of [Teacher], the supervisors made recommendations and suggestions to [Teacher] for improving teaching techniques. One encouraged [Teacher] to take additional teaching courses in the summer and the other supervisor suggested that [Teacher] observe a master teacher in the district, videotape his class and read an article on effective lesson planning. Although [Teacher] did make arrangements to observe a master teacher, the observation never took place and he did not take additional courses, videotape his class or read the recommended article.

*Board of Directors of Starmont Community School Dist. v. Banke*, 498 N.W.2d 697 (Iowa 1993).