

# IS LOCAL CONTROL OF THE SCHOOLS STILL A VIABLE OPTION?

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Public education in the United States is primarily a function and responsibility of the States. The Constitution of the United States provides that powers not delegated to the national government nor prohibited to the states are reserved to the states or to the people;<sup>1</sup> education, nowhere mentioned in the Constitution, is assigned by implication to the states. Education is, therefore, a state responsibility, and control of the educational system within each state is legally a function of state government.

State legislatures have full power to determine the scope and organization of the public school system and the agencies that make the system effective. Most states assign general leadership, supervisory, and regulatory functions to a state board and department of education. Much of the responsibility for actually conducting educational programs has historically been delegated to local school districts, governed by local boards of education. Legally, these local school districts are agents of the state, created in accordance with state law for the purpose of implementing the state's responsibility. In practice, however, direct local control of education has had a long historical tradition in the United States. As we enter the 1990s, the continued viability of this tradition is being called into question.

## I. AN HISTORICAL PERSPECTIVE ON SCHOOL GOVERNANCE

### A. *The Emergence of Local Boards of Education*<sup>2</sup>

Local control of education manifests itself in an American invention, the local school board. The evolution of school boards accompanied the emergence of the district system of education,

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1. See U.S. CONST. amend. X.

2. Much of the historical information presented in this Section is drawn from N. EDWARDS & H. RICHEY, *THE SCHOOL IN THE AMERICAN SOCIAL ORDER* 84-127 (1947).

which first developed in the New England colonies. The district system evolved from the special geographical and ideological circumstances of the colonial experience. Geographic isolation and transportation and communication difficulties in the early colonies contributed to the development of local districts, but the chief reasons that this structure emerged were an intense belief in the value of local control and opposition to centralized authority. Committees of selectmen, the early forerunners of school boards, were appointed in colonial town meetings to study and supervise the town schools. At first, the school committee was an agency of town government, but gradually, school districts became separate from municipal government, and the school committee became a distinct governing body. By the early Nineteenth Century, boards of education in Massachusetts were separate and distinct from other governing bodies of a city or town. Other states adopted this system of educational governance, and eventually it became universal throughout the United States.

Has this system served us well? Some critics believe that its time has come and gone. They question whether local control of schools is still a viable concept in the 1990s, and whether higher levels of governance should constrain or supersede local control.

Such questioning is not new. Horace Mann described the Massachusetts Act of 1789, which granted legal rights to school districts, as the most unfortunate legislation regarding common schools enacted in Massachusetts.<sup>3</sup> Historian Edwin Dexter stated: "The really disastrous legislation came, however, in 1801, granting the district the power to raise moneys by taxation, a right which had heretofore been vested in the larger social unit, the town. In actual practice, the district proved too small to be entrusted with final legislation in money matters."<sup>4</sup> Most people must have thought the system worked, though, because local districts were established across the country. Roald Campbell, however, suggests that local control was more folklore than fact.<sup>5</sup> Writing in 1959, he pointed out that the public

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3. See R. CAMPBELL, L. CUNNINGHAM, R. NYSTRAND & M. USDAN, *THE ORGANIZATION AND CONTROL OF AMERICAN SCHOOLS* 110 (6th ed. 1990) [hereinafter *ORGANIZATION AND CONTROL*].

4. *Id.* at 110-11 (quoting E. DEXTER, *A HISTORY OF EDUCATION IN THE UNITED STATES* 184 (1922)).

5. See Campbell, *The Folklore of Local School Control*, 67 *SCH. REV.* 1, 15 (1959).

schools "have always operated within a framework established by the various states and that federal influences of some kind have always been prevalent."<sup>6</sup> He suggested that, as of that time, state controls had strengthened and federal activities had multiplied in recent years. The decades since 1959 have surely witnessed an intensification of the trends Campbell noted.

Perhaps the most outspoken of the critics of local control several decades ago was Myron Lieberman, who wrote in 1960: "Local control of education has clearly outlived its usefulness on the American scene. Practically, it must give way to a system of educational controls in which local communities play ceremonial rather than policy-making roles. *Intellectually*, it is already a corpse."<sup>7</sup>

### B. *The Growth of State Control*<sup>8</sup>

A brief historical review of legislation in the area of education provides convincing evidence of the trend toward increased state control. All states have had compulsory school attendance laws throughout most of the Twentieth Century.<sup>9</sup> Pupil admission standards, including age, residence, and immunization requirements, are established directly by statute in most states. In all states, the local district must offer a curriculum approved by the state. States differ in the degree of control exercised, but even in states where local districts retain some discretion, course offerings must meet state guidelines. Most states permit local school districts to select their own textbooks, but these districts usually must choose books from state-approved lists. Virtually every state requires certification of public school teachers. Most states have teacher tenure statutes and laws that govern the employment, transfer, dismissal, and demotion of teachers. State laws authorizing or requiring collective negotiations proliferated during the 1960s and early 1970s. The first such law was enacted in Wisconsin in 1959; by 1975, a majority of the states had enacted negotiation

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6. *Id.*

7. M. LIEBERMAN, *THE FUTURE OF PUBLIC EDUCATION* 34 (1960) (emphasis in original).

8. Much of the historical information presented in this Section is drawn from *ORGANIZATION AND CONTROL*, *supra* note 3, at 76-104.

9. Some states repealed the laws during the school desegregation period of the 1950s and 1960s; most have since reinstated them.

statutes.<sup>10</sup>

Except for negotiation legislation, state control in the areas of compulsory attendance, curriculum, certification, and employment did not increase greatly at the expense of local control during the decades immediately preceding 1980. The decade of the 1980s, however, witnessed a surge in state control of education under the banner of reform. During the years 1982 to 1986, eleven states passed omnibus reform laws.<sup>11</sup> Most of these acts imposed more rigorous academic standards for students and higher standards for teachers. Between 1980 and 1986, forty-five states altered their requirements for earning a standard high school diploma.<sup>12</sup> These alterations have almost invariably entailed increases in required courses. Since 1980, the age span of compulsory school attendance has been increased in fifteen states,<sup>13</sup> and since 1983, eleven states have increased the length of the school year.<sup>14</sup> Although the length of the school day has not been changed significantly as a result of new state mandates, some states have reinterpreted existing regulations to ban certain nonacademic activities during the school day. Restrictions on students' athletic participation ("no pass, no play") have been imposed in fourteen states,<sup>15</sup> and restrictions on students' driving privileges have been imposed in five states, usually in the form of revoking driver's licenses of school dropouts.<sup>16</sup>

In the realm of stiffening teacher requirements, the most usual course of states has been to require prospective teachers to pass a state-mandated competency examination prior to initial certification. Between 1975 and 1986, legislation mandating teacher testing was enacted in thirty-three states.<sup>17</sup> By 1989, passing a competency examination was required in forty-five states.<sup>18</sup> Career ladder plans have not been nearly so pervasive. Two states, Florida and Tennessee, have such plans in

10. See W. VALENTE, *LAW IN THE SCHOOLS* 240 (2d ed. 1987).

11. See Piphio, *States Move Reform Closer to Reality*, 68 *PHI DELTA KAPPAN* K1, K2-K4 (Dec. 1986).

12. See *id.* at K5.

13. See Educ. Comm'n of the States, *Some Indications of State Education Reform Activity*, ECS CLEARINGHOUSE NOTES, Oct. 1989, at 1 [hereinafter *Some Indications*].

14. See *id.*

15. See Educ. Comm'n of the States, *Statewide Mandates on Extracurricular Eligibility*, ECS CLEARINGHOUSE NOTES, Dec. 1989, at 1.

16. See *Some Indications*, *supra* note 13.

17. See Piphio, *supra* note 11, at K6.

18. See *Some Indications*, *supra* note 13.

place, and several other states have enacted legislation or field-tested such plans.<sup>19</sup>

Perhaps the most intrusive state intervention in local school district affairs arises in the context of "academic bankruptcy," or situations in which schools are performing poorly. Nine states now have provisions for state intervention in the operation of school districts that are performing poorly.<sup>20</sup> New Jersey's law is probably the best known; it permits state officials to take complete control of a district and to dismiss school board members and top administrators.<sup>21</sup> The state's takeover of the Jersey City school district was widely publicized.<sup>22</sup>

Similarly, Kentucky's statute permits the state superintendent to intervene in the operation of local school districts and to limit the authority of the local superintendent and local board when identified deficiencies are not corrected.<sup>23</sup> The state's use of this authority to intervene in the Whitley County, Kentucky system, however, was invalidated because the implementing regulations were vague and were applied in an arbitrary manner.<sup>24</sup>

Recent court cases challenging the constitutionality of state school aid formulas have also led to some diminution of local control. Beginning with the 1971 California decision, *Serrano v. Priest*,<sup>25</sup> formulas have been challenged across the country

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19. Career ladders are means by which teachers can receive differential pay by advancing step-by-step up a "career ladder," such as instructor, professional teacher, and master teacher. See ORGANIZATION AND CONTROL, *supra* note 3, at 319.

20. See Educ. Comm'n of the States, *Academic Bankruptcy*, ECS CLEARINGHOUSE NOTES, Oct. 1989, at 1, 1-4. These provisions use a variety of measurement tools to gauge a school district's performance and to determine whether intervention is necessary. Most states rely on one or more student performance indicators including basic skills testing programs, graduation rates, and dropout rates. Other criteria reviewed in some states include educational program content, management and fiscal operations, average class size, pupil-teacher ratio, pupil-administrator ratio, and operating expenditure per pupil.

21. See Public School Education Act of 1975, N.J. STAT. ANN. §§ 18A:7A-15, 18A:7A-34 to 18A:7A-52 (West 1989).

22. See generally *School Takeover: Gentle Words, Tough Action*, N.Y. Times, Mar. 25, 1990, § 12NJ, at 1, col. 1; *Nation: N.J. Takes Over Jersey City Schools*, L.A. Times, Oct. 4, 1989, at A1, col. 1.

23. See KY. REV. STAT. ANN. §§ 158.650-158.750 (Baldwin Supp. 1990). The Kentucky Board of Education is authorized to declare a school district "educationally deficient when, in any school year, the district fails to meet minimum student, program, service, or operational performance standards." KY. REV. STAT. ANN. § 158.685 (Baldwin Supp. 1990).

24. See *Whitley County Bd. of Educ. v. Brock*, No. 89-CI-0302 (Franklin Cir. Ct., Div. II Jan. 5, 1990).

25. 5 Cal. 3d 584, 487 P.2d 1241, 96 Cal. Rptr. 601 (1971) (holding that the Califor-

under equal protection, "uniform system," or "thorough and efficient system" clauses of state constitutions.<sup>26</sup> In at least eight states, constitutional violations requiring remedial legislative action have been found.<sup>27</sup> In some cases, courts have required states to enact legislation to prohibit local districts from raising more than a given amount of local revenue for their schools, even if the local citizenry wants to levy more taxes. Local control is not always denigrated by such court rulings, however; providing additional funding at the state level for poor districts increases the programming options such districts can afford and, for them, enhances local control, assuming the increased funds are made available without strings attached.

A far-reaching decision in the area of school reform was the Supreme Court of Kentucky's 1989 declaration that not merely the finance plan but the entire school system of Kentucky was constitutionally deficient because it did not meet the mandate of an efficient system of common schools throughout the state.<sup>28</sup> The court was outspoken and adamant:

The sole responsibility for providing the system of common schools is that of our General Assembly. . . . The General Assembly must not only establish the system, but it must monitor it on a continuing basis so that it will always be maintained in a constitutional manner. The General Assembly must carefully supervise it, so there is no waste, no duplication, no mismanagement, at any level.<sup>29</sup>

The court went on to state that the obligation to provide an adequate education to every child in the Commonwealth "cannot be shifted to local counties and local school districts."<sup>30</sup>

### C. *The Changing National Role*

At the same time that the states have been increasing their

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nia public school financing system, based primarily on local property taxes, violates the Equal Protection Clause of the Fourteenth Amendment).

26. See generally Underwood, *School Finance Litigation: A New Wave of Reform*, 14 HARV. J.L. & PUB. POL'Y 517 (1991).

27. See *id.*

28. See *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186 (Ky. 1989).

29. *Id.* at 211.

30. *Id.* The Kentucky General Assembly has accepted the Court's mandate to re-create and reestablish a system of common schools within Kentucky that will provide substantially uniform schooling throughout the state. The governor and legislative leadership created a Task Force on Education Reform, with committees on curriculum, finance, and governance, which presented recommendations to the 1990 session of the General Assembly, many of which were designed to strengthen state control over the schools. See *infra* notes 88-95 and accompanying text.

control over local schools, the role of the national government has been changing as well. Despite the United States Constitution's reservation of education as a state responsibility, the federal government has always had some involvement in and influence upon the educational affairs of the nation. The federal government's early participation in education ranged from land grants and distribution of surplus funds for the establishment of common schools to special purpose grants for the establishment of land grant colleges in the 1800s.<sup>31</sup> In the early 1900s, federal funds were provided for vocational education.<sup>32</sup> Numerous significant initiatives followed, including the federal school lunch program,<sup>33</sup> impact aid,<sup>34</sup> the National Defense Education Act of 1958,<sup>35</sup> and the Elementary and Secondary Education Act of 1965 (ESEA).<sup>36</sup> This and similar legislation did not deprive school systems of local control as a legal matter because, in most instances, states and local districts were free to accept or reject federal funds. Acceptance of funds, however, was contingent upon acceptance of the conditions imposed by federal guidelines. As a practical matter, states and local districts simply could not afford to turn down the federal funds, so they accepted the loss of control that accompanied the funds.<sup>37</sup>

In certain policy matters, states and local districts have had no option but to accept federal control. Since the Supreme Court's desegregation decisions of 1954,<sup>38</sup> the federal courts

31. See Act of July 2, 1862, ch. 130, 12 Stat. 503 (codified as amended at 7 U.S.C. §§ 301-308 (1988)).

32. See Act of Feb. 23, 1917, ch. 114, 39 Stat. 929 (codified as amended at 20 U.S.C. §§ 11-28 (1988)).

33. See National School Lunch Act, ch. 281, 60 Stat. 230 (1946) (codified as amended at 42 U.S.C. §§ 1751-1769 (1988)).

34. See Act of Sept. 23, 1950, ch. 995, 64 Stat. 967 (codified as amended at 20 U.S.C. §§ 631-647 (1988)); Act of Sept. 30, 1950, ch. 1124, 64 Stat. 1100 (codified as amended at 20 U.S.C. §§ 236-244 (1988)).

35. Pub. L. No. 85-864, 72 Stat. 1580 (codified as amended at 20 U.S.C. §§ 401-602 (1988)).

36. Pub. L. No. 89-10, 79 Stat. 27 (codified as amended at 20 U.S.C. §§ 2701-3386 (1988)).

37. Federal initiatives do not always diminish state and local control. For example, the availability of federal capacity-building funds from Title V of the original ESEA were intended to strengthen state departments of education. See Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, §§ 501-510, 79 Stat. 27, 47-55 (repealed 1982). Discretionary funds included in federal grants may enhance state or local capacity. Today, however, Title V has been eliminated, and the federal share of financial support of public education dropped during the 1980s from about 9.8 percent to approximately 6.3 percent. See F. LUNENBERG & A. ORNSTEIN, *EDUCATIONAL ADMINISTRATION: CONCEPTS AND PRACTICES* 420 (1991).

38. See *Bolling v. Sharpe*, 347 U.S. 497 (1954); *Brown v. Board of Educ. of Topeka*, 347 U.S. 483 (1954); *Hernandez v. Texas*, 347 U.S. 475 (1954).

have been heavily involved in enforcing constitutional rights of students, particularly under the Fourteenth Amendment and to a lesser extent under the First and Fourth Amendments. Congress has also passed civil rights legislation that outlaws discrimination based on race, religion, sex, age, national origin, handicap, and similar characteristics.<sup>39</sup> The requirements of the Education for All Handicapped Children Act<sup>40</sup> are particularly burdensome, in the view of some school administrators. Local school districts must abide by many of these requirements whether they accept federal funds or not.

In addition to the official actions of the federal government as represented by legislation and federal court decisions, there have been many other nationalizing influences on education. Professor Elmore asserts that "contrary to conventional wisdom, education is neither a state or local function nor a federal one but a 'national' one."<sup>41</sup> According to Elmore, the educational system that emerged in this country during the period 1840 to 1900 "was remarkably homogeneous, in curriculum content, grade structure, staff credentialing, financing, and governance."<sup>42</sup> State systems did not differ greatly, nor were there tremendous variations in local districts. "A kind of national agreement began to emerge on the form and content of public schooling. Yet this was a period of little formal policymaking . . . and even less intervention from federal and state levels on local decisions on curriculum, finance, and organization."<sup>43</sup> Even in the absence of federal and state control, local districts were not greatly different from one another, because of the nationalizing influences of the leaders of the common-school movement. Since 1900, these nationalizing influences have greatly increased in number.

A study conducted in 1961 and 1962 by the Midwest Admin-

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39. See Education of the Handicapped Act, Pub. L. No. 91-230, §§ 601-662, 84 Stat. 121, 175-88 (1970) (codified as amended at 20 U.S.C. §§ 1400-1485 (1988)); Civil Rights Act of 1964, Pub. L. No. 88-352, §§ 401-410, 78 Stat. 241, 246-49 (codified as amended at 42 U.S.C. §§ 2000c to 2000c-9 (1988)); Education Amendments of 1972, Pub. L. No. 92-318, §§ 901-907, 86 Stat. 235, 373-75 (codified as amended at 20 U.S.C. §§ 1681-1688 (1988)).

40. Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (codified as amended at 20 U.S.C. §§ 1400-1485 (1988)).

41. Elmore, *Education and Federalism: Doctrinal, Functional, and Strategic Views*, in *SCHOOL DAYS, RULE DAYS: THE LEGALIZATION AND REGULATION OF EDUCATION* 166, 179-80 (D. Kirp & D. Jensen eds. 1986).

42. *Id.* at 179.

43. *Id.* at 179-80.

istration Center identified more than fifty organizations that have the power to influence schools nationwide, including governmental agencies, religious institutions, foundations, professional associations, accrediting bodies, business organizations, and others.<sup>44</sup> The administrators and teachers of the Illinois high schools participating in the study identified four programs, including two nationwide testing systems (the College Entrance Examination Board and the National Merit Scholarship Program), one quasi-governmental program at the federal level (the National Science Foundation), and one federal program enacted by Congress (the National Defense Education Act of 1958), as the influences most affecting their schools.<sup>45</sup>

These specific programs are only manifestations of more pervasive national phenomena; the programs certainly did not spring full-blown into existence on their own volition. Such reports as the Conant study of the American high school,<sup>46</sup> the Rockefeller report on education,<sup>47</sup> the White House Conference on Education,<sup>48</sup> and the intensive lobbying that accompanied passage of the National Defense Education Act surely had a major impact on the content of these programs. Philanthropic foundations, such as Carnegie, Ford, and Kellogg; professional educational organizations, such as the National Education Association and the American Association of School Administrators; and other organized special interest groups were influential, as well. An even more basic contributing factor was the political and technological competition of the Cold War with the Soviet Union.

Reflecting on the national situation some thirty years ago, Roald Campbell wrote that "[s]chools, like other institutions in our culture, are affected by basic social, economic, political, and technological developments. . . . These basic forces are not local in character; they are national or worldwide in scope."<sup>49</sup>

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44. See Stephens, *The Problem*, in NATIONALIZING INFLUENCES ON SECONDARY EDUCATION 1, 3-4, 14 (R. Campbell & R. Bunnell eds. 1963).

45. See *id.* at 4.

46. J. CONANT, *THE AMERICAN HIGH SCHOOL TODAY: A FIRST REPORT TO INTERESTED CITIZENS* (1st ed. 1959).

47. ROCKEFELLER BROTHERS FUND, *THE PURSUIT OF EXCELLENCE: EDUCATION AND THE FUTURE OF AMERICA* (1958).

48. COMM. FOR THE WHITE HOUSE CONFERENCE ON EDUC., *A REPORT TO THE PRESIDENT* (1956).

49. Campbell, *Processes of Policy Making Within Structures of Educational Government: As Viewed by the Educator*, in GOVERNMENT OF PUBLIC EDUCATION FOR ADEQUATE POLICY MAKING 59, 59-60 (W. McLure & V. Miller eds. 1960).

In response to these forces, political activity occurs. Participants in this activity include not only educators and government officials but also members of the lay public and special-interest groups. The role of the mass media may be very important. Eventually, these political activities culminate in an official expression of policy, such as the passage of a National Defense Education Act.

Campbell depicted his views in a flowchart, reproduced in Figure 1.<sup>50</sup> Campbell's flowchart is as apt in the 1990s as it was in 1960. Substitute economic competition with Japan for the Cold War; replace the reports of the late 1950s with those of the 1980s, including and following *A Nation at Risk*,<sup>51</sup> change the names of some of the individual actors (but note that some of the foundations, professional organizations, and special interest groups remain the same), and the parallel between 1960 and 1990 is clear. The major difference is that under the new federalism of Reagan and Bush, we no longer look to the federal government for the formal enactment of new national policy but to extra-legal groups, such as the Carnegie Forum or the Holmes Group.

In summary, there has been an increase in both state and national control of our schools, and a corresponding decrease in local control, during the past forty years. Most notably, there has been a surge in state control during the reform era of the last decade. Federal and state involvement in the control of schools are not new, however; the involvement goes back to the nation's very beginnings. What is new is the changed balance of control among the three levels, with the local level exerting an ever-decreasing amount of control. Certain nationalizing influences on education, plus the necessity for the federal government to enforce anti-segregation and anti-discrimination policies, insure that the federal government will remain involved in our schools, despite some decline in activity during the Reagan and Bush administrations.

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50. See *id.* at 73.

51. NAT'L COMM'N ON EXCELLENCE IN EDUC., *A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM* (1983).

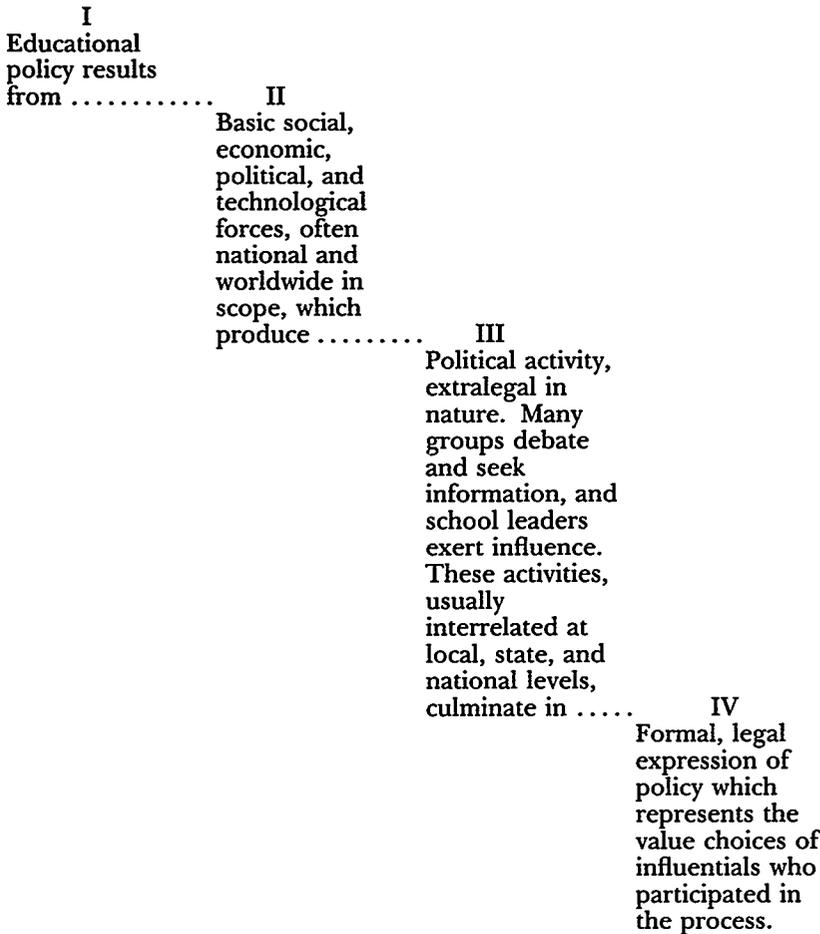


Figure 1. A Flowchart on Policymaking in Education.

Meanwhile, as states have assumed a larger role in financing public schools, the role of the states in policymaking has also grown. The most intrusive encroachment of state control upon local school districts has been through the requirements of accountability imposed by the school reform movement. In this process, the states have mandated reforms and closely monitored implementation. In light of these forces of change, the continued viability of local control of schools is being severely challenged.

## II. LOCUS OF CONTROL AND SCHOOL IMPROVEMENT RESEARCH

Policymakers would be well-served if researchers could pro-

vide them information regarding the relative effectiveness of local, state, and federal authorities in controlling schools. Unfortunately, such information does not exist. We cannot compare the overall effectiveness of total state control versus total local control, because elements of all three types of control are mixed together in all public school systems in the United States. It is true that states can be classified according to the amount of state control,<sup>52</sup> but any such categorization is bound to involve a certain amount of subjective judgment. Quality of schools in each category could be computed, based on whatever measures of education quality one wished to use. For example, my research shows that, based on such traditional measures of school success as graduation rate and Scholastic Aptitude Test scores, students in states that Van Geel has classified as "decentralized" tend to do much better than students in "moderately decentralized" states, while the latter outperform students in "centralized" states by a wide margin.<sup>53</sup> So many intervening variables exist, however, that no reputable researcher would be willing to assert a cause-and-effect relationship between the degree of state control and school quality.

#### A. *Factors Related to the Effectiveness of Schools*

Some commentators believe that the viability of local control depends on the size of local school districts. Districts that are too small to offer a variety of educational services may not have the capacity to exercise meaningful control. A great deal of research has been performed on school district size that indicates that the optimum size of a school system is from 10,000 to 20,000 pupils.<sup>54</sup> Districts with less than 10,000 pupils may need to join an educational cooperative or receive services from an intermediate unit to serve effectively the needs of their pupils. Districts with pupil populations larger than 20,000 (and certainly those larger than 50,000) may need to develop internal decentralizing arrangements to avoid becoming too unwieldy and cumbersome. In view of these tendencies, states should perhaps encourage the consolidation of small districts or the

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52. See, e.g., T. VAN GEEL, *AUTHORITY TO CONTROL THE SCHOOL PROGRAM* 74-83 (1976).

53. See C. Faber, *Relationship Between School Success and Centralization of School Control* (1990) (unpublished manuscript) (available from Department of Administration and Supervision, University of Kentucky).

54. See Faber, *The Size of a School District*, 48 *PHI DELTA KAPPAN* 33, 35 (1966).

establishment of intermediate units. This having been achieved, however, the resulting districts can operate with whatever mix of state and local control deemed appropriate.

Because of the view that the appropriate unit for analysis of successful educational practices is neither the state nor the school district, but rather the individual school, researchers have devoted considerable effort toward identifying and describing effective schools. Research has shown that the most tangible and indispensable characteristics of effective schools are strong administrative leadership, expectation of high achievement by all students, a positive school climate, an emphasis on basic skills, devotion of school energy and resources to fundamental objectives, and frequent monitoring of pupil progress.<sup>55</sup> Parental involvement in the school is also sometimes viewed as an indicator of an effective school. Research has not demonstrated a nexus between these characteristics and the locus of control. Their presence is more likely to be related to the presence or absence of school-site management, which can be either facilitated or impeded by the local school system or the state. In fact, Professors Purkey and Smith, after an extensive review of the literature, listed school-site management as the most important organization-structure determinant of school effectiveness, followed by instructional leadership, staff stability, curriculum articulation and organization, school-wide staff development, parental involvement and support, school-wide recognition of academic success, maximized learning time, and district support.<sup>56</sup>

Purkey and Smith also listed four process variables that define schools' general culture and climate: collaborative planning and collegial relationships, sense of community among students and staff, clear goals and high expectations commonly shared, and a seriousness of purpose communicated by order and discipline.<sup>57</sup> While these positive characteristics can create an atmosphere conducive to increased student achievement,<sup>58</sup> administrative fiat from either the state or the school district level cannot command these factors into existence.

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55. See Edmonds, *Effective Schools for the Urban Poor*, 37 *EDUC. LEADERSHIP* 15, 22 (1979).

56. See Purkey & Smith, *Effective Schools: A Review*, 83 *ELEMENTARY SCH. J.* 427, 443-44 (1983).

57. See *id.* at 444-45.

58. See *id.* at 445.

How, then, can changes be brought about in schools that are less effective than desired? An enormous amount of research has been performed on planned change in educational and other organizations.<sup>59</sup> A synthesis of a number of these studies has identified seven elements of the change process:

1. School improvement takes place over two or three years.
2. The initial stages always produce anxiety and uncertainty.
3. Ongoing assistance and psychological support are crucial to help people cope with anxiety; the assistance must focus on the precise nature of the concern.
4. Change involves learning new skills through practice, feedback, and coaching; change is incremental and developmental.
5. Breakthroughs occur when people understand why a new way works better.
6. Organizational conditions within the school (peer norms and administrative leadership) and outside it (central office support and external facilitators) make change more or less likely.
7. Successful change requires pressure—but pressure through interaction.<sup>60</sup>

Based upon his study of effective schools and effective change processes, Odden draws some implications for state policymakers:

States cannot mandate effective schools: the essence of an effective school is a strong culture, which derives from a strategic independence. Yet, states can help create and sustain effective schools in at least seven ways: (1) providing symbolic leadership to raise the status of education; (2) articulating clear state educational goals; (3) building awareness of the school effectiveness research; (4) developing system incentives that recognize and reward school effectiveness; (5) providing technical assistance to schools; (6) altering training and certification requirements; and (7) strengthening state data gathering.<sup>61</sup>

The state is in a far better position than local districts to im-

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59. One bibliography lists 915 entries for the period 1960 to 1985. See E. VAN METER, *EDUCATIONAL CHANGE, INNOVATION, AND SCHOOL IMPROVEMENT: A SELECTED BIBLIOGRAPHY 1960-1985* (2d ed. 1986).

60. Odden, *State Level Policies and Practices Supporting Effective School Management and Classroom Instruction*, in *REACHING FOR EXCELLENCE: AN EFFECTIVE SCHOOLS SOURCEBOOK* 131, 134 (1985) (citing M. FULLAN, *CHANGE PROCESSES AND STRATEGIES AT THE LOCAL LEVEL* (1983)).

61. *Id.* at 136.

plement most of the improvements Odden lists. The state must take a more pro-active stance but can accomplish these objectives without diminishing local control. Local school districts can and should take actions on their own to encourage effective schools; our history is replete with examples of "lighthouse" districts and successful schools within undistinguished school districts. Effective schools need freedom to develop some of their own strategies for growth while meeting uniform state standards. These individual strategies can best be developed under a system of enlightened state leadership.

### B. *State Educational Reform Strategies*

In the fervor for educational reform following the publication of *A Nation at Risk*, most states were unwilling to wait for individual schools to become effective on their own. Instead, almost all states have engaged in some type of statewide reform effort. States have used approaches ranging from giving aid and encouragement to local districts with no usurpation of local control to transferring most decisionmaking from the local to the state level. Does research reveal anything about the most desirable approach for states to take in the reform of local schools?

Professor Timar has studied three possible strategies to manage the substance and process of education reform, as those strategies were implemented in Texas, California, and South Carolina.<sup>62</sup> He identified the Texas approach as rational planning, based on the assumption that there are single, best policy solutions that can be discovered through rational planning. This strategy relies on top-down mandates, centralized authority and decisionmaking, and standardization and uniformity in substance and process. Obviously, this approach removes much autonomy from local districts and increases state control. Because increased state regulation and rational planning are insensitive to the complexities of schools as social and political organizations, they are crude policy instruments for effecting change.

California, on the other hand, has employed a market incentive strategy that concentrates policy *development* at the state

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62. See T. TIMAR, EDUCATIONAL REFORM: THE NEED TO REDEFINE STATE-LOCAL GOVERNANCE OF SCHOOLS 17 (1989).

level, but allows *implementation* to be determined at the local level. Although rules and regulations are proclaimed by the state, adherence is a matter of local choice. Timar observed that organizationally competent schools in California may take advantage of the state's proposed reforms, but organizationally weak schools do not have the capability to integrate them into their own programs. His research on the implementation of the California reform measure led him to conclude that "it is difficult to point to changes in the structure and organization of schooling that will substantially improve the quality of the state's educational system."<sup>63</sup> Centralized policy formulation combined with a *laissez-faire* implementation strategy, it appears, may lead nowhere.

The third approach identified by Timar is the political interaction model, exemplified by South Carolina. In contrast to the other strategies studied, this approach shifts the policy perspective from reliance on formal control and regulation by a central authority to informal devices that rely on delegation, discretion, and dispersal of authority. The interactive model of decisionmaking establishes a process for problem-solving instead of proposing single, best solutions. The state mandates certain programs, but permits the local schools to determine the best way to organize those programs. Although the state does not allow the local districts to decide *whether* to adopt specified reforms, it does allow them to determine *how* to adopt them. Timar's research shows that this reform strategy has been more successful than the other two approaches studied. He concluded that the interactive model works not because it relies on local control or state control, but because it recognizes the need for balance between accountability to the state and local autonomy.<sup>64</sup> This finding suggests that authority and responsibility for education are best distributed among the various levels of government.

Timar's account of the relatively successful school reform movement in South Carolina demonstrates the validity of Fullan's seven elements of the change process cited above. The question that remains, however, concerns the efficacy of the reforms. Given that South Carolina has been successful in securing adoption of the reform package, what difference has it

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63. *Id.* at 19.

64. *See id.* at 20.

made? Are South Carolina's schools more effective than before? Are South Carolina's students learning more? Are goals for schooling in South Carolina being met to a greater degree?

A review of studies of South Carolina's education reform shows mixed results.<sup>65</sup> The State of South Carolina's own analysis of the effects of the reform legislation indicates that achievement test scores have improved; services for preschool, remedial, gifted and talented, and vocational students are better; and salaries for teachers are higher.<sup>66</sup> Although a national study reported that teachers throughout the nation are frustrated with much of the recent reform effort, teachers in South Carolina were less dissatisfied than others. Even so, forty-three percent of South Carolina teachers stated that morale had declined as a result of reform, while only forty percent indicated that morale had improved.<sup>67</sup> Scholars at the South Carolina Educational Policy Center concluded that "many teachers and principals feel overwhelmed by the sheer volume of the mandates. . . . Despite their support for the reform initiatives, these educators are crying out for changes in education policies."<sup>68</sup>

Even though districts are allowed wide latitude in determining how to implement reforms, many South Carolina educators perceive the spirit of the reforms as too prescriptive. This point has been recognized by the state's leading policymakers, including the governor and state superintendent, both of whom have called for looser state regulation of certain districts.<sup>69</sup>

Although surveys show that South Carolina educators support the concept of reform, its implementation troubles many of them.<sup>70</sup> This conclusion is derived from two studies authorized by the South Carolina Educational Policy Center. The first study, an assessment of the state's Principal Evaluation Program, found solid support for the concept of evaluating principals.<sup>71</sup> The principals were quite dissatisfied, however, partly

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65. See Ginsberg & Berry, *Experiencing School Reform: The View from South Carolina*, 71 PHI DELTA KAPPAN 549 (1990).

66. See *id.* at 549 (citing SOUTH CAROLINA STATE BD. OF EDUC., WHAT IS THE PENNY BUYING FOR SOUTH CAROLINA? (1988)).

67. See *id.* (citing CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, REPORT CARD ON SCHOOL REFORM: THE TEACHERS SPEAK (1988)).

68. *Id.* at 549-50.

69. See *id.* at 550.

70. See *id.*

71. See *id.* at 550-51.

because they felt that the program's application of preset criteria in evaluating principals' performance does not adequately account for situational factors, contingencies, or context.<sup>72</sup> The second study focused on working conditions of teachers, teacher burnout, and the impact of reform in South Carolina.<sup>73</sup> The results of this study reinforced the concerns raised in the Carnegie study, which concluded: "We are troubled that the nation's teachers remain so skeptical. Why is it that teachers, of all people, are demoralized and largely unimpressed by the reform actions taken?"<sup>74</sup>

The findings of these South Carolina studies are indeed discouraging. More than sixty percent of the teachers believe morale is worse as a result of reform, nearly eighty-five percent find the burden of paperwork greater, nearly seventy percent said that they must handle things differently than they believe is appropriate, and over two-thirds said that they must work on unnecessary tasks.<sup>75</sup> Moreover, a scale used to measure teacher burnout yielded emotional exhaustion scores for South Carolina teachers about fifty percent higher than the national average.<sup>76</sup>

Individual interviews with teachers indicate that some of them feel degraded by the collective impact of curriculum mandates, testing, paperwork, and evaluation—all aspects of the reform legislation.<sup>77</sup> Consider some quotations from individual teachers:

"We teach to the test now, but there are so many things we are leaving out."

"It seems like we don't care about children anymore."

"We just want passing scores. . . . The tests make a lot of teachers lie."

"I am being made into a machine, and my students are being made into machines."<sup>78</sup>

Obviously, a great deal of frustration exists among South Carolina teachers. Is this important? The purpose of public schools is not to provide easy, pleasant employment for teach-

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72. *See id.* at 551.

73. *See id.*

74. *Id.* (quoting CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, REPORT CARD ON SCHOOL REFORM: THE TEACHERS SPEAK 10 (1988)).

75. *See id.* at 551.

76. *See id.*

77. *See id.* at 552.

78. *Id.*

ers. If teacher dissatisfaction reflects normal resistance to change, an unwillingness to work harder, or rejection of accountability, should policymakers be concerned about teachers' feelings? Although South Carolina has made a great deal of progress as a result of its reform movement, is teacher dissatisfaction too high a price to pay? Do negative reactions by teachers and principals mean that reform is not working? Ginsberg and Berry assert that improvements, based on such indicators as test scores, have begun to level off in South Carolina.<sup>79</sup> They posit that the initial momentum of the reform movement may be beginning to decline and suggest that perhaps the teachers' feelings of frustration may be beginning to take their toll.<sup>80</sup> If this is true—if the reforms in fact become counterproductive—teacher frustration may indeed be too high a price to pay.

By contrast, Professors Timar and Kirp, who analyzed the reform movement in several states, give South Carolina high marks for its approach. They state: "The most important conclusion we can draw from state reform efforts is that a major shift in policy needs to occur. Policymakers must focus their attention on making schools better places in which to work and generally more satisfying places for those who are associated with them."<sup>81</sup>

Judged by this criterion, however, the South Carolina reform effort can hardly be deemed a success. Professors Ginsberg and Berry found that South Carolina teachers are tired, frustrated, and unhappy, and feel that much of the joy of teaching is gone.<sup>82</sup> Teachers complain that the reforms have made schools in South Carolina much more rigid and demanding places in which to work.<sup>83</sup> Consequently, Ginsberg and Berry raise the question: "Can emotionally exhausted teachers and principals provide the energy, wisdom, and spirit needed to continue with the reforms and develop organizationally mature schools?"<sup>84</sup>

If Ginsberg and Berry are correct in their assessment of the atmosphere of South Carolina schools, the reform effort has not established the positive school climate identified by the

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79. *See id.*

80. *See id.*

81. Timar & Kirp, *Education Reform in the 1980s: Lessons from the States*, 70 *PHI DELTA KAPPAN* 504, 510 (1989).

82. *See* Ginsberg & Berry, *supra* note 65, at 552.

83. *See id.*

84. *Id.*

South Carolina Department of Education as one of the components of effective schools.<sup>85</sup> Consequently, the state may be undermining its own reform efforts by failing to deal with the concerns of teachers and principals.

The South Carolina experience serves as a reminder of the difficulty of achieving improvement by top-down mandates. Policymakers and leaders who impose change cannot ignore the people most vitally affected by reform efforts.

### C. *Public Support for Local Control*

There appears to be no real possibility that the local school district will disappear completely from the American educational scene within the foreseeable future. It is too entrenched by tradition and too well accepted by American culture. A 1986 study by the Institute for Educational Leadership concluded that strong support exists for maintaining the institutional role and structure of the school board.<sup>86</sup> If schools are to maintain public and political support, however, they must remain responsive at the local level. To achieve this responsiveness, local school boards must continue to serve as effective mechanisms of representative democracy.<sup>87</sup>

Local school districts will remain intact even in Kentucky, where the entire system of common schools was ruled unconstitutional in 1989.<sup>88</sup> As part of the process of restructuring the Kentucky state system of public schools, the governor and legislature appointed a Task Force on Education Reform, consisting of committees to address governance, curriculum, and finance issues.<sup>89</sup> The consultants to the committee on governance presented six preliminary models for the committee's consideration.<sup>90</sup> Among the models proposed were radical departures from present practice, such as adopting a unitary district plan (one school district for the entire state), creating larger operating districts, and combining educational services

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85. See SOUTH CAROLINA STATE DEP'T OF EDUC., AN IMPLEMENTATION GUIDE FOR THE LEGISLATIVE MANDATED SOUTH CAROLINA SCHOOL IMPROVEMENT PROCESS 2 (1986).

86. See INST. FOR EDUC. LEADERSHIP, SCHOOL BOARDS: STRENGTHENING GRASS ROOTS LEADERSHIP 10 (1986).

87. See *id.* at 11.

88. See *supra* notes 28-30 and accompanying text.

89. See LEGISLATIVE RESEARCH COMM'N, A GUIDE TO THE KENTUCKY EDUCATION REFORM ACT OF 1990, at 4 (1990).

90. See Leadership Dev. Assocs., Memorandum to Committee on Governance, Task Force on Education Reform 1 (Nov. 2, 1989).

with other types of human services into districts of "well-being." Ultimately, the committee preferred the "Fine Tuning the Present System" model, which called for only minimal adjustments from the status quo and proposed no changes in the number or classifications of school districts.<sup>91</sup>

The committee did recommend restructuring educational governance at the state level, creating regional service centers, and restricting the power of local school boards.<sup>92</sup> Furthermore, the committee recommended modifications of the process for declaring a district educationally deficient, an action that became necessary in light of the decision in *Whitley County Board of Education v. Brock*.<sup>93</sup> Other committee recommendations addressed perceived problems relating to lack of accountability, undue political influence in personnel decisions, and nepotism.<sup>94</sup> After a brief but spirited debate, the General Assembly adopted all of these recommendations in the Kentucky Education Reform Act of 1990.<sup>95</sup>

In summary, research on effective schools and reform management indicates that leadership is more effective than regulation in achieving improvements in practice. Yet, swept up in the fervor of the reform movement, states have mandated changes from the top down, sometimes with counterproductive results, because they have lost faith in the will or capacity of local districts to improve by themselves without state direction. Nevertheless, local school districts will not disappear, because they are too firmly entrenched and too well accepted by American culture.

### III. THE FUTURE OF LOCAL CONTROL

Some amount of local control of the schools will survive. The precise nature of the federal-state-local allocation of control, however, will continue to evolve, as the nature of local communities changes and as national and state interest in education increases.

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91. *See id.* at 25-30.

92. *See* COMM. ON GOVERNANCE, TASK FORCE ON EDUC. REFORM, THE GOVERNANCE COMMITTEE MAKES THE FOLLOWING RECOMMENDATIONS 1-4 (1990).

93. No. 89-CI-0302 (Franklin Cir. Ct., Div. II Jan. 5, 1990).

94. One recent study has shown that the extent of kinship among school employees is not as pervasive as some critics have suggested. *See* T. Mowery, A Descriptive Study of the Extent of Kinship in Kentucky's Public Schools (1989) (unpublished dissertation, University of Kentucky).

95. 1990 Ky. Acts 476.

### A. *Changing Communities*

Local communities are changing. At one time in this nation's history, communities were small, simple, and of the type that sociologists call *Gemeinschaft*. A *Gemeinschaft* society is one characterized by (1) personal ties being largely a matter of kinship; (2) little division of labor; (3) a general absence of special-interest groups; (4) each person knowing most of his neighbors; (5) conformity achieved mainly through informal controls; (6) a self-sufficient community; and (7) a strong sense of community identity.<sup>96</sup> In *Gemeinschaft* cultures, appropriate behavior is usually well-defined for the individual and for those with whom he comes into contact. General agreement on mores and manners, with limited outside influences, leads to a high degree of integration. The different segments of the community tend to be consistent and to reinforce one another. In the United States today, there are still small, isolated, rural communities that fit this description, but they grow fewer as the years go by.<sup>97</sup>

The local school system is an integral part of a *Gemeinschaft* community. Indeed, in some instances, the superintendent of schools may be the dominant figure in all aspects of community life. In many rural counties, where the school system is the largest single employer, a superintendent can build a power base by controlling the relatively large number of jobs in the school system. Besides controlling employment in the schools, the superintendent may gain power to control other jobs in the county. Moreover, even if school board members are nominally elected by the voters, they may, in fact, be selected by a local power structure headed by the superintendent. In some communities, the superintendency has been virtually a hereditary office, with father passing the fiefdom along to his son upon retirement. Situations like this are extremely rare, and they are very unlikely to continue.

Indeed, *Gemeinschaft* societies will cease to exist. Communities no longer will remain homogeneous, as new residents move to the community and people are exposed to outside influences by the mass media. Different viewpoints must be accommodated. Isolated rural communities are not going to

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96. See AM. ASS'N OF SCHOOL ADM'RS, EDUCATIONAL ADMINISTRATION IN A CHANGING COMMUNITY 36 (1959).

97. See *id.*

acquire all of the characteristics of a *Gesellschaft*<sup>98</sup> society overnight, but there is an inevitable movement in Western culture toward such a pattern.

### B. *Making Schools Responsive to Communities*

If local control is to remain viable, it must accommodate changing communities. Local school officials must learn to recognize and acknowledge differing values and the cultural diversity of modern society to survive in the years ahead. All members of the community, especially parents, must feel that the schools are responsive to their demands regardless of their backgrounds. In very large cities with diverse populations, such as New York and Chicago, the need to be responsive to the people has led to the transfer of some decisionmaking authority from central authorities to smaller geographical areas within the city, from professional educators to community councils.

Some districts have transferred authority to the local school by establishing a system called site-based management. In 1989, Hawaii became the first state in the nation to move toward statewide use of site-based management.<sup>99</sup> Local schools in Hawaii are allowed to set their own timetable for adoption of the plan, but all schools are expected to participate within the next few years.<sup>100</sup> Similarly, in Kentucky, the Education Reform Act of 1990 requires, with certain exceptions, that at least one school within each district implement school-based decisionmaking by July 1991.<sup>101</sup> The law provides that, during the 1991-92 school year, any school may implement school-based decisionmaking if two-thirds of the faculty vote to do so.<sup>102</sup> In such schools, a council would be established, consisting of three teachers, two parents, and the principal (with the option

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98. A *Gesellschaft* society, in contrast to the *Gemeinschaft*, is characterized by: (1) union of people territorially rather than by kinship; (2) marked division of labor with great specialization of function; (3) proliferation of societies and organizations, each with special membership and interests; (4) a general lack of acquaintance with others, sometimes including next-door neighbors; (5) formalized social controls set up by law and enforced by police; (6) high interdependence with other communities even for basic necessities; and (7) anonymity of many persons even to the point that they do not associate themselves with community life but go wherever their jobs or opportunity takes them. *See id.* at 36-37.

99. *See* Educ. Comm'n of the States, *Examples of State Leadership in Education Improvement*, ECS CLEARINGHOUSE NOTES, 1990, at 1.

100. *See id.*

101. *See* KY. REV. STAT. ANN. § 160.345 (Baldwin Supp. 1990).

102. *See id.*

of expanding its membership proportionately) to make decisions on various school policies.<sup>103</sup> The law also sets forth procedures for local schools to seek approval of alternative representation on their school councils.<sup>104</sup>

Two crucial issues arise whenever school site-based management is used: (1) how teacher and parent members of the council are to be selected; and (2) how the extent of decisionmaking authority of the council is to be determined. The method of selecting parent members of the council is particularly important. Can two parents be broadly representative of the community? As we move from a *Gemeinschaft* to a *Gesellschaft* society, this question becomes more significant. If parent members are elected by parents of the pupils in the school, how can one assure that minority viewpoints will be represented?<sup>105</sup> If parent members are to be appointed, who will make the appointments? How can one assure that appointed members will not be rubber stamps for the appointing body? To raise these questions is not to impugn the value of parent membership on a school council. It is, rather, to point out that merely providing for such membership does not guarantee achievement of the objective to obtain equitable, meaningful, and appropriate parental involvement in the management of the local school. Involvement should be equitable in that *all* parents (regardless of social class, race, political persuasion, or previous involvement in civic affairs) are involved; meaningful in that the parent members actually influence important decisions that make real differences in the education of children; and appropriate in that the decisions made by parents fall within the proper scope of parental influence.

The question of who should be involved in decisionmaking has been discussed extensively. Moon has reviewed and synthesized the literature on teacher participation in decisionmaking and proposed a conceptual model for appropriate decisionmaking at the public school site.<sup>106</sup> As Moon pointed out, an individual school and its staff necessarily only have jurisdiction

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103. *See id.*

104. *See id.*

105. Parents elected by majority vote would tend to be from the more popular, influential, or articulate segment of the community.

106. *See* Nak Jin Moon, *The Construction of a Conceptual Framework for Teacher Participation in School Decision-Making* 153-56 (1983) (unpublished dissertation, University of Kentucky). Although Moon's study focused on teacher participation, his model applies to parental participation as well.

only over those decisionmaking areas that have been assigned to them.<sup>107</sup> Therefore, one of the first criteria of appropriateness is that the school has legal authority to make the decision. The school council must be given clear and accurate information about the reach of its jurisdiction; otherwise, participation will lead to frustration. If a matter lies within its jurisdiction, a school council should apply the test of relevance, that is, whether the decisionmaker has a personal stake in the decision, and the test of expertise, namely, whether the decisionmaker has the necessary knowledge to contribute to a wise decision in determining whether and how to participate.

If an issue fails both tests, that is, if members of the council have no personal stake in the outcome or no expertise to lend to the decisionmaking process, then the council should leave the decision to those who have the interest and expertise to make it. On the other hand, if council members have both a personal stake and expertise in making the decision, they should be involved. In these latter cases, it is important to ensure that the minority view has a fair hearing.

Between the extremes of either meeting or failing both tests are those decisions in which council members meet one, but not both, criteria. For example, council members may have a high personal stake in a decision, but possess only a low potential for contributing significantly to the quality of the decision. In such a case, the involvement of the council should be limited. Perhaps the principal should attempt to guide the council by presenting alternatives to consider, along with the advantages and disadvantages of each alternative. In other cases, council members may have no personal stake in the decision, but have a high potential for contributing to the decisionmaking process. In such cases, the principal should capitalize on this capability without requiring the members to spend inordinate amounts of time on matters they deem irrelevant.

Of course, applying the tests of relevance and expertise could yield different results for the teachers and parents on the same council. This problem could be solved by creating two different councils. One would be a management team consisting of the principal and other professional personnel, while the

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107. *See id.* at 141.

other would be an advisory committee consisting of parents and other lay citizens.

A similar approach, which has been implemented by the Monroe County, Florida school system, has been cited as a successful example of school-based management.<sup>108</sup> In the Monroe County system, schools are operated by teams that usually consist of the principal, assistant principal, guidance counselor, department heads, and other in-house personnel. Each school also has an advisory committee composed of parents, teachers, students (at the secondary level), and other citizens. These latter committees consist of fifteen to twenty-five members, thus allowing for diversity of representation. After hearing the advice of the school team and the committee, a principal approves consensus decisions or makes decisions of his own. The school-based management procedures were phased in over a period of five years, during which the school system's principals received extensive and intensive training in team management and decisionmaking skills.

After reviewing numerous examples of school-based management systems, Lindelow and Heynderickx reached four conclusions: (1) Successful implementation requires extensive retraining of central office and school-site personnel; (2) strong support is required from the school board and superintendent; (3) the authority given to the school site and its team and council should be decided in advance; and (4) successful implementation requires a great deal of trust and commitment.<sup>109</sup> To achieve successful implementation, site-based management clearly requires much advance planning. Consequently, school-site management can not be mandated by a state legislature one year and successfully implemented statewide the next.

#### IV. A RATIONALE FOR FEDERAL-STATE-LOCAL RELATIONSHIPS IN SCHOOL GOVERNANCE

The most effective roles of the federal, state, and local governments in educational governance have not yet been determined; rather, the desirable federal-state-local relationship remains a political issue. Policy analysts can guide the achieve-

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108. See Lindelow & Heynderickx, *School Based Management*, in *SCHOOL LEADERSHIP: HANDBOOK FOR EXCELLENCE* 109, 114 (S. Smith & P. Piele eds. 1989).

109. See *id.*

ment of a political solution through research and by developing conceptual analyses.

Professors McDonnell and McLaughlin have developed a conceptual framework to study the implementation of federal programs in states and local school districts.<sup>110</sup> Their model assumes that federal policy is transformed as it moves from Congress to the federal Department of Education, to the states, and finally, to local school districts.<sup>111</sup> Furthermore, each level of government has its own views about federal program objectives and imposes its own set of organizational and political constraints on program implementation.<sup>112</sup> As a result of these differences, procedural changes, as well as substantive modifications, will occur as federal policy percolates through the three levels of government.<sup>113</sup> McDonnell and McLaughlin specifically addressed two dimensions of federal policy implementation: compliance (the extent to which states adhere to federal program regulations) and programmatic development (the ways in which federal policy goals have been implemented).<sup>114</sup> Logically, the same model could apply to implementation of state policy by local school districts.

Another conceptual framework, this one developed by Professors McDonnell and Elmore, categorizes alternative policy instruments.<sup>115</sup> From existing theories about governmental action and observed patterns in the choices of policymakers, they constructed four policy instruments: mandates, inducements, capacity-building, and system-changing. For each instrument, they specified its primary elements, expected effects, costs, and benefits.<sup>116</sup> Although McDonnell and Elmore did not explicitly address which level of government can best use each

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110. See L. McDONNELL & M. McLAUGHLIN, *EDUCATION POLICY AND THE ROLE OF THE STATES* 9 (1982).

111. See *id.*

112. See *id.*

113. See *id.*

114. See *id.* at 11.

115. See L. McDONNELL & R. ELMORE, *ALTERNATIVE POLICY INSTRUMENTS* 7 (1987).

116. See *id.* at 7-8. Mandates rely upon rules and regulations to secure compliance and are based on the assumption that the required action is something that all individuals and agencies should do, but will not in the absence of explicit regulations. Because mandates assume an adversarial relationship between enforcers and objects of enforcement, the major responsibility for assuring compliance rests at the policymaking level. Most mandates set minimum standards for compliance, a practice that McDonnell and Elmore believe discourages performance beyond those standards.

Inducements consist of the use of transfers of money to secure the performance desired by the policymakers. The use of inducements assumes that without additional

of the four instruments, federal and state policymakers can use all four instruments, unlike policymakers at the local level.

The McDonnell-Elmore formulation, in its singular focus on instruments of exercise of authority, omits any mention of leadership as a possible instrument of change. This is a serious omission; administrative theory and research both support the view that the power to elicit human behavior in the service of some goal requires both authority and influence.<sup>117</sup> McDonnell and Elmore ignored influence, which comes through the exercise of leadership. Leaders can persuade others to adopt their policies by articulation of a vision, by persuasion based on logical reasoning that demonstrates the benefits of adopting the particular policies, through personal prestige earned by demonstration of expertise or commitment, and through many other techniques unavailable to those who rely only on authority. Indeed, to rely on authority alone is to be half-powerless.<sup>118</sup> Leadership can provide a stand regarding a preferred future, one that is "strategic and lofty"<sup>119</sup> yet compatible with customers and colleagues.

The use of authority through mandates carries some negative consequences. Coercion is required, and adversarial relations are created. Natural resistance to change is intensified in the resulting "us versus them" atmosphere. Finally, the coercers are viewed as lacking understanding of the local situation or interest in what is best for "our kids."

If national and state policymakers rely entirely on formal authority to institute educational reforms, local school leaders will find methods to circumvent rules and procedures they view as inappropriate for their schools. They do this not because

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incentives, certain actions will not be taken. Consequently, the transfer of money is used to elicit performance.

Capacity-building refers to the investment of money to enhance the recipients' ability, skill, or competence in areas designated by the policymakers. It is based on the assumption that, without such investment, certain long-term benefits regarded as important by policymakers will not be realized by society.

Finally, system-changing shifts the authority for policy implementation from one institution to another. System-changing instruments are based on the assumption that existing institutions cannot produce the results policymakers want and that altering the distribution of authority among institutions will enable the policymakers' desires to be met. *See id.* at 14-18.

117. *See* C. FABER & G. SHEARRON, *ELEMENTARY SCHOOL ADMINISTRATION: THEORY AND PRACTICE* 308 (1970).

118. *See id.* at 108.

119. P. BLOCK, *THE EMPOWERED MANAGER: POSITIVE POLITICAL SKILLS AT WORK* 102 (1987).

they are opposed to education reform, but because they view the welfare of the school as more important than any rule, policy, or enforcer.<sup>120</sup> Local leaders recognize that the goals of schooling can be achieved only through pupils interacting in local schools with their teachers, instructional materials, and fellow students. Consequently, the vision of national and state leaders needs to be compatible with that of local leaders.

Policymakers need to confront questions regarding which level of government should make what decisions, and which policy instrument best implements each policy, to achieve a suitable balance of federal, state, and local control. Providing a comprehensive answer to these questions is beyond the scope of the present paper. For purposes of illustration, however, a few key policies are examined in Table 1 using the framework outlined above.

Leadership is the preferred method of seeking and implementing changes. In some situations, however, leadership must be supplemented by capacity-building. By contrast, mandates should be used only whenever coercion is required, because the will to comply cannot be elicited through other means. Inducements in the form of financial incentives are not as coercive as mandates, but they have some of the same negative consequences, including an abundance of rules, regulations, directives, and paperwork. System-changing, the final policy instrument proposed by McDonnell and Elmore, is an unacceptable alternative, because necessary changes in the public school system can be made within the existing institutions. New institutions need not be created.

Even though the proper balance of federal-state-local control is a political question, it need not be settled on the basis of political ideology alone. In education, the scenes of action are the classroom and the school site. Because the best decisions are made closest to the scene of the action, as much control as possible should remain at that level; other levels of governance should intervene only when local schools lack the capacity or the will to make or implement acceptable policy.

The need for equitable school financing exemplifies a lack of capacity. Many local communities simply do not have the tax base to fund their schools at the level easily attainable by

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120. See H. BARSKY, *THE POLITICAL STYLE OF AN URBAN PRINCIPAL: A CASE STUDY* (1975).

TABLE 1. FRAMEWORK FOR POLICYMAKING AND IMPLEMENTATION

Policy Issue	Policymaking Level	Instrument	Expected Effects
Nondiscrimination	Federal	Mandates	Compliance
Equitable Funding Within State	State	Mandates	Compliance
Bilingual Education	State	Inducements	Implementation Of Program by Some Districts
Experimental Programs	State	Leadership	Development of New Programs by Some Districts
Teaching Methodologies	Local	Leadership	Adoption of Teaching Methodologies Most Appropriate to Local Conditions
Need to Improve Mathematics Skills of High School Students	Federal	Capacity-building	Research on Effectiveness of Mathematics Curricula and Teaching Techniques; Recruitment of Promising Candidates into Profession

wealthier districts. Assuming that children living in poor districts are entitled to educational opportunities equal to those living in the wealthier districts of the same state, policies regarding school finance must be made at the state level. Poor local districts simply do not have the capacity to formulate these policies. Similarly, if equal educational opportunities are to be available throughout the nation, the federal government must be involved in school finance.

While capacity is one of the two variables required for attaining equity among schools, will is the other. For example, after

*Brown v. Board of Education of Topeka*,<sup>121</sup> which held that racial segregation in the schools was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment, many states and local communities made it abundantly clear that they lacked the will to desegregate their schools. Therefore, the federal government mandated school desegregation. Additionally, because most states lack the will to provide appropriate services for special needs students,<sup>122</sup> such federal mandates as the Education for All Handicapped Children Act<sup>123</sup> were enacted. Coercion was required; adversarial relationships developed between the federal government on one hand and some states and local communities on the other. Significant levels of school desegregation and handicapped integration were accomplished, however, that otherwise would not have been achieved.

In summary, although the question of the desirability of a particular policy remains a political issue, policy analysts can offer guidance on the appropriate locus of policymaking. Analysts have found that policies work best when implemented at the level closest to the classroom, whenever that level has the capacity and will to achieve the desired result.

## V. IMPLICATIONS FOR POLICYMAKERS

A review of the research and an understanding of the place of schooling in our nation's culture suggests the following implications for policymakers at the federal, state, and local levels as they forge appropriate federal-state-local relationships for the 1990s and beyond. The role of the federal government should continue to be limited to ensuring that the constitutional rights of all participants in education are honored; ensuring equal opportunity for participation in public education, regardless of race, sex, religion, national origin, socioeconomic status, physical or mental handicap, or age; articulating national goals for education, providing leadership, and creating a favorable climate for the achievement of these goals; providing the financial support necessary for fulfillment of its role; and

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121. 347 U.S. 483 (1954).

122. See L. McDONNELL & M. McLAUGHLIN, *supra* note 110, at 34.

123. Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 89 Stat. 773 (codified as amended at 20 U.S.C. §§ 1400-1485 (1988)).

using mandates only when states and local communities fail to demonstrate the will or capacity to act.

State governments should continue to provide efficient and effective systems of common schools throughout their states. To carry out this role, a state should delegate operation of its schools to local districts, while retaining responsibility for the effectiveness, efficiency, and equity of local schools.

In fulfilling this responsibility, the state department of education must engage in leadership, regulatory, and service functions. Leadership should involve, among other things, setting appropriate goals for the state's schools; setting high standards; developing a statewide climate supportive of education; and engaging in research, planning, and evaluation. Regulation at the state level should involve ensuring that schools comply with minimum standards as well as encouraging them to achieve excellence. Holding schools accountable for compliance with state laws and ethical practices is part of the regulatory function. The provision of services at the state level should include providing direct services, such as data processing or test scoring for local districts as well as providing in-service training to improve the competence of school personnel; conducting workshops to acquaint school personnel with state requirements; and providing a setting for state and local educators to work out mutually optimal methods to implement new programs. The service category also includes anything that the state-level agency can do to facilitate the work of local schools.

In exercising its leadership, regulatory, and service functions, a state agency should be guided by past research on effective methods of change. Top-down reform imposed on persons not ready to accept it will be ineffective. Certain philosophies toward reform and particular techniques have been proven to be more successful than others in overcoming resistance to change. Research has shown, for example, that those who implement changes should have an opportunity to participate in their formation. Consequently, state-level personnel should understand the philosophies and utilize the techniques proven effective.

If pressure must be applied to local school districts to secure adoption of a reform, the pressure must be applied interactively. That is, the pressure is best applied in a workshop or

problem-solving setting in which the reform is presented as something that “we” (the state and local district) must work together to implement. Thereby, the issue becomes one of how *we* can best implement the policy, rather than what *you* must do. Even so, state officials will still need to work to overcome the feeling of local school officials that they are being forced to act by an outside party that is further from the classroom than they are. For this reason, it is extremely important that, whenever possible, teachers be given input in setting goals, instead of being limited merely to deciding how to achieve goals set by the state.

In setting mandates for local school districts, state agencies must allow for situational factors and contingencies, and consider the historical, social, political, and cultural context of the community in which the mandate is to be implemented. State agencies cannot apply rigid rules to every community and expect to achieve the desired results. Attention must be given to the organizational culture of the schools. If a reform impacts negatively on the school climate, it is likely to be ineffective.

In addition, if the state mandates programs and leaves the details of implementation to local districts, the state should aid the local districts through training and financial support. The state should give the districts adequate time to implement the programs, both in terms of lead time and in the actual time needed to implement the program. Lead time is crucial because a reform mandate cannot be announced today and implemented effectively tomorrow. Depending upon the nature of the reform, one or more years of lead time may be necessary for successful implementation. State officials should also be mindful that implementing a new program takes a certain number of hours per day and per week by local school personnel. When new programs are mandated, existing programs normally must be continued, but the existing demands on time are seldom modified. If the amount of paperwork (or any other kind of work) imposed by the new program is perceived as overwhelming, and if the additional work must be fit into an already full schedule, something is going to suffer—the new program, existing programs, the morale of local school personnel, or all of the above. Adequate time must be provided for effective implementation.

Furthermore, unduly hasty implementation may convert a

good idea into bad practice. School-based management, for example, may be a good idea, but successful implementation cannot occur statewide immediately. Implementation must occur in stages. Questions about selection of school council members and their areas of jurisdiction must be addressed. Workshops must be conducted in which these matters are debated, and training must be provided in implementation of the concept. Otherwise, a potentially helpful innovation will prove to be a failure.

State-level personnel should regard local school teachers, administrators, and board members as colleagues and allies engaged in a mutual effort to improve education. Any reform based upon the premise that teachers are foes or incompetent is bound to fail, because only teachers can implement reforms in the classroom. State agencies, local school boards, and school-site councils can make a positive contribution only by taking a cooperative, helpful stance.

To achieve reform, state and federal policymakers should use leadership and capacity-building as their preferred policy instruments. Inducements should be used only when leadership and capacity-building do not effect the desired results. Mandates should be used only as a last resort whenever local districts do not have the will or capacity to act.

At the local level, school boards and administrators must pursue highly ethical courses of action, rather than following paths of political expediency or building their own power bases. Local control of the schools cannot survive a widespread perception that power brokers are using control to benefit themselves at the expense of pupil achievement. (Fortunately, the vast majority of local boards and administrators are public servants of unimpeachable integrity.) Not only do individual board members and administrators have a responsibility to be guided in their own actions by ethical principles, but associations of board members and school superintendents should develop and enforce codes of ethics upon their respective memberships.

Local school boards and administrators should strive to make schools responsive to the needs of all residents of the community, to get previously passive parents involved, to conduct school affairs openly, and to live up to the rhetoric of local control. It is said that the schools belong to the people; if this is

the case, the people must gain a sense of ownership of their schools. The techniques are well-known: school councils, open meetings, public forums, volunteers in the schools, reaching out to all members of the public. If local control survives, it will not be the result of federal or state mandates. Rather, it will survive only because local school officials continue to earn the trust that has been placed in them.

Increased state promotion of education reform must involve local districts in the change *process* to secure commitment to the *substance* of the change. If local school districts are to remain viable, the state must engage in capacity-building activities to help them acquire the necessary skills to identify and solve problems at the district and school-site levels.

Finally, policymakers at the federal, state, and local levels must always recognize that the goals of schooling can be achieved only through the interaction of pupils in local schools with their teachers, instructional materials, and fellow students. Therefore, teachers, parents, and students must work together if reform efforts are to be successful.

