Michigan Law Review

Volume 67 | Issue 5

1969

The Coming Revolution in Public School Management

Donald H. Wollett

University of California, Davis

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Part of the [Education Law Commons](#), [Labor and Employment Law Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Donald H. Wollett, *The Coming Revolution in Public School Management*, 67 MICH. L. REV. 1017 (1969).
Available at: <https://repository.law.umich.edu/mlr/vol67/iss5/8>

This Symposium is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

THE COMING REVOLUTION IN PUBLIC SCHOOL MANAGEMENT

Donald H. Wollett*

DR. James Conant has commented on what he views as “concurrent educational revolutions”—changes in methods of instruction, in curriculum emphasis, and in public school financing—which portend radical revision in the methods of determining educational policy.¹ However, thus far neither Dr. Conant nor any other observer of similar stature has addressed himself seriously to a fourth educational revolution-in-the-making: the direct involvement of teachers, through structured collective negotiations, in the management of public elementary and secondary school systems. This Article will focus on that coming revolution.

I. THE LOCUS OF DECISION-MAKING AUTHORITY IN PUBLIC EDUCATION

Local lay school boards and the superintendents who act as their chief executive officers function within prescribed fiscal limitations and are subject to peripheral legislative directives on such matters as minimum salaries, teacher retirement, and tenure.² They are often motivated by the availability of federal and foundation grants, and are responsive to the requirements of regional accrediting agencies and the supervision of state boards of education and state superintendents. However, local boards and superintendents have a broad residual discretion to manage the public schools under their jurisdiction. Within this wide domain of authority they are the principal makers and administrators of educational policy, carrying on the uniquely American tradition of decentralized “civilian” control of the public educational enterprise.

Teacher organizations and teachers of education—the groups which together form “the educational establishment”³—historically have been able to exert heavy influence on state boards of education,

* Professor of Law, University of California (Davis). A.B. 1941, University of Chicago; LL.B. 1942, University of Indiana. The author is a former partner in a law firm which served as labor counsel for the National Education Association.—Ed.

1. J. CONANT, *SHAPING EDUCATIONAL POLICY* 2-8 (1964).

2. See generally Rehmus, *Constraints on Local Governments and Public Employee Bargaining*, 67 MICH. L. REV. 919 (1969).

3. J. CONANT, *supra* note 1, at 16-48.

state superintendents, and regional accrediting agencies. They have effectively mounted and exerted "lobbying" pressures on state legislatures and, in recent years at least, on Congress. However, until very recently teacher organizations have had little involvement in local school administration or in the policy decisions of local school boards and superintendents.

The triad of public school administration is that school boards make policy, superintendents administer policy, and teachers teach. Since the statement embodies some truth, it cannot fairly be characterized as mythology. However, for one who is seeking a real understanding of who does what in the management and operation of a local school system, the statement is grossly misleading. The fact is that school boards frequently perform administrative as well as policy-making functions, usually in response to community pressures and often to the dismay of the local superintendents. For example, it is not uncommon for a school board to direct a change in the assigned textbook for a specific course. Moreover, superintendents often transcend their administrative roles in order to make educational policy. Many school board members, who know very little about the particulars of educational programming, are willing, if not relieved, to follow the judgment of professionally trained school superintendents on such matters as curriculum planning.⁴

Not only do school boards and superintendents frequently get into each other's business, but they are also not reluctant to intrude themselves directly into the teaching process itself—often to the detriment of academic freedom.⁵ School boards and superintendents have considered it perfectly legitimate, for instance, to exercise strict control over the teacher's behavior, his method of instruction, or both. In part, this reflects the tradition of emphasizing the role of the teacher as an "employee" of the "community" to which the

4. This observation is based upon a number of conversations which this writer has had with school board members. For example, during a conversation at the Conference on Negotiations (California Teachers Association, Spring 1964) Mr. J. Edgar Benton of the Denver Board of Education stated:

We school board people are comfortable only when we are dealing with things with which we have had experience. We look forward to such agenda items as a bond issue or the purchase of a school bus for then we are on familiar terrain. If, on the other hand, the question before us involves educational programming, we are uneasy about our competence and willing, if not relieved, to follow the superintendent.

5. When interviewed, one school board member in a New England state remarked: "Sure, we believe in academic freedom for our teachers. But this isn't New York. And that high school art teacher can't expect to get away with showing his class dirty pictures by some off-beat Frenchman."

board and the superintendent are "responsible." Thus, teachers, individually and collectively, are expected to tailor their expectations and behavior to fit the limits tolerable to the community in which they are employed—or, more precisely, to organized groups which have political leverage within that community. If the teachers exceed those limits, the school board and the superintendent will predictably stand with the community rather than with the faculty, even though the quality of education may suffer as a result. The rationale for choosing sides in this way is self-preservation: the community not only pays taxes to support the public educational establishment, but also retains the ultimate power to dismiss unresponsive boards of education and superintendents. Educational policy that is set in response to such pressure from community groups often does not satisfy the legitimate educational needs of the community's children.⁶

II. THE PROFESSIONAL STATUS OF THE PUBLIC SCHOOL TEACHER

There has been a substantial effort in the United States to improve the quality of education by raising the requirements for admission to, and advancement in, the teaching profession. While some critics have argued that these standards are too parochial and too mechanical in conception and application,⁷ there is little doubt that the over-all effort has been successful. Teachers as a whole are now better qualified to serve the welfare of their special clientele than they have ever been before. We expect more from teachers today than at any time in the past, we assign them more responsibility, and we are more critical if their level of achievement—as measured by that of their students—does not reach our expectations.

However, teachers do not have authority within local school sys-

6. Benton, *Human Relations—Impasse—School Boards*, in REPORT OF NORTHWEST INSTITUTE ON NEGOTIATIONS AND PUBLIC EDUCATION 253, 263 (Eastern Washington State College & United States Office of Education 1968).

Boards of Education are . . . in a sense, singularly unlikely to do the things that are necessary to lift public education on to the level of productive and efficient functioning and operations—particularly as far as finances are concerned—that they need to do. The reason for this is that they are so immediately subject to tax-payer revolts, tax-payer resistance, tax-payer opposition. When given alternatives . . . between doing something that has to be done for the schools, . . . or yielding to the concentrated and intense focus of pressure of certain vested interest groups in the community, they will opt not for education, but for the groups. Rationalizing it all the way on the theory that, "We are the elected representatives of people, and we have to find out what people think and then do just that."

7. See J. CONANT, *THE EDUCATION OF AMERICAN TEACHERS* (1963).

tems commensurate with their responsibilities. They frequently lack a meaningful voice in determining the content of the courses they are teaching or in selecting appropriate textbooks. Often they are not free to formulate their own lesson plans or to modify them if they do not produce desirable classroom responses. Seldom, if ever, do they share a role in over-all curricular planning. A teacher who maintains rigorous performance standards for his pupils or strict rules of eligibility to participate in extracurricular activities for which he is responsible may be supported by his school board in the teeth of parental complaints. But it is more likely that he will be forced to relax his standards under threat of an adverse performance rating, a transfer to the boondocks, or discharge. Teachers are frequently told that they should accept responsibility for their colleagues who "beat the clock" or who are otherwise guilty of untoward behavior. Yet, teachers typically have no voice in recruiting new colleagues or in promotion and tenure decisions. The on-the-job freedom and authority of classroom teachers has been seriously curtailed by standardization of teaching procedures which are regimentally enforced.⁸ Most teachers have inadequate office space (if indeed they have an office at all), and they have little or no secretarial help. Faculty libraries are virtually unknown. Teachers are seldom involved in decisions about the design or rehabilitation of physical plant or about the mix of technology and manpower to be employed in the teaching process.

In short, teachers in public elementary and secondary education are the victims of a kind of one-dimensional professionalism: professional responsibility without professional authority. It is as if one were to say to a doctor: "The health of the patient is in your hands, but someone else will make the diagnosis and prescribe the therapy." One prominent school board member has stated:

I think the miracle is that we have extracted from the teachers corps of the United States the quality of performance that we have, given the conditions that we have subjected them to—a condition of general servitude, I would describe it. They have lived in a condition where they were told what to do, when to do it, how to do it, and then excoriated for not having done the when, where, and how as

8. THE PURSUIT OF EXCELLENCE: EDUCATION AND THE FUTURE OF AMERICA, REPORT V at 24 (Rockefeller Bros. 1958):

Perhaps no profession has suffered such a general neglect of specialized abilities as that of the teacher. Teachers at the pre-college level tend to be handled as interchangeable units in educational assembly lines. The best teacher and the poorest in a school may teach the same grade and subject [using the same teaching methods], use the same text book, handle the same number of students, get paid the same salaries, and rise in salary at the same speed to the same ceiling.

indicated. This is calculated, it seems to me, to squeeze the vitality out of almost anyone, except the vegetable—the guy who comes into teaching because he was a vegetable, and stays in it effectively because he is.⁹

One junior high school teacher in a lower-middle-class neighborhood in Brooklyn, frustrated that her performance is judged more on the basis of adherence to an approved lesson plan than on how much her students learn, expressed the misgivings of many professionally oriented teachers in urban school systems:

I have a conflict between the right thing to do to get recognition [from the administration] and what I feel is the right thing to do [for the students] Teaching is really in a sense like a performance. There ought to be more expressiveness and freedom in it What I really want is to be treated as a professional—to be consulted and trusted.¹⁰

The specific conditions that this teacher complained about are not atypical in American education. Teachers must submit weekly lesson plans for the approval of supervisors who frequently do not even take the trouble to read them. Considerable time is devoted to minor clerical chores such as taking attendance, filling out forms, and keeping records. Teachers are required to direct traffic in hallways between classes, and they are importuned never to sit down while teaching a class. Supervisors roam the halls during class changes and peer into classroom windows to enforce both of these rules strictly. Worse, the principal maintains an informal espionage system wherein teachers are encouraged to report on the activities of their fellow teachers by the prospect of relief from unwanted nonteaching duties such as cafeteria supervision.¹¹

III. THE HARBINGERS OF REVOLUTION

Massachusetts,¹² Michigan,¹³ New Jersey,¹⁴ New York,¹⁵ and Wisconsin¹⁶ have recently enacted general statutes requiring public

9. Benton, *supra* note 6, at 265.

10. N.Y. Herald Tribune, Feb. 4, 1965, at 1, col. 3.

11. *Id.*

12. MASS. ANN. LAWS ch. 149, § 178 (Supp. 1967).

13. MICH. COMP. LAWS ANN. § 423.201-216 (1967).

14. N.J. STAT. ANN. §§ 34:13A-1 to -11 (Supp. 1968), *amending* N.J. STAT. ANN. §§ 34:13A-1 to -13 (1959).

15. N.Y. CIV. SERV. LAW §§ 200-12 (McKinney Supp. 1968). [The present version of this law, as amended by a bill passed on March 4, 1969 (effective April 1, 1969), appears in GOVERNMENT EMPLOYEE RELATIONS REPORT No. 288, at F-1 (March 17, 1969).]

16. WIS. STAT. ANN. § 111.70 (municipal employees), §§ 111.80-.94 (state employees) (Supp. 1969).

employers, including school boards, to share their policy-making authority with organizations of their employees, including teachers. Connecticut,¹⁷ Maryland,¹⁸ Rhode Island,¹⁹ and Washington²⁰ have passed special laws guaranteeing teachers the right to organize and bargain collectively with school boards. Special statutes in California,²¹ Minnesota,²² and Oregon²³ afford teachers the right to "meet and confer" with local school boards. Moreover, collective negotiations between teacher organizations and local boards of education exist extralegally in seven other states which include such major cities as Chicago, Philadelphia, Cleveland, Pittsburgh, Kansas City, Denver, and Washington, D.C. One respected observer has estimated that by 1972 approximately eighty per cent of the nation's teachers will be teaching in states with some type of collective bargaining statute or in school districts with structured systems for collective negotiations.²⁴

During the last thirty years, collective bargaining in the private sector has profoundly influenced both the mode of managerial decision-making and the substance of management decisions. Power-sharing between corporate executives and employee representatives is now commonplace. Employers who once jealously guarded their right to run their businesses unilaterally have resigned themselves to bilateral decision-making on such matters as compensation levels, fringe benefits, work loads, and other terms and conditions of employment. Often these areas of shared decision-making impinge upon matters traditionally regarded as "management prerogatives"—for example, the decision whether to subcontract. However, as great an impact as the union movement has had in the private sector, few observers would characterize the changes in the mode of decision-making as a managerial "revolution." Why, then, should one suppose that power-sharing in the public sector would have a different—and more profound—impact on management of the public educational enterprise?

17. CONN. GEN. STAT. ANN. § 10-153(b) to (d) (Supp. 1969), §§ 10-153(e) to (f) (1967).

18. MD. ANN. CODE art. 77, § 175 (Supp. 1968).

19. R.I. GEN. LAWS § 28-9.3-1 to -5 (1969).

20. WASH. REV. CODE ANN. tit. 41.56 (Supp. 1967).

21. CAL. EDUC. CODE § 13080 (West 1969).

22. MINN. STAT. ANN. §§ 125.19-.26 (Supp. 1969).

23. ORE. REV. STAT. § 342.450 (Supp. 1968).

24. Lieberman, *Collective Negotiations: Status and Trends*, AM. SCHOOL Bd. J., Oct. 1967, at 7.

The answer lies in the aspirations and self-conceptions of teachers generally. Professors in higher education have traditionally aspired to the same degree of self-government that obtains in the entrepreneurial professions. Like lawyers and doctors, university professors have sought to establish their own criteria for admission into the profession and to fashion and enforce their own standards of good practice. Within the universities, they have pressed for effective influence in policy decisions on admission standards, curriculum content, degree requirements, grading standards, academic freedom, standards for student conduct and discipline, and procedures for the appointment of department chairmen, deans, and presidents. Furthermore, they have aspired to determine the conditions which affect the standards and quality of work performance—promotions, tenure, course assignments, work schedules, work loads, allocation of space, and secretarial help.²⁵

Teachers in elementary and secondary education do not yet fully share the same aspirations, probably because teaching at these levels is still not a sufficiently rewarding occupation to attract and hold the number of highly qualified persons necessary to achieve the level of "professionalism" found in higher education.²⁶ Elementary and secondary school teachers' salaries are not yet competitive with salaries for other jobs involving comparable ability and length of training.²⁷ Promotional policy in most school systems is routine and depends more on seniority (or favoritism) than merit. Top salaries are not sufficiently far above the lowest salaries to constitute meaningful incentives for staying in the profession. Teachers with more than modest financial needs and responsibilities can solve their problems only by becoming administrators or by leaving education altogether.²⁸ It is significant to note in this regard that teachers have not been content to rest their case for salary increases on factors which are usually considered to be of prime importance in collective bargaining generally—increases in the cost of living and comparisons with settlements and trends in other trades and occupations. Rather, their primary argument is that salary increases are necessary if the school

25. See AMERICAN ASSOCIATION FOR HIGHER EDUCATION, TASK FORCE ON FACULTY REPRESENTATION AND ACADEMIC NEGOTIATIONS, FACULTY PARTICIPATION IN ACADEMIC GOVERNANCE 27-32 (1967). See also Brown, *Collective Bargaining in Higher Education*, 67 MICH. L. REV. 1067 (1969).

26. THE PURSUIT OF EXCELLENCE, *supra* note 8, at 23-26.

27. Gardner, *National Goals in Education*, in GOALS FOR AMERICANS 18, 95-96 (President's Commission on National Goals 1960).

28. THE PURSUIT OF EXCELLENCE, *supra* note 8, at 25-26.

district is to compete effectively in the market place for high-quality beginning teachers and for the continued services of experienced teachers. In the long run, they contend, this is the only way to reduce the number of substandard teachers. Turnover statistics thus assume critical importance in the bargaining process: How many teachers have resigned in the past five years? Why did they resign? Where did they go? Were they experienced or inexperienced? By whom were they replaced? Surprisingly, since they publicly proclaim their commitment to excellence, many school boards are indifferent to such data. Such basic techniques of personnel management as conducting exit interviews to determine the causes of turnover are rare. Many school boards do not keep accurate and complete turnover statistics at all. Others do so, but only for the purpose of ascertaining how much money can be saved by replacing experienced teachers with inexperienced ones; this is accomplished by discharging every year a predetermined percentage of instructors who have not yet achieved tenure.

In those school districts where it exists, collective bargaining has already made a significant impact on these conditions. As a result of the negotiations during the past five years, salaries and other compensation levels have improved dramatically,²⁹ and it is reasonable to expect that these trends will continue. Particular emphasis will probably be placed on widening the differential between top and bottom salaries in order to encourage "career" teachers to remain in the profession. As collective negotiation in education continues to improve entering salaries and salary expectations, not only will the number and quality of career teachers increase, but also the expectation levels and demands of teachers in elementary and secondary education will grow geometrically. Teachers will identify more and more with the "professional" objectives of their counterparts in higher education, and they will argue for a more significant role in the areas of managerial authority which have been occupied exclusively by school boards and superintendents.

Already the impact of this revolution has been felt in a number of school districts. The recent grievance arbitration of *Barnstable Teachers Association v. Barnstable School Committee*³⁰ provides perhaps the most dramatic illustration of the impact of collective nego-

29. For a discussion of the increase in teachers' salaries in Michigan, see Rehmus, *supra* note 2, at 924.

30. EDUCATORS NEGOTIATING SERVICES, Dec. 2, 1968, case no. 1130-0043-68 (Fallon, arbitrator).

tiations on the division of managerial authority in public education. The aggrieved party, Edward F. Barry, had been employed as a high school chemistry teacher since 1959. Sixty-seven students had taken his course in college chemistry during the school year 1966-67; of these sixty-seven students, six per cent had received A's, and twelve per cent B's. At the other end of the scale, thirty per cent of the sixty-seven students had received D's, and thirteen per cent F's. During the same marking period, students in other college preparatory courses in the school had been marked on a so-called normal curve: fourteen per cent of them had received A's, thirty-three per cent B's, nineteen per cent D's, and four per cent F's. Since the better colleges commonly regarded A's or B's as the only marks meriting college certification, eighteen per cent of Barry's students had received certifying marks as compared with forty-seven per cent in other college preparatory courses in which students had been graded on the normal curve.

The principal of the high school, Paul J. Prescott, received a number of parental complaints about Barry's grading system; he communicated these complaints to Barry and asked him to consider re-evaluating his marking system. While Barry did not foreclose this possibility, he stated his opinion that students had achieved lower grades in his chemistry class for two reasons: first, his standard for median achievement was a level sufficiently high so that students could compete successfully with students from other school systems who were seeking admission to Ivy League colleges; and second, some of the students who had been "assigned" to his class did not belong in a college chemistry class in the first place.

When Barry subsequently refused to conform to the so-called normal marking curve, Prescott sent him a memorandum pointing out that for the past three years his distribution of marks had been out of conformity with marks received by college preparatory students in other classes and from other instructors in the school. Accordingly, the principal ordered him "to revise your marking system to bring it into line with the marks received by college preparatory students in other classes in the school."³¹ He also warned Barry that his failure to comply with this order would be regarded "as an act of insubordination."³² Barry refused to comply with the order and filed a grievance under the arbitration machinery of the collective bar-

31. *Id.*

32. *Id.*

gaining contract between the teachers' association and the school committee. Article II of this agreement contained familiar language: "Except as otherwise provided in this agreement, the wages, hours, and other conditions of employment applicable on the effective date of this agreement shall continue to be so applicable unless there is good justification for a change."³³ The arbitrator found that the method by which a teacher evaluates and grades his students is a condition of his employment. He further found that Barry had followed his particular method of marking students based on examination results, homework, class participation, and lab work continuously since his employment in 1959. Accordingly, the arbitrator found that it was a violation of article II for the school committee through its agent, Prescott, to direct Barry to revise his marking system in order to bring it into line with the normal curve used in other college preparatory classes. Thus, the arbitrator determined that Barry did not have to comply with the principal's order.

Most faculty members in higher education would probably regard this case as noteworthy only as an outrageous attempt by an antediluvian school administrator to interfere with a teacher's academic freedom. However, it will not be so regarded in elementary and secondary education. *Educators' Negotiating Services*, which reports developments in collective negotiations in elementary and secondary education, reproduced this decision and sent it to its subscribers with the following explanation: "This decision is likely to have repercussions because of its *serious threat to the authority of principals* to supervise and control the teaching activities of their teachers."³⁴ Thus, what would be regarded as a threat to the *authority of teachers* in higher education is regarded as a threat to the *authority of principals* in elementary and secondary education.

The revolution in public school management is making its impact felt in other areas traditionally regarded as the prerogatives of local school boards and administrators. Some recent collective agreements negotiated between school boards and teacher organizations provide for teacher involvement in recruiting new faculty members. For example, one agreement in New York requires that teachers elected by their colleagues at the school, subject, or departmental level interview candidates for teaching positions during the recruit-

33. *Id.*

34. *Id.*

ment process.³⁵ Another teacher association in New York has proposed in current negotiations that a teacher selection committee be established in each elementary school and in each department of each secondary school. Under this system, no new teacher could be employed without the approval of two thirds of the members of the appropriate teacher selection committee. Provisions such as these will have an important effect in shifting the balance of managerial authority in favor of teachers and teacher organizations.

Teacher organizations have also pressed for contractual provisions outlining standards and procedures for judging the professional competence of nontenure teachers. For example, one agreement on Long Island provides for something akin to the "peer" group evaluation of teaching ability which is commonplace in higher education. The contract specifically requires that any evaluation of a teacher's professional ability must include the judgment of a person of recognized competence in the same field. Another teacher organization has proposed that "[n]o teacher shall be denied tenure unless such decision is approved by a vote of two-thirds of all of the members of the appropriate teacher or department selection committee."

Other collective agreements contain provisions which are intended to improve the quality of the educational program. For instance, several agreements in the New England area require the school administration to employ a certain number of specialists, such as psychologists, speech therapists, remedial reading teachers, and other personnel specially trained to improve the quality of educational services available to "different" children—those who are either disadvantaged or gifted. One agreement in Connecticut calls for the school board to employ a minimum of one hundred new staff members for the purpose of improving the quality of education in music, art, and courses for non-English speaking students. A Massachusetts agreement provides for the establishment of a joint faculty committee which is charged, among other things, with the development of plans for designing and equipping new and remodeled school facilities.

Teacher involvement in the development of curriculum and other educational programs is increasingly common. One contract in New York calls for a faculty curriculum group in each school building, a curriculum committee to coordinate curricular offerings

35. This, and the following examples, are drawn from agreements in which the author was the chief negotiator.—Ed.

from kindergarten through the twelfth grade, and a curriculum development council to study and make recommendations on system-wide curricular offerings and priorities. A contract in a different school system establishes a joint educational development committee for the purpose of establishing major programs, setting priorities, developing and implementing new curricular offerings, and evaluating both new and existing programs. Each faculty member on the committee is given released time from teaching chores to attend to his committee responsibilities. The same contract also creates subject matter councils at the district level, and curricular practice and textbook selection committees in each department of the secondary schools and at each grade level in the elementary schools for the purpose of coordinating curricular developments within the school system.

At least two agreements on Long Island provide for the election of department chairmen by the members of each affected secondary school department. One teacher association is currently proposing the establishment of separate promotion committees in each school building as well as a district-wide promotion committee. Under this proposal, no person could be promoted to the chairmanship of a department without the approval of three fourths of the members of the committee in his building. Moreover, the person promoted would lose his new job during the second half of his third year of service unless the committee recommended his retention by a three-fourths vote. The same procedures would apply to the selection of persons to fill district-wide promotional vacancies, including the superintendent's job. Implementation of the proposal would mean in effect, that a superintendent could not be selected without the approval of the teachers' representatives; moreover, a superintendent would be dismissed at the end of his third year unless the teachers agreed to his retention.

IV. SOME IMPLICATIONS OF ORGANIZED TEACHER INVOLVEMENT IN PUBLIC SCHOOL MANAGEMENT

Faculty involvement in the decision-making process in the public schools can be expected to improve teacher salary levels, fringe benefits, and working conditions with an attendant improvement in the quality of teachers. It should also produce improved supervision, modernization of personnel practices, more efficient management, and tighter budget-making procedures and budgetary control. More-

over, teacher participation should substantially reduce the risk of political interference in local school management—hiring administrators or creating administrative sinecures on a patronage basis. Finally, it should result in a greater public awareness of what really goes on in the public schools.

On the other side of the ledger, the shift in decision-making authority may increase the risk that excellence in teacher performance—individual efforts that transcend established norms or deviate from standardized practice—will be discouraged or repressed in favor of uniformity of performance and equality of compensation. There may be increasing pressure for the use of mechanical or quantitative formulae under which, illustratively, equal hours of work plus equal seniority plus equal credits means equal pay. Collective bargaining inherently subjects many policy determinations to the rule of the organizational majority, and majority rule often reflects deep suspicion of individual initiative or advantage. Thus, collective negotiations could have an adverse effect on teachers with special ability.³⁶

It is too early to predict, even tentatively, whether teacher participation in the management of the public educational enterprise will result in more imaginative decision-making in curriculum planning, teaching methodology, and other aspects of educational programming in the public schools. The experience in higher education does not support the belief that faculty “input” in such decision-making processes *necessarily* produces salutary results. The push for innovation and experimentation in higher education often seems to come from the administration of the institution, typically in response to external pressures. Faculty resistance to change, if it occurs, may be the result of inertia or simply differing evaluations of the merits of particular proposals.

State and national teacher organizations do devote a large percentage of their resources to research in ways to improve the quality of public education. It seems realistic to suggest that procedures for bilateral policy formulation through collective negotiations may prove to be an effective vehicle for encouraging the kind of workplace involvement of teachers that is a *sine qua non* of effective experimentation.

Most of the evidence in the early stages of the teacher revolution indicates that the cooperative development of educational policies by

36. Of course, this can happen under the present relationships. See text accompanying notes 7-11 *supra*.

school boards, superintendents, and local teacher organizations will come slowly and with travail. Both parties can be expected to be doctrinaire and emotional in their respective positions on the question of what subjects are bargainable, what subjects are managerial prerogatives, and what subjects are teacher prerogatives. Moreover, even when there is a disposition to cooperate, there may be conflicts of interest which make accommodations extremely difficult. For instance, an innovation-minded school board may wish to experiment with a high school arranged on the model of Oxford College, with four separate "houses," each presided over by a "house master." Such a proposal requires the creation of several new jobs. The school board may subscribe abstractly to the principle that promotional vacancies should be filled from within the school system and that seniority should govern where the merit of several applicants is equal. Still, it may seek to describe the requirements for the new jobs so that senior teaching personnel, whom the board feels might lay the dead hand of tradition and orthodoxy on the experiment, could not qualify. The teacher organization, while it may lend its full support to the experiment in principle, may be compelled by the self-interest of its members to insist upon a job description which maximizes the chance that senior members of the incumbent staff will qualify for the new positions. This is particularly true since teachers, like other employees, commonly regard merit as a euphemism for favoritism.

Two other implications of organized teacher involvement in local public school management deserve brief comment. First, the fact that teachers by reason of their education, psychology, and traditions have an interest in the quality of the educational enterprise is relevant in terms of avoiding or resolving bargaining impasses. Third-party intervenors—mediators, fact finders, or arbitrators—will usually be in error if they cavalierly assume that proposals which manifest this interest are mere "window-dressing" for public beguilement. This is not to say that all proposals of teacher organizations will be altruistic. But there will usually be a blend of self-concern and "professional" concern which is not characteristic of collective bargaining in many other fields. Every reasonable effort should be made to avoid retarding serious consideration of proposals which reflect professional concern over the quality of education on the ground that the issues are management prerogatives and therefore nonbargainable. Second, the development of strong local teacher

organizations will greatly increase the likelihood of visible conflicts between teachers and certain pressure groups within the community. Four years ago I made the following statement:

[O]ne of the most serious problems facing urban schools today is the pressure generated by militant, well organized lay groups on school boards and superintendents. The most dramatic and explosive pressures (although not the only ones) arise from the conflict between groups who would achieve racial balance at the sacrifice of all other educational values and groups who think that the neighborhood school principle was divinely ordained. The danger is that policies on such difficult and divisive matters will ultimately be made, not on the basis of carefully reasoned judgments by those persons who are responsible for the educational program, but on the basis of which group can out-demonstrate, out-litigate, and out-shout the other. What school boards and superintendents need, I suggest, is a countervailing force which will effectively offset such pressures and play a major role in keeping the development, formulation, and administration of school policy in responsible hands.³⁷

The pressure groups have different objectives today than they had when that statement was made. But the conflicts are just as severe, and the need for a countervailing force is just as great. A strong teachers' organization profoundly involved in public school management can provide such a force.

The current furor in New York City over "decentralization" or "community control" of the schools is a dramatic illustration of the point.³⁸ The assertions by organized groups of parents—whether in Scarsdale or in Ocean Hill-Brownsville—that the neighborhood public schools are "theirs" and that they must have total control over who is hired, what they teach, and what methods they use are squarely opposed to the highest aspirations of public school teachers. The pressure for community control being applied by the leadership of racial and ethnic groups in the affected neighborhoods merely compounds the conflict. If teaching is truly a profession, teachers must be recognized as having a special competence to help define the standards of their "practice" and the quality of service provided to their "clientele."

The history of public education seems to indicate that neither

37. Address by Donald H. Wollett, Spring Field Conference, University of Southern California, March 10, 1965.

38. See Mayer, *The Full and Sometimes Very Surprising Story of Ocean Hill, The Teacher's Union and the Teachers Strikes of 1968*, N.Y. Times, Feb. 2, 1969, § 6 (Magazine), at 18.

school boards nor other essentially political agencies, standing alone, can realistically be relied upon to provide a meaningful domain of academic freedom for public school teachers. Teachers can achieve this objective only through the development of strong local organizations which are capable of mobilizing and using power in appropriate ways. Such teacher organizations can give school boards caught between the needs of education and the pressures of public interest groups the courage and confidence to "opt" for education. Where teacher organizations and school boards are able to engage in constructive collective bargaining, public school management will indeed be revolutionized in ways which hold great promise for improvement of the educational enterprise.