

THE FAILURES OF U.S. EDUCATION GOVERNANCE TODAY

Chester E. Finn, Jr. and Michael J. Petrilli

**Rethinking Education Governance in the Twenty-First Century Conference
Thomas B. Fordham Institute
Center for American Progress
December 1, 2011**

Abstract: Education “reforms” abound today, yet the sluggish pace of actual changes wrought by those new policies, programs, and practices demands a fresh look at public education’s basic structures and operating arrangements. What America needs in the twenty-first century is a far more fundamental approach to “reforming” K-12 education. Our “marble cake” policy structure of overlapped local, state, and national responsibility for schools has proven more adept at blocking or slowing needed change than at advancing it—a problem aggravated by our practice of (in most places) separating “education governance” from the regular leadership structures (and election cycles) of cities and states. Indeed, “local control” as traditionally construed needs a makeover, too. This paper outlines the key issues with our current governance arrangements.

THE FAILURES OF U.S. EDUCATION GOVERNANCE TODAY

Chester E. Finn, Jr. and Michael J. Petrilli

To anyone concerned with the state of America's schools, one of the more alarming experiences of the past few decades has been seeing waves of important reforms and promising innovations crash upon the rocks of failure. Charter schools have popped up all over the landscape; vouchers are being implemented in more and more places; massive federal initiatives like No Child Left Behind and Race to the Top have invested billions of dollars in fixing our schools. Yet America's student-achievement results remain dismal, especially at the twelfth-grade level. Millions of children still cannot read satisfactorily, do math at an acceptable level, or perform the other skills needed for jobs in the modern world economy.¹

Why this persistent failure? One major cause is our flawed, archaic, and inefficient system for organizing and operating public schools. Currently, our approach to school management is a confused and tangled web, involving the federal government, the states, and local school districts—each with ill-defined responsibilities and often conflicting interests. As a result, over the past fifty years, obsolescence, clumsiness, and misalignment have come to define the governance of public education. This development is not anyone's fault, per se: It is simply what happens when opportunities and needs change, but structures don't. The system of schooling we have today is the legacy of the nineteenth century—and hopelessly outmoded in the twenty-first.

Perhaps the foremost failing of that system is its fragmented and multi-polar decision making; too many cooks in the education kitchen and nobody really in charge. We bow to the mantra of “local control” yet in fact nearly every major decision affecting the education of our children is shaped (and mis-shaped) by at least four separate levels of governance: Washington, the state capitol, the local district, and the individual school building itself.² And that's without even considering intermediate units (such as the regional education-service centers seen in Texas, New York, Ohio and elsewhere), the courts (which exert enormous influence on our schools), or parents and guardians, and the degree to which all of their decisions influence the nature and quality of a child's schooling.

Such fragmented governance does confer a measure of stability on the system, but it's the stability of inertia and gridlock, whereby dozens of interest groups, influencers, and decision-makers can block change and in which it's exceptionally difficult to forge the kind of coalition or consensus that might facilitate it. This would be reasonable if the opportunity, productivity, and efficacy of our education system were satisfactory but, at a time when the demand for “reform”

¹ U.S. Department of Education, [*The Nation's Report Card: Findings in Brief*](#) (Washington, D.C.: National Center for Education Statistics, 2011).

² There are, of course, exceptions, such as Hawaii, which operates a single statewide school system, and charter schools that answer to authorities other than local districts.

and “improvement” and “equity” and “greater effectiveness” is heard from so many quarters, educational stability through inertia and fragmentation is not good for our children or our nation.

Those who disagree with this analysis will invoke “democracy” in defense of the present arrangement, will assert that different communities have different education priorities, will argue that Americans, by large, have the schools they want (or, perhaps, deserve), and will cite poll data indicating that most parents are content with their own children’s schools.³

No one trumps the authors’ commitment to democracy. But when it yields an education system that pays greater deference to the desires and interests of its employees, vendors, and other adult beneficiaries than to those of the families and communities that it serves, this is a shabby form of democracy indeed—and one that cries out for serious makeover.

Democracy creates obstacles to smart policy in other domains, too. Take, for example, the need to close superfluous military bases in recent years. The normal legislative process provided too many opportunities for members of Congress to keep unneeded bases in their own districts. So thoughtful people figured out a new approach—the base-closing commission—to solve this particular problem. That commission didn’t spell the end of democracy, but it did provide an alternative route to the common good. That’s what’s needed in education, too.

Considering the extent to which our method of school governance is responsible for what ails American education today, it has received surprisingly little attention. Efforts to address the problem either elicit boredom—governance isn’t sexy like extended learning time; last-in, first out; merit pay; and vouchers—or eye-rolling, as many argue that, even if the structure and governance of our K-12 system pose problems, trying to fix them is politically futile and therefore not worth spending much time on.

Yet to fail to confront these malfunctions in the governance of public education is to accept the glum fact that even the most urgent and earnest of other reform efforts cannot gain enough traction to make a big dent in America’s achievement deficit, produce quality alternatives to the traditional monopoly, or defeat the adult interests that benefit from that monopoly.

We cannot afford such complacency. Only by seeking to understand how we came to operate schools in such a haphazard way, what particular ails face our governance structures now, and how they might be reformed in the years ahead can we restore sanity and efficiency to America’s public schools. We begin at the district level—the first layer of this misshapen cake.

Whence the School District?

America’s unique brand of education localism dates to the nineteenth century and even earlier, when individual towns and families paid essentially all the costs of operating whatever schools they had. Indeed, education in the early days was entirely a local affair, and so quite varied:

³ [*Highlights of the 2011 Phi Delta Kappa/Gallup Poll*](#) (Gallup, September 2011).

Some towns had schools, others didn't; some paid for them with taxes, others with bushels of wheat, church tithes, or tuition charges levied on parents. Just as individual communities decided whether and how to operate schools, so did individual families determine which, if any, of their sons and daughters would attend school (and for how long). If a child was poor, he ordinarily got little or no schooling unless someone took pity on him and paid for his education.⁴

This started to change in the mid-nineteenth century, when states began requiring children to attend school, at least for a few primary grades. Massachusetts led the way in 1852, and New York followed a year later. By 1918, every state had some sort of “compulsory attendance” law on the books. With such requirements came an obligation on the state’s part to ensure that schools were available so that these requirements could be fulfilled; this drew states into both the financing and governance of primary and, in time, secondary education.⁵

The strongest imprint on today’s school-governance structures, however, may have been left by the Progressive Era—when it was deemed important to “keep politics out of education” so as to avoid the taint of patronage and party. According to the prevailing wisdom, it was better to entrust the supervision of public education to expert professionals and independent, non-partisan boards that would attract disinterested community leaders to tend to this vital civic function. The mayor and aldermen were to be kept at bay, lest public education grow entwined with other government functions and agencies, and thus become contaminated by politics and cronyism. (And to be sure, this was a reasonable concern at the time.)

At the state level, too, the governance structures devised for education were meant to serve as a buffer from conventional politics. Most states established their own boards of education, some with members appointed by the governor to fixed terms, some elected. Each of these boards then hired a “commissioner” or “superintendent” of education, ordinarily a career professional, to head the education department—a state agency, to be sure, but seldom part of the governor’s “cabinet” and rarely subject to his direct control. Which meant that governors had minimal or non-existent roles when it came to education—even though it would eventually become among the biggest ticket items in a state’s budget.

A few of these state-level structures pre-dated the Progressives. For instance, the New York Board of Regents—with members appointed by the legislature—was launched in 1784 (though its original mandate was just higher education). Massachusetts created its state board of education—focused on primary and secondary schooling—in 1837. That establishment was a response to Governor Edward Everett’s admonition to lawmakers that, while locally-operated “common” schools were well and good:

⁴ Lawrence Cremin, *American Education: The National Experience* (New York: Harper Collins, 1980); Carol Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983); Michael Katz, *Reconstructing American Education*. (Cambridge, MA: Harvard, 1987), 24-57.

⁵ U.S. Department of Education, [*Digest of Education Statistics*](#) (Washington, D.C.: National Center for Education Statistics, 2004).

The school houses might, in many cases, be rendered more commodious. Provision ought to be made for affording the advantages of education, throughout the whole year, to all of a proper age to receive it. Teachers well qualified to give elementary instruction in all the branches of useful knowledge, should be employed; and small school libraries, maps, globes, and requisite scientific apparatus should be furnished. I submit to the Legislature, whether the creation of a board of commissioners of schools, to serve without salary, with authority to appoint a secretary, on a reasonable compensation, to be paid from the school fund, would not be of great utility.⁶

The very first secretary of that “board of commissioners” was Horace Mann, often termed the father of public education in the United States and, arguably, the first great centralizer of control over that education and the first eminent invader of its “local control.”

In the years that followed, as state constitutions were written and rewritten, they included provisions that explicitly tasked the states with the responsibility of educating their own citizens. The wording of these clauses varies considerably; typical examples are Ohio’s charge to its legislature to “secure a thorough and efficient system of common schools throughout the state” and Texas’s assignment to its lawmakers to “establish and make suitable provision for the support and maintenance of an efficient system of public free schools.” Whatever the phrasing, every state constitution now includes some provision to this effect.

But though states bear formal responsibility for public education, all save Hawaii have opted to deliver schooling through “local education agencies” (LEAs), or school districts. The states did, however, retain direct control of teacher credentialing, ostensibly seeking to elevate “professionalism” in this field over the patronage they supposed might take over at the local level. Today, one can readily see how that retention of control acts as a severe constraint on local schools’ decision-making.

The states did not create LEAs from scratch: They inherited them from the earlier era of community-based, locally financed education. And their configurations vary as greatly as our communities. In some states, they coincide with counties, while others made them coterminous with cities or townships. Rarely, however, are LEAs actually governed directly by these political entities.

Because of this history, and owing to differences among states, LEAs vary greatly in size and number. Today, Illinois has 870 of them, Maryland just twenty-four. LEAs have also been shaped by decades of consolidation: In 1930, for instance, the United States contained a staggering 130,000 LEAs, many responsible for just one school each. Today, we have only one-

⁶ Massachusetts General Court records for 1837, Senate #1,17 in: Chester E. Finn, Jr. “[How to Run Public Schools in the 21st Century](#),” (Hoover Institution, June 2001).

tenth that number: 13,629 LEAs in 2009-10, responsible for 98,917 schools. This would suggest that, on average, each district in America is responsible for seven schools. But any such average is deeply deceptive, as some school systems (mostly in large cities) enroll more than 200,000 students each while about half of America's LEAs educate fewer than 1,000 students apiece.⁷

Save for charter schools, a few specialized schools run directly by states, and federally operated schools for military children and Native Americans, LEAs administer America's public schools. They do so via a "central office" presided over by a superintendent—almost always a career educator—and his staff, which usually functions as a typical public-sector bureaucracy with one unit in charge of transportation, another responsible for personnel, and so on. Except in the handful of cities where the superintendent reports to the mayor, or the mayor appoints the governing board, the LEA's administrative team is answerable to an elected board of education or school committee. Typically, these school boards consist of seven or nine members; there are some 90,000 such officials nationwide.

And the powers of these boards vary from place to place. Part of this variation stems from the fact that some states are more prescriptive than others when it comes to public education; it is also the result of differing approaches to revenue-raising. School boards in some jurisdictions have their own authority to levy taxes, though more often school budgets and the local taxes that support them are subject to approval either by other local bodies—such as city councils and county supervisors—or by voters in a referendum.

Because today's LEA and school-board structures arose organically from eighteenth- and nineteenth-century arrangements—and because these entities are thoroughly familiar and ubiquitous—their utility is rarely questioned. We hardly ever bother to ask how well this system is working, much less whether children, taxpayers, and the cause of American competitiveness might be better served by a different set-up. We just take for granted that this is how public education works.

Structural Roadblocks

Such complacency, however, is deeply harmful. Today, this system produces ever more failure; indeed, it is telling that America's education agenda has shifted from *running* schools to *reforming* them. And in the course of that historic shift, the customary governance structures emerge as major obstacles. On reflection, however, it should hardly be surprising that governing bodies that produced the current dysfunction are none too eager—or competent—when the time comes to make significant changes.

⁷ [*Numbers and Types of Public Elementary and Secondary Local Education Agencies From the Common Core of Data: School Year 2009–10*](#) (US Department of Education: National Center for Education Statistics, 2011); Chen-Su Chen, [*Numbers and Types of Public Elementary and Secondary Schools From the Common Core of Data: School Year 2009–10*](#) (US Department of Education: National Center for Education Statistics, April 2011).

Examples of how current school-governance structures hinder reform abound. Consider, for instance, the emerging practice of “digital learning.” Information and communications technology are transforming the development and delivery of education; already, scores of online schools have opened—some as charters, some operated as franchises of national for-profit firms, some (like the Florida Virtual School) run as integral parts of the state education system. The biggest of these schools operate throughout the states in which they are located—but they could just as easily be operated inter-state or nationwide. After all, political borders do not constrain the delivery of online courses into children’s homes, day-care centers, churches, or brick-and-mortar schools.

But which government should write the ground rules for cyber-schooling and hold its vendors to account for their results? Who would set distance learning’s academic requirements and assessments? And who would pay for kids to attend them or—in an even more complicated scenario—to take separate courses from several of them, in order to assemble a curriculum tailored to each student? Districts? States? The federal government? Encumbered by the old LEA model and its geographically bounded jurisdictions, we have no governance mechanism well-suited to answering these questions. Thus the potential for distance learning as an alternative to underperforming schools remains barely tapped, and its financing and rule-making remain absurdly complicated.

Or consider the challenges of teacher preparation. Today, states continue to “certify” teachers, but districts and individual charter schools employ them. Washington, meantime, superimposes rules of its own—federal law requires a “highly qualified” teacher in every classroom—while national non-profits like Teach For America circumvent some of these restrictions and recruit and place instructors all over the country. Graduates of our roughly 1,200 teacher-training programs move around, too—but the state in which each program is located sets its own curriculum, meaning that graduates of such programs may not in fact be fully prepared for the teaching jobs they will ultimately hold. (The adoption of the Common Core standards by forty-six states plus D.C. may change that.) Further confusing matters is the fact that many of these programs are “accredited” by a national organization (the National Council for Accreditation of Teacher Education)—except for those that opt for other accreditors or get by with none at all. And that’s without even adding the new complexities of “virtual” teacher-preparation programs, such as those operating under the aegis of the University of Southern California or Kaplan University (a for-profit enterprise). Because of our patchwork governance system, there is little uniformity in teacher preparation, dubious quality control, and limited portability of credentials and skills.

As for the effectiveness of those teachers, we know that it matters hugely in student learning and we also know that it varies enormously from classroom to classroom. A child-centered education system would take for granted that those leading schools have the authority, as well as the responsibility, to maximize the number of highly effective instructors within their walls and minimize the number of duds. Yet tenure laws, “last in, first out” provisions, and union

contracts—in effect, part of the governance system, too—block school principals from replacing duds with superstars while conferring job security on individuals whose presence in the building is bad for kids.

Another example is school finance. Several promising reform proposals focus on how schools are funded—such as those hoping to force accountability and improve incentives by tying dollars to students and then allowing the money to go where the students do. But complicating such proposals is the fact that school funding today is hopelessly tangled. Nationwide, state taxes generate about 47 cents of the public-school dollar, local taxes (mostly levied on property) yield about 43 cents, and Uncle Sam kicks in the remaining dime.⁸ This distribution varies greatly, however; there are places where the state portion barely reaches one-third (such as in Florida, Missouri, Nebraska, and South Dakota), while other states (like New Mexico, Vermont, and Hawaii) cover more than 70 percent. These amounts vary even more widely *within* states: The public schools of Beachwood, Ohio, spend about \$20,000 per pupil; 70 miles down the highway, the Strasburg schools spend less than half as much. Despite round after round of “equity lawsuits” (many of them successful)—as well as the supposed cushion provided by statewide “foundation funding” levels—the financing of schools across the country is woefully uneven and confused. None of this should be surprising in a system whereby local school-district boundaries often demark major class and race divides.

Current governance structures also pose an obstacle to charter schooling. These independently-operated public schools are meant to provide alternatives to district schools, and in most places are designed to function as their competitors—giving choices to families, offering an escape hatch to kids trapped in dreadful schools, and creating at least a partial marketplace within what has long been a near-monopoly. In fact, making “every school a charter school” is one possible remedy for the governance problems that now burden us. (More on that in Paul Hill’s paper, “Picturing a Different Governance Structure for Public Education.”) Yet more than half of America’s charter schools owe their very licenses to operate to the school systems they are supposed to compete with. In most states, would-be charter operators have nowhere else to turn for such licenses. Unsurprisingly, most school-district bureaucracies abhor these upstart rivals; using their power and influence over local and state politicians, they do all they can to contain the growth of charters and, where possible, to eradicate them.

Even the signature education-reform effort of the past two decades—the imposition of rigorous academic standards and accountability for meeting them—has been stymied by our dysfunctional approach to school governance. This structure makes it almost impossible to address the question of what happens to school districts that fail to meet the higher standards, and the further challenge of especially bad schools—“dropout factories” that fail completely in their most basic mission. After all, whose responsibility is it to fix them? The federal government’s? The states?

⁸ U.S. Department of Commerce, [Public Education Finances: 2009](#) (Washington, D.C.: U.S. Census Bureau, May 2011).

Districts? The selfsame districts that allowed these schools to fail in the first place, sometimes year after year? What reason is there to believe that these districts would—or know how to—move to set things right?

Given these obstacles, it is no accident that all the major education reforms of the past quarter-century have come from outside of the traditional school-governance structures. Whether one looks at the development of academic standards, the imposition of testing-and-accountability regimes, the spread of school choice in its many variants, innovations in teacher preparation, or major changes in how teachers are evaluated and compensated, the impetus almost never originates with state or local boards of education or the people who work for them. Rather, such initiatives have come from governors and business leaders, from mayors and national commissions, from private foundations, and even from the White House. Though it may seem odd to describe such influentials as “outside” of school governance, in reality the separate reporting-and-control structures of public education mean that mayors and governors and such are given remarkably little say over what happens within it—unless they take extraordinary action to gain greater influence. (Some are starting to push for this power; see Jeff Henig’s paper, “The End of Education Exceptionalism: The Rise of Education Executives in the White House, State House, and Mayor’s Office.”)

Ardent outsiders can catalyze all manner of reforms, but putting them into practice—and bringing them to scale—generally depends on the traditional management structure of public education. Such is the nature of the system. For it’s those structures that write the detailed regulations, run the schools, manage the money, and employ the people who work in them. And that is where any reform momentum slows to a creep. The traditional structure is typically lethargic, bureaucratic, and set in its ways; while people within it may have experience managing schools and complying with the rules they write, seldom do they have the capacity to innovate, to make judgments about matters beyond their customary duties, or to stage successful interventions in failing districts, schools, or classrooms. (This is true for most public-sector bureaucracies, shielded as they are from market forces and encouraged as they are to avoid risking public embarrassments.)

Moreover, many of these people fiercely oppose the policies they are being asked—by “outsiders”—to implement. It thus seems that, regardless of the innovative solutions emerging from foundations and think tanks—and no matter how many promising policies are propagated from Washington and state capitals—our current approach to governing schools will remain an all-but-insurmountable roadblock to reform actually occurring with integrity, speed, and thoroughness.

By what right do we take it upon ourselves to identify the reforms that the system needs? Yes, it’s immodest, maybe even arrogant, and one could again respond that America’s democratic institutions have produced the kind of education system that the citizenry wants. Perhaps so. But that’s an argument that can be made about many spheres of contemporary public policy that are

working badly. (Consider, for example, health-care financing, immigration, the condition of our infrastructure, the federal deficit, and the tax code.) One can say, if one wants to exonerate the status quo, that the current gridlocked circumstance, for all its costs and failings, is the price of democracy. But one could also say that it's the product of governmental structures and political-influence networks that have lost track entirely of the common weal and now operate mainly to serve the interests of their own constituents and influentials. That's our view of public education in 2011. One need not endorse our particular reform agenda, but one must contemplate the possibility that *any* changes of *any* significance will crash onto the same structural shoals.

Adults vs. Change

Making matters worse is the fact that these traditional structures aren't just stolid and change-averse. Over the decades, they've been organized, shaped, infiltrated, and manipulated such that they now exist principally to serve the material interests of adults. Many of these adult interest groups derive enormous benefit from the status quo, and are thus fiercely opposed to changes that disrupt it.

Teacher unions head the list of such organizations, but by no means complete it. School custodians, too, have unions. So do school principals: Even though one might expect these educators to be classified as "management," the principals' contracts in cities like Providence, Las Vegas, and Baltimore clearly treat them as employees allowed to organize. And behind the unions are queued more rent-seekers: Textbook publishers, tutoring firms, uniform manufacturers, bus companies, food-service and building-security businesses, as well as all manner of data-processing, information technology, and communications outfits, most of which hold longstanding contracts with public-school systems. Colleges of education, local universities, and civil-rights organizations also have stakes in how those systems work, whom they employ, and where they obtain guidance and expertise.

What gives these adult interests traction? Often it is habit, bureaucratic routine, multi-year contracts, and regulatory regimes that limit the options from which LEAs can select, thereby reducing the threat of competition. But political clout matters enormously, too. The unions generally accumulate such clout by helping union-friendly individuals get elected to school boards, a feat made easier in the many jurisdictions where such elections are nonpartisan, often uncontested, and conducted on random dates that don't coincide with other elections and thus draw few voters. In such circumstances, any organized interest group that can mobilize its members and supporters has an excellent chance of prevailing at the polls. Time after time, we have seen examples—in Los Angeles, San Diego, and elsewhere—of unions mustering their members and their allies to ensure the electoral defeat of board members and superintendents who pressed aggressively for reforms the groups found objectionable. Even where the reformers have mustered the votes to safeguard their slate of board members through another election or two, they're all but certain to lose the war eventually. The reformers will weary, leave town,

grow old, or turn to other matters while the union will always be there, ready to seize the first opportunity to restore the status quo ante.

Much the same thing happens at the state level. Through the use of savvy candidate recruitment, campaign contributions, shoe leather, publicity, and voter mobilization, it is often possible for unions to sway key legislative elections. This king-making power then intimidates both incumbent and aspiring lawmakers, steering them toward policies the unions favor. The unions frequently fend off, defeat, or marginalize those who defy their interests. Though most recipients of such help are Democrats, in jurisdictions where Republicans wield long-term influence in the state house, the unions have found ways to befriend—or defang—some of them, too.

Still, state-level politics remain more difficult to influence: Those elections generally *are* contested, partisan, and held on regular election days when voter turnout is strong. Concerned business leaders, taxpayer groups, and new, reform-oriented advocacy organizations can serve as counterweights to union influence. But at the local level, employee interest groups reign supreme. And nowhere is this truer than in America’s big school systems, including (but not limited to) much of urban America.

Our cities (and many big suburban and county-wide districts as well) are demographically and economically heterogeneous, containing multiple communities and groups with conflicting priorities, needs, and dreams—especially when it comes to the education of children. And a large proportion of the nation’s children are educated in such school systems: Thirty-five percent of American students are enrolled in the 281 districts with 25,000 or more pupils, and a majority of all students (54 percent)—including the overwhelming majority of poor and minority students—are accounted for by fewer than 900 districts.⁹ This means that about 7,000 individual school-board members are responsible for the education of more than half the country’s children.

In far too many of these communities today, there is only mockery of the Progressive ideal that school-board members will be interested only in the welfare of children and the community, free of the stain of politics, and able to rise above party and patronage in order to advance the public interest.¹⁰

In far too many of these communities today, well-educated, civic-minded, and reasonably prosperous people find district-level politics daunting and painful. Many have foresworn the public-school system itself, moving to smaller districts, enrolling their kids in private or charter schools, or busying themselves with other kinds of community service—service that is less onerous, and more likely to result in gratitude than hostility.

Particularly in large districts, school-board service has grown demanding—according to 70 percent of the board members in such districts, it consumes more than twenty-five hours a

⁹ Information collected from the U.S. Department of Education’s National Center for Education Statistics.

¹⁰ Chester E. Finn, Jr., “[The End of the Education Debate](#)” *National Affairs*, Winter 2010; Thomas Toch, “Who Rules,” (*Wilson Quarterly*: Autumn 2011). Accessed from: <http://www.wilsonquarterly.com/article.cfm?aid=2013>.

month—and is poorly compensated. Though a slight majority of large U.S. school systems pay board members a stipend, few stipends exceed \$10,000 a year. Serving on such boards can also bring unpleasantness: long, boring evenings listening to public testimony; onerous (and costly) election campaigns; the risk of name-calling, picketing, and racial acrimony; painful responsibilities like closing and “reconstituting” neighborhood schools; and agendas laden with micro-managerial issues, short on decisions about fundamental policy and direction. And even if a school-board member feels that fundamental policy needs to be addressed, he likely knows that to make waves is to risk being booted out of office.¹¹

Under these circumstances, who wants to serve on a school board? A look at many big-district boards provides the answer: aspiring politicians, union puppets, individuals with some cause or scheme they yearn to inflict on everyone’s kids, and ex-employees of the system with scores to settle. As a result, able, well-meaning, even reform-minded superintendents with commendable plans to improve their schools are often undermined or overruled by their own board members. Is it any wonder that the average tenure of urban superintendents is just 3.6 years?¹² And this frequent turnover exacerbates yet another challenge to school reform: the tendency of any bureaucratic system to “wait out” the latest attempt to fix it, mindful that in a year or two that plan’s author will move on—and that life will then revert to the old *modus vivendi*, or that yet another reform notion will be tried, only to prove similarly short-lived.

Even where there is a decent board and competent superintendent, the ability to alter the system in any meaningful way is limited. The neediest youngsters likely require additional help from other agencies that answer to the mayor or city manager, not to the school system. Preschools, if there are any, answer to their own organizations or shareholders. The state—or, now, a multi-state consortium—decides what the academic standards will contain, what assessments will be used, and what makes for an acceptable level of achievement. The state also decides who gets licensed to lead or teach in its public schools, meaning that local colleges of education feel scant obligation to tailor their offerings or prepare their graduates for work in a locally reformed system.

Too Many Cooks, Too Many Kitchens

Despite America’s romantic attachment to “local control,” the reality is that the way it works today offers a “worst of both worlds” scenario. On the one hand, district-level power constrains individual schools; its standardizing, bureaucratic, and political force ties the hands of principals, stopping them from doing what’s best for their pupils with regard to budget, staffing and curriculum. On the other, local control isn’t strong enough to clear the obstacles that state and

¹¹ Frederick M. Hess and Olivia Meeks, [*Governance in the Accountability Era*](#) (National School Boards Association; Thomas B. Fordham Institute; Iowa School Boards Foundation, 2010).

¹² Council of the Great City Schools, [*Urban School Superintendents: Characteristics, Tenure, and Salary*](#) (Council of the Great City Schools, Fall 2010).

federal governments place before reform-minded board members and superintendents in the relatively few situations where these can even be observed.

Sure, remarkable individuals can sometimes make it work, at least for a while: Michelle Rhee (backed by Adrian Fenty) in the District of Columbia, Joel Klein (backed by Michael Bloomberg) in New York, Arne Duncan (backed by Richard Daley) in Chicago, Jerry Weast (abetted by a rising budget) in Montgomery County, Maryland. Readers can surely cite additional examples. But these are the exceptions that prove the rule.

The rule is that education-policy decisions are made in so many places, each with some capacity to initiate change but with even greater capacity to block it, that there's really nobody "in charge."

Some have described education governance in the United States as a "layer cake," others as a "marble cake" (because the jurisdictions and zones of control of different governments and agencies are so jumbled). Still others favor the image of a "loosely coupled train" where movement at one end doesn't necessarily produce any motion at the other. We find a more apt analogy in a vast restaurant or food court with multiple kitchens, each thronged with many cooks, yet with no head chef in command of even a single kitchen much less the entire enterprise.

Consider so seemingly straightforward a decision as which person will be employed to fill a seventh-grade teacher opening at the Lincoln School, located in, let us say, Metropolis, West Carolina. One might suppose that Lincoln's principal, or perhaps the top instructional staff at that school, should decide which candidate is likeliest to succeed in that particular classroom. But under the typical circumstance, the most the principal might be able to do is reject wholly unsuitable candidates. (And often not that, considering seniority and "bumping rights" within the district, its collective-bargaining contract and, frequently, state law.) The superintendent's HR office does most of the vetting and placing, but it is shackled by the contract, by state licensure practices (which may be set by an "independent"—and probably union and ed-school dominated—professional-standards board), by seniority rules that are probably enshrined in both contract and state law, and by uniform salary schedules that mean the new teacher (assuming similar "credentials") will be paid the same fixed amount whether the subject most needed at Lincoln is math or phys ed.

Washington gets into the act, too, with "highly qualified teacher" requirements that constrain the school. By the end of the process, at least a dozen different governing units impede the principal's authority to staff his school with the ablest (and best suited) teachers available.

And teacher selection is but one of many examples of the "too many cooks" problem. Much the same litany can be invoked for special education, for the budgeting and control of a school's funds, or for approved approaches to school discipline. (Not to mention a more literal "too many cooks" issue: what to serve for lunch in the school cafeteria?)

What great leader or change-agent would want to become a school principal under these circumstances? Or a local superintendent? Or even a teacher? Well, maybe in a comfy (and probably smug) suburban setting. But not in the places that most need outstanding talent.

No, American education doesn't need czars or dictators. "Separation of powers" and checks-and-balances are important elements of our democracy. Kids and communities do differ and there needs to be flexibility in the system to adapt and adjust to singular circumstances, changing priorities, and dissimilar needs. But today, our public-education system lacks flexibility and nimbleness of all sorts. Surely that's not what the founders had in mind. And it's most definitely not what our children need.