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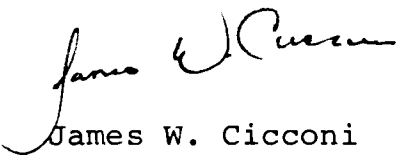
November 9, 1984

Dear Mr. Fagan:

Thank you for forwarding a copy of
Family Policy Insights.

I will read it with interest.

Sincerely,



James W. Cicconi
Special Assistant
to the President

Mr. Patrick F. Fagan
Child and Family Protection Institute
721 Second Street, Northeast
Washington, D.C. 20002

From the desk of:

PATRICK F. FAGAN
*Director, Child & Family
Protection Institute*

Date 11/6/84

Mr. James W. Cicconi
Special Assistant to the President
Special Assistant to the Chief of Staff
The White House
Washington, DC 20500

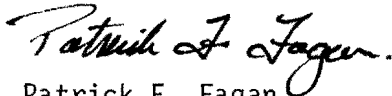
Dear Mr. Cicconi:

Larry Uzzell, the President of LEARN, Inc., has written the enclosed Family Policy Insight.

It is one of the clearest pieces of writing on the issue I have come across and I am glad to be able to bring it into the public discussion.

Besides, it does not take long to read.

Sincerely,



Patrick F. Fagan
Director, Child and Family Protection Institute
Editor, Family Policy Insights

Enclosure

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Family Policy Insights

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IN THIS ISSUE:

HOW TO THINK ABOUT THE DEPARTMENT OF EDUCATION

INTRODUCTION

On Inauguration Day 1985, the U.S. Department of Education will still exist. Many will conclude from this fact that the Department has powerful allies, and they will be right. Unfortunately, some will also claim that the Department's survival proves that it deserves to survive: That is the sort of logic that flourishes in Washington.

In fact, there is no more of a real consensus about the Federal role in education today than there was in December of 1980, when Ed Meese called the Department "a ridiculous bureaucratic joke." That sort of rhetoric is now out of fashion at the White House, but it does not follow that Mr. Reagan's appointees have changed their minds about the subject. In fact, most of the Reaganites I know have an even lower opinion of the federal education bureaucracy today than they did in 1980. And I agree with them.

It is harder to build a consensus than to feign one, but it is nearly always worth trying. I would like to suggest a new way of thinking about the Federal role in education, by starting with another subject where something approaching a true consensus already does exist. That subject is the nature of effective schooling.

Researchers have spent a lot of energy in the last decade trying to find out what makes schools effective. Some of these researchers have been liberals, some neo-conservatives, some paleo-conservatives. Some of them have been employees of groups like the Council for Basic Education, others of government agencies. Some have looked at public schools, others at private schools. But all of these different studies have come to essentially the same conclusion: most effective schools are a lot like each other in certain ways, even if they are not all like each other in such aspects as the types of students they serve. These universal characteristics of effective schooling include:

- * strong leadership from the principal
- * orderly classrooms
- * academic standards which recognize and reward excellent performance
- * a climate of values shared by principal, teachers, and parents.¹

To the best of my knowledge, nobody has ever done a systematic study of how the Federal Government helps or hinders these qualities of effective schooling. Instead, discussion of the Federal role tends to be preoccupied with the amount of money being

If it were possible to run successful schools as if they were armies or assembly lines, this new wave of centralization might be welcome. But there is strong reason to think just the opposite.⁶

State agencies are not the only devices through which the Federal Government indirectly constricts local leadership. Another is the judicial system, which has proved highly susceptible to the philosophy of "equity" in education as interpreted by such agencies as the Office for Civil Rights, the Legal Services Corporation, and the National Institute of Education.⁷

Thanks to the career employees of these agencies and their ideological allies, the resolution of highly complicated, sensitive, and value-laden school policy decisions like ability grouping, competency testing, and bilingual education is increasingly in the hands of lawyers rather than educators. In fact, judicial involvement in education policy has actually intensified under the supposedly "conservative" leadership of the Burger Court.⁸

Whatever one may think of the merits of any particular decision, one cannot deny that this groundswell of legal activism and legalistic ways of thinking has had powerful effects on the culture of schooling.

As Congressman John Ashbrook, the late minority leader of the U.S. House Education and Labor Committee, observed in 1980:

In education as in many other areas of American life, increasing amounts of scarce time and resources are being devoted to hiring clever lawyers to help people thread their way through mazes that other clever lawyers have built. In a society which already gives too much prestige to lawyers and too little to teachers, the former's turf has been enlarged at the direct expense of the latter's. This would be acceptable if it helped some students and did not harm others, but in fact the net effect of this explosion of classroom lawyering has been to hurt all schools and all students.

Litigation is an inherently adversarial tool.. It encourages collections of widely disparate individuals -- like students -- to regard themselves as a class with distinct rights and interests to be exercised against other classes, like teachers and principals. Good educators have always tried to foster a sense of community within their schools, of shared commitment to common values and objectives. This task became enormously harder during the years which Tom Wolf labeled the 'Me Decade.' By encouraging students and teachers to consider each other as adversaries, lawyering has made it even harder.

Litigation is inherently formalistic. It forces people to codify and bureaucratize their relationships, to substitute abstract routine for personal creativity and flexibility. The Apostle Paul said that: 'The letter killeth, but the spirit giveth life;' by forcing educators to be ready to justify their every decision according to the strict letter of rules formulated outside the schools, lawyering has powerfully reinforced the innate tendency of schools toward

on the side of those seeking to expand the array of formalistic procedures which a school must observe before it can remove a disruptive student from the classroom.¹⁶ Via its Office for Civil Rights, the Department of Education has tried to establish an elaborately detailed, mandatory system of statistical recordkeeping on school suspensions and expulsions, and has partly succeeded.

In 1975 the Department of Health, Education, and Welfare (the Department of Educator's predecessor) issued a memorandum which would have required schools to keep data on all suspensions, expulsions, transfers to special education programs, in-school suspensions, and corporal punishments. These data would have had to be broken down according to race, sex, and handicap. Schools would have had to keep detailed case histories of individual episodes.¹⁷

Thanks to vocal opposition in Congress, this plan did not entirely succeed. In 1980 the new Department of Education began to consider a similar plan, but this process was interrupted by the election of Ronald Reagan.¹⁸ Nevertheless, the Department did require, and still does require, that schools with significant minority enrollments keep records of all suspensions and corporal punishments, broken down by race and sex. These records are not as detailed as the Department's Office for Civil Rights would like, but they must be made available upon request to field inspectors from any of that agency's ten regional offices.¹⁹ As recently as November of 1982, the Office for Civil Rights agreed to a court settlement which required it to monitor the disciplinary actions of a Kentucky school district in even more detail.²⁰

All this regulatory and judicial activity might be justified if excessively harsh discipline were one of the reasons why public schools have been declining in quality. But there is scarcely a parent or teacher in the country who believes that.²¹ Unfortunately, the employees of Federal agencies live in a political culture which pays less heed to parents or teachers than to lawyers.

III. Washington Makes It Harder For Schools To Sustain A Climate Of Shared Values

If organized religion or television network news were controlled by a monopoly government agency, we could count on ferocious struggles among political and cultural factions seeking to use this monopoly as a vehicle for their opinions. That is exactly what has happened with public schools. As sociologist Lucy Patterson observes:

"Schools have been getting more and more politicized. Until recently, the most active political elements came from the left, with pacifists, feminists, and environmentalists all seeking to reshape textbooks and courses according to their own imperatives. None of these groups has slackened its efforts, but they have now been joined by equally well-organized forces from the other end of the spectrum.... What some of the right-wing and all of the left-wing groups fail to understand is that nobody in a free society has the right to force-feed his own ideology to another's children without the other person's consent."²²

of Education have given the fads more attention than they deserve, have helped create a climate which encouraged school officials to rush into spending scarce resources on new programs and materials before they really understand them well enough to make intelligent decisions, and have encouraged parents to think that their children are in some way "deprived" if their schools do not place the latest fad on the same level as traditional academic disciplines like mathematics and English.²⁶ In both areas, Washington has created specialized new categorical programs which offer financial subsidies to local schools on the specific condition that they climb aboard the latest bandwagon.²⁷

As California reading specialist Paul Copperman observes, the usual practice of these Federal grant-givers is that "a program will be funded as long as it is innovative, but in no case longer than a few years. The effect...has been to introduce curricular chaos into thousands of public schools around the country. Since curricular stability is a hallmark of effective educational practice, especially in basic skills instruction, the anarchy created in the name of educational innovation provides a particularly apt demonstration of the damage the Federal government has done to the local educational effort."²⁸

Asking Washington's decision-makers to take a balanced view of fads would be like asking them to fire their press secretaries. Fads mean headlines, and headlines are the lifeblood of a city geared to two-year and four-year election cycles. But the formal education of the average American takes longer than three Presidencies or six Congresses. The less it is buffeted about by the short-term maneuvers of Washington politics, the better.

Faddism is not the only way Washington dilutes academic standards. Far more self-conscious and self-righteous is the ideology of egalitarianism. In the name of "equality," the Office for Civil Rights opposes competency testing and intimidates principals who seek to secure order and discipline, as described above. The U.S. Civil Rights Commission and the Internal Revenue Service stigmatize fundamentalist Christian schools as "racist," even if those schools have never once rejected a black applicant.²⁹ The Office for Civil Rights has pressured schools to abandon the practice of grouping students by ability,³⁰ and ordered the closing of a popular, racially-integrated neighborhood school in New York City so as to make white students available for "racial balance" in a large school outside the neighborhood.³¹ The Legal Services Corporation pushes judges to order that "black English" be treated as a respectable language.³² The Department of Education keeps alive a body of bilingual education guidelines which promote linguistic separatism in the schools, while simultaneously pretending that these guidelines have been withdrawn.³³

Like other modern ideologies, egalitarianism takes a worthy goal, turns it into a abstraction wrenched from any living context, and pursues that abstraction without heed to any other goal or even to such homely virtues as prudence and proportion. Equality is a worthy goal, but so is educational excellence. In any polity there is bound to be a certain tension between the two, and in a democratic polity it is especially difficult to keep them in balance.³⁴ Since equality is more easily quantified and more emotionally volatile than excellence, the standing temptation for a mass democracy is to pay relatively too little attention to excellence and relatively too much to equality.

This temptation is especially strong when educational decisions are dominated by highly centralized, politicized agencies that do not bear any day-to-day responsibility for actually running schools. The more removed from real students and real classrooms these agencies are, the more unbalanced their decisions will be. Thus the only education agency in North America more relentlessly egalitarian than the U.S. Department of Education is UNESCO.³⁵

FOOTNOTES

1. See, for example, James Coleman, High School Achievement: Public, Catholic, and Private Schools Compared, New York, 1982; Ronald Edmonds, "Some Schools Work and More Can," Social Policy, March/April 1979; Michael Rutter et al., Fifteen Thousand Hours: Secondary Schools and Their Effects on Children, Cambridge, Mass., 1979; George Weber, Inner-City Children Can Be Taught to Read: Five Successful Schools, Washington, 1971; Edward Wynne, Looking at Schools: Good, Bad, and Indifferent, Lexington, Mass., 1980.
2. Michael Cohen, "Effective Schools: Accumulating Research Findings," American Education, January/February 1982. See also Coleman, Note 1; and Christopher Jencks, et al., Inequality: A Reassessment of the Effect of Family and Schooling in America, New York, 1972.
3. As of December 1980, there were more than 2,000 pages of Federal laws and regulations covering education programs (including higher education). That number has shrunk slightly under the Reagan Administration -- very slightly.
4. Lorraine McDonnell, "The Impact of Federal Grants Consolidation on the States," in Grants Consolidation: A New Balance in Federal Aid to Schools?, Washington, 1972.
5. Ibid. From 1960 to 1980, the number of supervisors in public elementary and secondary education increased by 150 percent; the number of school psychologists by 600 percent; but the number of classroom teachers by only 61.1 percent. See The State Factor, American Legislative Exchange Council, Washington, June 1983. According to an employee of the Office of Planning, Budget, and Evaluation in the U.S. Department of Education, and HEW-sponsored study found that administrators of Federal programs in local school districts "spend more than 50 percent of their time meeting with one another" and only "approximately 12 percent of their time in activities involving teachers or students." See Keith Baker, "Why Block Grants Should Increase Administrative Costs," Phi Delta Kappan, November 1983.
6. See, for example, Richard Weatherly and Michale Lipsky, "Street Level Bureaucrats and Institutional Innovation: Implementing Special Education Reform," Harvard Educational Review, Vol. 47 (1977), pages 171-197; Karl Weick, "Educational Organizations as Loosely Coupled Systems," Administrative Science Quarterly, Vol. 21 (1976), pages 1-18; Richard Elmore, Complexity and Control: What Legislators and Administrators Can Do About Implementing Public Policy, National Institute of Education, Washington, August 1980; Peter Berger and Richard Neuhaus, To Empower People: Mediating Structures in Public Policy, American Enterprise Institute, Washington, 1977.
7. See, for example, Edward Wynne, "What Are the Courts Doing to Our Children?," The Public Interest, Spring 1981; also Theodore M. Black, Straight Talk About American Education, New York, 1982, page 121. Discussing his experience in the 1970's with federally-funded research on desegregation, Black calls the National Institute of Education "part of the problem." He says "Desegregation research is virtually worthless unless it is conducted by a qualified unbiased panel -- and the 'in-house' experts of NIE/NEW are not unbiased. Indeed, they wear their hearts on their sleeves;

18. As a member of the President-elect's Transition Team, I was told by the Department of Education's outgoing managers that new regulations on discipline recordkeeping were still under active consideration in December 1980.
19. See Form ED-101, OMB Number 1870-0500, "Elementary and Secondary School Civil Rights Survey," Office for Civil Rights, U.S. Department of Education.
20. Education Week, November 24, 1982.
21. See "The 15th Annual Gallup Poll of the Public's Attitudes Toward the Public Schools," Phi Delta Kappan, September 1983; Albert Shanker, "Time to Ship Out the Violent Students," New York Times, April 19, 1981; Violent Schools -- Safe Schools, National Institute of Education, Washington, 1978.
22. Lucy Patterson, "Department of Education," in Agenda 83, Heritage Foundation, Washington, 1983, pages 116-17.
23. David and Myra Sadker, "Exploding Zepezauer's Mini-Mind-Field," Phi Delta Kappan, December 1981.
24. "Guidelines for Selecting Bias-Free Textbooks and Storybooks," Council for Interracial Books for Children, New York, 1980.
25. See Coleman, op. cit.; Wynne, Looking at Schools, op. cit.; Jonathan P. Sher, ed., Education in Rural America: A Reassessment of Conventional Wisdom, Boulder, Colorado, 1977, especially pages 57-71; Donald A. Erickson, "Disturbing Evidence About the 'One Best System,'" in Robert B. Everhart, ed., The Public Monopoly: A Critical Analysis of Education and the State in American Society, Cambridge, Mass., 1982; Raymond English, "The Revival of Moral Education," American Education, January-February 1982; Case for Structural and Confessional Pluralism, Grand Rapids, Michigan, 1981.
26. Chester E. Finn, Jr., "A Call for Quality Education," Time, February 23, 1981; Ronald F. Docksai, "The Department of Education," in Charles Heatherly, ed., Mandate for Leadership: Policy Management in a Conservative Administrative, Heritage Foundation, Washington, 1981; Donald Barr, "The Electric Doppelganger: What Is It Thinking?," Proceedings of the General Education Seminar, Columbia University, Spring 1980; Jack Falvey, "Real Managers Don't Use Computers," Wall Street Journal, February 7, 1983; Position Paper on Computers in Education, Ad Hoc Committee on Basic Skills Education, Menlo Park, California, April 1982; "MIT Professor's Qualms About Computers in Education," Christian Science Monitor, April 15, 1983; Ernest L. Boyer, High School: A Report of the Carnegie Foundation for the Advancement of Teaching, New York, 1983.
27. See Titles II through IX of the Elementary and Secondary Education Act in A Compilation of Federal Education Laws, Volume II - Elementary and Secondary Education and Related Programs, As Amended Through December 31, 1980, Committee on Education and Labor, U.S. House of Representatives, March 1981, pages 54-169. Most of these Titles were consolidated into a single "block grant" under the Education Consolidation and Improvement Act of 1981, but in 1982 the Department of Education launched a "technology initiative" from discretionary funds which amounts to a de facto categorical program not required by statute, and which in its implicit premises and tangible effects runs directly counter to the "block grant" approach of letting local schools choose their own priorities. See Lucy Patterson, op. cit.

33. See Woster, *op. cit.* (Note 7); Albert Shanker, "Schools Still Pressed to Go Bilingual," The New York Times, April 10, 1983.
34. I do not therefore conclude that the way to reform American education policy is to make it less democratic in governance. In fact, I have observed elsewhere that "one of the more delightful ironies in contemporary American education is that the masses are more elitist than the professionals." See "The Next Ten Years," National Review, August 5, 1983.
35. Chester E. Finn, Jr., "How to Lose the War of Ideas," Commentary, August 1983.
36. Alexis de Tocqueville, Democracy in America, v. II, tr. by Henry Reeve, New Rochelle, New York, 1965, pages 337-38.
37. See Copperman, *op. cit.*; Roger A. Freeman, The Wayward Welfare State, Stanford, California, 1981, pages 181-209; Frank E. Armbruster, Our Children's Crippled Future: How American Education Has Failed, New York, 1977; E. G. West, Are American Schools Working? Disturbing Cost and Quality Trends, Cato Institute, Washington, August 9, 1983; Peter Brimelow, "What To Do About America's Schools," Fortune, September 19, 1983.