



Cages of Their Own Design: Five Strategies to Help Education Leaders Break Free

By Frederick M. Hess

The education profession is notorious for its resistance to change. School leaders often claim that collective bargaining agreements, state and federal regulations, and budget concerns prevent them from pursuing effective school reform. The culture of the K–12 leadership environment is one that often seeks consensus over progress and collegiality over accountability. But breakthrough leadership is possible in schools. This Outlook offers five strategies to help reform-minded educators step boldly out of self-defeating mind-sets into the turbulence of change.

Principals and superintendents frequently lament that their hands are tied by contracts, policies, and regulations—especially when it comes to hiring and firing staff, assigning employees to schools or classrooms, designing programs, or allocating resources. There is something to these complaints, and I believe they are real problems. But more than one thing can be true at a time. It is also the case that educational leadership is marked by debilitating timidity and that reform-minded administrators could make much better use of their existing authority.

John Deasy, former superintendent of Prince George’s County, Maryland, gained national acclaim for overseeing substantial achievement gains in low-performing schools. Even in a district with a collective bargaining agreement (CBA) widely judged as restrictive, he shattered notions of what local leaders could do by transferring hundreds of teachers to new schools and initiating a voluntary pay-for-performance system. “Nothing prohibited any of this,” Deasy explained. “Why does it not happen? [Because] most people see the

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contract as a steel box. It’s not. It’s a steel floor with no boundaries around it. You’ve just got to push and push and push.”¹

In 2008, Washington, D.C., schools chancellor Michelle Rhee dusted off a decade-old statute permitting principals to weigh other factors alongside seniority when making staffing decisions. The law had sat unused even as Rhee’s predecessors complained they were powerless when senior teachers displaced younger peers. “Bumping rights had been viewed as a problem for those of us trying to get

Key points in this Outlook:

- Statutory and contractual hurdles to reform are often worsened by the culture of the K–12 environment.
- School administrators are often unaware that they have the power to clear those hurdles.
- The crucial step in breakthrough leadership is shifting from a defensive to a change-agent mind-set.
- Five strategies can help leaders, policy-makers, and reformers break out of the cage of district design.

quality teachers in the classroom,” said Kevin Chavous, a Washington, D.C., council member who helped craft the law. “[But] even after the law was passed, superintendents operated under the assumption that bumping rights were still there.”² In district after district, much that might be done goes untried.

The Familiar Rationale

One common excuse for moving gingerly on teacher performance or assignment is the CBA; however, in a 2008 analysis of CBA work rules, teacher compensation, and personnel policies in the fifty largest U.S. school districts, policy analyst Coby Loup and I found that although one-third were highly restrictive, most CBAs include substantial ambiguity on various counts.³ Even when it comes to teacher pay, where we routinely hear that district leaders’ hands are tied, 38 percent of the largest U.S. districts are, in fact, able to adjust their pay to attract teachers for hard-to-staff subjects.⁴ Vanderbilt University professor R. Dale Ballou reported that, in Massachusetts, “on virtually every issue of personnel policy, there are contracts that grant administrators the managerial prerogatives they are commonly thought to lack. When more flexible language is negotiated, administrators do not take advantage of it [but still] blame the contract for their own inaction.”⁵

The language in St. Louis’s teacher-transfer policy is an amusing illustration of how murky CBAs can be. The agreement states in one section that “transfers or promotions of the employee shall be made on the basis of system-wide seniority” but later notes that “any transfer may be denied for the good of the system.”⁶ And St. Louis is not an exception—Loup and I found that thirty of the fifty largest U.S. school districts had similarly ambiguous agreements.⁷ Exactly how much authority a superintendent does or does not have is obviously unclear in cases like these.

A second familiar complaint is the heavy hand of state and federal regulations. One of the few attempts to address this challenge, however, suggests a more complex story. In the 1980s, the California legislature allowed districts to apply for waivers if they could demonstrate that laws or rules were hampering school improvement. Columbia University professor Henry Levin recounted, “Fewer than 100 [waivers] were made in the first year [out of more than one thousand districts].”⁸ More surprising, noted Levin, was that “the vast majority of all requests for waivers were unnecessary.”⁹ A review by legal counsel found that nearly all the proposed measures were

permissible under existing law. Superintendents and boards mistakenly thought policies were more restrictive than they were or, Levin added, were using laws and regulations “as a scapegoat . . . to justify maintaining existing practices.”¹⁰ Local school boards typically have the authority to trump state law and regulate teacher compensation, personnel policy, and work rules.¹¹

A third excuse for tepid leadership is lack of money. On this count, an immense problem is the practice of regarding salaries and staff time as sunk costs and failing to pursue new efficiencies. Districts rarely eliminate staff, even when a new product or service might enable nine employees to accomplish what once took ten. The result is that labor-saving technologies or services rarely appear cost-effective.

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Tim Daly, chief executive officer of the New Teacher Project, a New York-based venture that helps districts recruit faculty and address human resource challenges, explained that districts frequently say, “They loved our work,” but “we are too expensive. . . . Our teachers were \$5,000 to \$6,000 per head and . . . their human resources department could recruit teachers for \$100 or \$150 per head.” In fact, Daly said, “This calculation was based solely on two expenses: fees paid to attend job fairs and ads placed in newspapers. It didn’t include any of the costs for staff salaries or benefits, or office space used by the recruiters, or technology infrastructure, or placement costs, or mentoring. They just added up the most readily tallied costs and divided by the number of teachers hired.” Managing this way means that reform proceeds only as quickly as new resources are layered atop the old—and it grinds to a halt when new dollars stop flowing.

If the problem is not (just) the contracts, rules, or a lack of money, then what is it? Put simply, education leaders are trained to operate from a defensive posture. Superintendents and principals learn early to tread gingerly, pursue consensus, get clearance before acting, and abide by established procedures. Whatever the statutory and contractual hurdles leaders face, these are dramatically worsened by the socialization, training, and legal culture of the K–12 environment.

A Premium on Conventional Wisdom

Training often emphasizes requirements and standard procedures while providing little understanding of where opportunities for change may lie. New York City schools chancellor Joel Klein noted, “There is probably more flexibility inside some contracts than gets exercised . . . and I think that’s [in part] simply about knowledge. When I got there, I was astonished at how few principals knew they had authority to do things.” Education law scholar Perry Zirkel agreed, asserting that administrators are less hamstrung by statute than is supposed but that “knowledge deficits” have led them to “overestimate legal requirements.”

Education leaders sense the problem. In 2006, Public Agenda—a public opinion research organization—reported that more than 60 percent of principals and superintendents thought “typical leadership programs in graduate schools are out of touch with the realities of what it takes to run today’s school districts.”¹²

In 2007, education researcher Andrew P. Kelly and I examined more than two hundred syllabi from a sample of U.S. principal preparation programs and found little or no attention to such issues as removing mediocre employees or using data to overhaul operations.¹³ The most widely assigned texts typically echo education scholar Thomas Sergiovanni’s assertion that “we [must] accept the reality that leadership for the schoolhouse should be different, and . . . we [need to] begin to invent our own practice.”¹⁴

The most commonly assigned authors included such school leadership icons as Sergiovanni, Michael Fullan, Lee Bolman, and Linda Darling-Hammond. Absent were such influential management thinkers as Michael Porter, Jim Collins, Clayton Christensen, and Tom Peters. Leaders who have spent their entire careers in K–12 education may have had little exposure to different ways of thinking and may learn to regard familiar routines as inevitable and immutable.¹⁵

One ironic consequence of this lack of exposure is that thinkers like Collins and Christensen too often become objects of faddish fascination for educators. Having seldom had the opportunity to scrutinize this body of work or assess how the insights translate into K–12 schooling, school leaders can easily misapply sensible insights, swallow pat but misguided prescriptions, or mistake jargon for action. The point is not to celebrate management thinkers—much less to assign them talismanic status—but to produce leaders who poke and prod challenges from

many angles and are able and willing to devise smart, tough-minded solutions. We need leaders who are willing to bust out of the cages K–12 culture has created.

Socialized to Accept the Status Quo

Fully 80 percent of superintendents follow a career path that leads from teacher to principal to superintendent (with two-thirds serving in the district central office en route).¹⁶ Principals are drawn almost entirely from the ranks of former teachers, and almost all receive their leadership training in schools of education, where inclinations toward a consensus-driven worldview can calcify into dogma.

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Although educational leadership lies at the intersection of two vibrant and powerful bodies of thought—education and leadership/management—it tends to be the province of a narrow population of “education administration” specialists. Most other fields approach leadership training differently, hiring graduates of MBA programs (in which those interested in an array of for-profit and nonprofit roles learn together) and managers and leaders who have worked in other sectors and organizations.

More than anything, principals and superintendents live in a culture that puts a premium on collegiality and consensus. Nathan Levenson, former superintendent of Arlington, Massachusetts, said recently, “Every time we made a shift [and got the kind of results we were hoping for] I created a new enemy.” Levenson noted that in order for reform to stick, “The pressure for success from the outside world—state, federal, the community—has to become greater than the [internal] pressure for maintaining the status quo.”¹⁷

Although managers in most organizations take for granted the utility of rewarding effective employees and sanctioning ineffective ones, this is a radical view in education. Public Agenda reported in 2006 that only

20 percent of superintendents and 17 percent of principals thought linking rewards or sanctions to student learning would be a “very effective” way to improve teacher quality. Only 29 percent of principals thought eliminating teacher tenure would be a “very effective” way to boost teacher quality.¹⁸ On the other hand, 62 percent of principals thought teacher quality could be boosted “very effectively” by increasing professional development; 54 percent, by decreasing class size; and 45 percent, by raising teacher pay. In short, there seems to be a strong preference for nonconfrontational strategies and a deep reluctance to consider more vigorous approaches.¹⁹

Principals and superintendents tend to prefer strategies that require new dollars but promise no new efficiencies. In the course of their professional experiences, few superintendents have seen more assertive models of leadership firsthand. Those seeking successful careers do well to steer clear of heated clashes over staffing, school closures, new delivery models, or nontraditional vendors; instead, they move deliberately on less controversial instructional and curricular strategies. Change, as a result, is typically slow and expensive.

The Law as Stop Sign

School and district leaders are hindered by a tendency to regard the law as a stop sign—and their attorneys as traffic cops. As Robert Holster, superintendent of the Passaic, New Jersey, school district for more than sixteen years, lamented, “I run a lot of decisions by legal counsel, getting input as to, ‘Is this the legal decision to make?’ It seems like we are challenged more by everyone today—from students to parents to staff. Everyone has a lawyer.”

Education leaders typically view the law as a series of established hurdles when it is actually a far more uncertain beast. Maree Sneed, an education lawyer and partner at the Washington, D.C.-based law firm Hogan & Hartson, explained that legal questions often do not have yes or no answers. “Lawyers shouldn’t decide what is done,” she said. “Their job is to say ‘Here are the parameters. Here is a way to do it—but there is some risk.’”

Alan Bersin—now President Barack Obama’s “border czar” but previously San Diego superintendent, California secretary of education, white-shoe attorney, and U.S. attorney for Southern California—noted that attorneys are instinctively cautious and that the superintendent’s job is to push back. “If a lawyer, for instance, told me that I couldn’t do something, I’d always ask, ‘Why, and what are the circumstances or changes that could permit

us to do it?’” he said. “That’s the attorney-client dialogue that ought to occur. A good lawyer would never just say that you can’t do something . . . and a competent CEO would never take just that as a final answer.”

Stepping Free of the Cage

Painting inside the lines may work in well-situated suburban communities, but it is an enormous hindrance in locales where leaders face a steep climb to boost teacher quality, to tackle ineffective practices, to find new efficiencies, or to revamp outmoded routines. The crucial step in breakthrough leadership is shifting from a defensive to a change-agent mind-set. Five strategies can help leaders, policymakers, and reformers make this shift.

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Strategy One: Look Beyond the Usual Boundaries of What Is Permissible. Recognize the difference between how business is usually done and how it *could* be done. Scrutinize the contract and related policies, asking “Is there anything explicitly prohibiting an action?” Soliciting fresh perspectives is crucial. This can include pursuing training, reading, and noting how leaders operate outside K–12 education. Deasy, for instance, noted that when it comes to redefining what is permissible, “My most formative experiences have developed almost entirely in relationships and mentorships with noneducators.”

Strategy Two: Promote Transparency. Shine a public floodlight on what laws, regulations, and labor agreements actually say and explain the problems caused by restrictive policies. By flagging the problems caused by seniority-driven “bumping” rules, the New Teacher Project has played a crucial role in altering teacher-assignment policies in New York and elsewhere. The ensuing media glare made it tougher for the United Federation of Teachers to defend problematic practices, gave the union leadership reason to seek a deal that would staunch the bad publicity, and consequently put district leaders in a stronger bargaining position. Putting anachronistic or

perverse practices on public display is an effective way to mobilize civic leaders, attract media attention, and build support for leaders to scrap the old ways and take bold action.

Strategy Three: Get the Law on Your Side. Crucial to change-minded leadership is making the law a tool of reform—that is, making ambiguity and uncertainty work for, rather than against, a leader’s school improvement efforts. Because the law sets forth what can and cannot be done, it is a mistake to try to circumvent the law; leaders intent on overhauling policy or practice must be prepared to tackle the law head-on. This requires smart, creative, substantive, tough-minded attorneys focused on helping leaders drive change. Francisco Negron, general counsel for the National School Boards Association, noted, “A good general counsel . . . will tell you how to achieve what you want and how to do it within the law.” Whether this help is funded by the district, granted by donors, or offered pro bono by local firms is immaterial—what matters is the focus on ways to help district leaders drive improvement.

Strategy Four: Welcome Nontraditional Thinking and Leaders. Those who come to education leadership through nontraditional routes and who are not education careerists may find it easier to observe and to say that the emperor has no clothes. They are less likely to accept prevailing norms and more likely to ask, “Why do we do it this way?” The point is not that we should prefer nontraditional leaders to seasoned educators, but that standard practice can prevent decision makers from tapping into unconventional skills, insights, or ways of thinking. Whatever their backgrounds, leaders need to be exposed to how others outside the confines of K–12 education tackle hiring, professional development, evaluation, accountability, and budgeting. Do not assume that professional development should focus narrowly on traditional education leadership; explore alternative options, including executive partnerships and business schools.

Strategy Five: Provide Cover. Pursuing change is asking for grief, absent support from above. As the University of Memphis’s Thomas Glass noted, “Where superintendents and principals know their boards are going to support them, they are more likely to take risks aimed at bringing about reform. But superintendents unsure of what their board members want or insecure about how they will respond to controversy are reluctant to stick their

necks out.”²⁰ Boards and district leaders must, therefore, honor change-agents and accept inevitable reversals. Klein, for example, encourages principals to make aggressive personnel decisions—even if some of them do not pan out. Referring to his time in the Clinton administration, he notes, “When I was at the Justice Department, I used to say, ‘If we’re winning every case we bring, we’re not bringing enough cases.’”

Looking Conflict in the Eye

This is not to suggest there is some grand virtue in promoting conflict, in pushing against rules, or in bringing attorneys into your counsels; only that deep reform almost invariably entails creating some hard feelings, upending familiar routines, and overcoming established procedures. Superintendents and principals who sidestep conflict while overhauling low-performing schools and systems will prove, at best, tepid agents of change. Geniality is a good thing, but there is a time for consensus and a time for conflict. Education leaders intent on radically improving schools and systems need to accept and be prepared for a good bit of turbulence.

Notes

1. Unless otherwise noted, all quotations are drawn from personal interviews with the author.
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3. Frederick M. Hess and Coby Loup, *The Leadership Limbo: Teacher Labor Agreements in America’s Fifty Largest School Districts* (Washington, DC: Thomas B. Fordham Institute, February 2008), available at www.aei.org/paper/27672.
4. *Ibid.*, 24.
5. R. Dale Ballou, *Teacher Contracts in Massachusetts* (Boston, MA: Pioneer Institute for Public Policy Research, June 2000), available at www.pioneerinstitute.org/pdf/wp12.pdf (accessed January 27, 2010).
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7. Frederick M. Hess and Coby Loup, *The Leadership Limbo: Teacher Labor Agreements in America’s Fifty Largest School Districts*, 24.
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12. Jean Johnson, Ana Maria Arumi, and Amber Ott, *The Insiders: How Principals and Superintendents See Public Education Today* (New York: Public Agenda, 2006), available at www.publicagenda.org/files/pdf/rc0604.pdf (accessed January 27, 2010).

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16. Thomas E. Glass, Lars Bjork, and C. Cryss Brunner, *The Study of the American School Superintendency, 2000: A Look at the Superintendent of Education in the New Millennium* (Arlington, VA: American Association of School Administrators, 2000).

17. Nathan Levenson, "A Penny Saved: How Schools and Districts Can Tighten Their Belts While Serving Students Better" (remarks, AEI and Thomas B. Fordham Institute conference, Washington, DC, January 11, 2010).

18. Jean Johnson, Ana Maria Arumi, and Amber Ott, *The Insiders: How Principals and Superintendents See Public Education Today*.

19. Ibid.

20. Education Writers Association, *Effective Superintendents, Effective Boards: Finding the Right Fit* (Washington, DC, 2003), available at www.ewa.org/docs/leadership.pdf (accessed January 27, 2010).

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