

# The Way I See It . . .

## American Education Should Go On Trial

Robert L. Wolf

Has the American society at large become a victim of its own education system? That's a striking question and one not easily discounted.

An easy answer intended to diffuse the powerful implications of the question is to say there is no such thing as an American education system. The argument goes that the system is a decentralized one that leaves school management and policy making to local authority. While that argument was once a compelling one, today's realities suggest that local control is more illusion than fact.

When our public education system began, the schools belonged to the people. School boards were localized within the communities they served, and, while not at all perfect, they did represent a semblance of participatory democracy. School administrators were hired to execute policy—policy that the local citizens had a voice in shaping. Over the last century, however, much has changed. Somehow the relationship between school officials and the people has shifted. Now the "experts" run the schools and the people watch, with increasing frustration, the erosion of their own power. School district consolidation, state and federal legislation, and legal intervention through the courts have all contributed dramatically to the loss of local authority. Additionally, a mood of confrontational politics hangs over the public schools as groups both inside and outside the system vie for privilege and control. Issues such as teacher unionism, parent and student rights, ethnic and minority interests, and special education command primary considerations on the school board agenda among more traditional concerns such as school construction and financing.

The crisis is accelerating; as accusations are hurled and innuendoes made, the public begins to believe what it hears. And in this confusion, diverse citizen groups, each with their own set of vested interests, often angry and sometimes apathetic, threaten or carry out taxpayer revolts and budget constrictions.

This plummeting faith in the education system has caused local school officials, in their own quest

for power and control, to consistently err in assuming a position of influence without sufficient political backing. Administrators become weak and vulnerable to higher level manipulation and collusion because they have neither solicited nor have they gained real citizen support.

And so, school boards in communities across the country are now facing a governance crisis unparalleled by any in our history. Never before has there been a greater degree of confusion about how the public education system works, who influences it, and who controls the important decisions. When I suggest that the American society is a victim of its own education system, I mean that as a current example of "democracy in action," school governance is a dismal failure. Practices that discount or exclude citizen participation and allow only minimal disclosure as to what a given school system is doing are contrary to what democratic principles demand.

What is needed most are new ways to bring school officials and citizens together in a constructive manner so that both groups can help each other through these difficult and demanding times. Strategies that promote a sharing of perceptions, ideas, and beliefs, as well as strategies that facilitate mutually



Photo: Joe DiDio, NEA

agreed upon policy formulations can benefit all those involved in or affected by educational decision-making.

From my own background in law, I offer a hopeful mechanism. It is a strategy which gains its strength and legitimacy from our own system of justice, and concerns the design and implementation of *Education Courts*, where groups of citizens would be empowered to sit in judgment of the schools in much the same manner as jurors do in courts of law. The "experts," including teachers, administrators, consultants, and so on, would still have a chance to influence important policy decisions, but—along with parents and children—as witnesses, subject each to careful and thorough examination. School board members, who themselves could testify as witnesses, would receive the benefit of full community participation and direct citizen involvement in shaping specific educational policies, and in carrying out their legislated responsibilities in general.

### "Trial" by Jury

What I envisioned a decade ago was not a debate or a town meeting, but rather a "trial." This "trial," held within the school-community context, would follow (with some modification) procedures of sound jurisprudential practice. There would be a "judge," a "jury," "plaintiff," and a "respondent." Witnesses would be called to testify in behalf of a position taken on one side or the other of a given issue. These witnesses would be examined and cross-examined as in a court of law. Pre-trial investigation would include interviewing a full range of potential witnesses. This investigation would also include the study and analysis of important documents, test scores, and other conventional assessment data to be presented later as exhibits during the public proceedings. The entire activity was envisioned as a clarification process ultimately leading not to a verdict but to a set of recommendations provided by a citizen jury. What was to be "tried" was a range of important issues confronting the local school system. The guilt or innocence of persons within or without the system was not to be the issue. Indictment of individuals would serve only to subvert the major intention of the process—namely, clarification. The school board could then utilize the recommendations in formulating actual policy but would be hard pressed to deviate seriously from what was recommended due to the public nature of the entire process.

Education Courts are not easily achieved. Rules of evidence, procedures for inquiry, and even an examination and testing of those educational policy areas that do not lend themselves to such a mechanism need to be continually monitored.

But the process has worked. As a consultant to the Northwest Regional Educational Laboratory, I helped set up a limited experiment using it in Portland, Oregon, in 1974. Since that time other developmental activities have occurred. The U.S. Office of Education financed a project in Bloomington, Indiana, in 1975. The Bureau of Education for the Handicapped supported efforts in Alabama, Washington, Wisconsin, and New Jersey in 1977. And most recently, the Lilly Endowment provided the necessary resources for conducting the closest approximation to the ideal Education Court yet in a mid-sized city in South Central Indiana in 1978. The most gratifying outcome of this demonstration is that the local school board has not only implemented all the citizen recommendations, but has voted unanimously to employ the Education Court process on a regular basis.

Education Courts promise to become a vital force in school governance reform by involving citizens actively in governing institutions that affect their lives. Each time the process has been implemented, important modifications have occurred. The time has come now to move from prototype to practice. Every implementation to date has been conducted by me or by professionals with similar backgrounds, experience or training, thus making it a rather costly enterprise. I have recently evolved a plan, however, whereby the method can be transferred from professional to lay control. I see it as being imperative that local school officials and community groups come together to implement their own Education Courts.

Developing training methods and materials to help local communities initiate such proceedings is itself a massive undertaking. Several private foundations are tentatively considering funding for this projected effort and several school districts have already volunteered to participate. Given this base of support I am convinced that many of the over 16,000 school districts in America will in the future move in the direction of a new partnership on behalf of the millions of children who stand to gain the most from this prospectus. Once again, the American people can have the opportunity to act in their own behalf and participate constructively in a significant democratic process. *EL*



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