A DEMOCRATIC CONSTITUTION FOR PUBLIC EDUCATION

America’s K–12 education system faces a stark dilemma. It needs government oversight and rules, but it also needs to be adaptable enough to address diverse student needs and the many different challenges that can arise at any given school—something large educational bureaucracies are notoriously bad at. Paul T. Hill and Ashley E. Jochim offer a solution that is brilliant for its simplicity and distinctly American sensibility: our public education system needs a constitution. Adapting the tried-and-true framework of our forefathers to the specific governance of education, they show that the answer has been part of our political DNA all along.

Most reformers focus on who should control education. But Hill and Jochim focus on the what, not the who. Today’s school boards and other governing entities often fail because the jobs they are assigned are inherently harmful and counterproductive. The core of their proposed constitutional governance system is a local Civic Education Council, an elected body with one sole function: offering the mix of schools that best meets the needs of their city’s students. The council would have the power to open and close schools, but it could not legally employ teachers or principals. It also couldn’t enact policies that force all schools to use the same methods. Freed from the myriad responsibilities that occupy and constrain traditional school boards, the council would decide whether to add to, subtract from, or change the mix of schools depending on performance goals and community needs.

In turn, the school district’s central office—led by a chief executive officer—would not control schools, but would become a lean and nimble overseer of a system of autonomous public schools, each with the power to hire, fire, promote, train, and pay teachers in the way its leaders determine works best. With parents choosing and dollars following the student, schools make their own budget decisions and choose their own instructional methods. Each school’s survival rests on its results.

Just as the U.S. Constitution expressly limits government and establishes citizen rights, constitutional governance for education envisions a limited central district administration, circumscribed state education powers, a robust system of checks and balances, and a school “bill of rights,” freedoms enshrined in state law. This constitutional system strictly curbs power at every level, and it insulates schools from pendulum-swinging policy mandates.

Dollars and decisions flow to schools instead of being held by a bloated central office bureaucracy more focused on compliance than excellence.

In this constitutional system, different levels of government do not compete with one another to control what happens in schools and how teachers work. Rather, each has its own distinct, strictly limited power, which checks possible abuses by the others. Every level of the system from the school on up enjoys a great deal of autonomy unless it fails at or shirks its responsibility. For example, the state could not tell schools whom to hire or how to operate, but it could disband and replace a local Council that shirked its duty to develop new options for children who were not learning in existing schools. Everyone has the authority to do their job—but anyone can lose their job by failing to perform.

Hill and Jochim show how such a constitutional system could prevent the cumulative piling-on of regulations meant to satisfy special interests and shift the focus to the real task at hand: improving school performance for all. They insist that just because our current education governance system does not work does not mean that public education is ungovernable and doomed to failure.

Laying out the implications of a constitutional system for parents, students, teachers, unions, state and federal governments, and courts, Hill and Jochim offer a hopeful vision of educational governance that stays true to—and draws on the strengths of—one of the greatest democratic tools we have ever created.

The national debate over education is polarized, but Hill and Jochim are confident that it can lead to something positive: an effective, innovative public education system that is efficient, equitable, transparent, accountable, and democratic and is built on a thoughtful mixture of public governance and market processes.
Paul T. Hill is research professor at the University of Washington Bothell and former director of the Center on Reinventing Public Education. He is the author of many books, most recently Learning as We Go, and coauthor of Strife and Progress.

Ashley E. Jochim is a research analyst at CRPE. Her research focuses on the design and implementation of governance reform in education, including performance management, school choice, and standards-based policy initiatives. She has published reports on state education agencies and district governance.

Hill and Jochim offer an engaging, thought-provoking, original, and quite ambitious redesign of K-12 education governance that is rich in historical grounding and practical detail. It will surely generate a vigorous debate over education’s biggest issues and the problems that beset our current system.”

—Julie Marsh, author of Democratic Dilemmas

For those who think the current education system needs a total reboot, Hill and Jochim have provided a detailed, informed, and politically sophisticated vision for how that might be done. Not everyone agrees that the current system is obsolete, and even those who do may question the specifics of their proposals, but no one who is serious about contemporary school reform can afford to ignore this book.”

—Jeffrey R. Henig, Teachers College, Columbia University, and the author of The End of Exceptionalism in American Education

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A Democratic Constitution for Public Education
The University of Chicago Press, November 2014 | Pages: 152
E-book $7.00 to $22.50 ISBN: 9780226200712

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