

# Stop Playing Defense

*How to turn the tables and make the most of authority*

» Frederick M. Hess

**EDUCATIONAL LEADERS** lament that their hands are tied by contracts, policies, and regulations—especially when it comes to hiring and firing teachers or making work assignments.

Yet there is reason to believe that reform-minded administrators could do much more to make use of existing authority. In a 2008 analysis of work rules, teacher compensation, and personnel policies in collective bargaining agreements in the nation's fifty largest districts, I found that most represented a less explicit or substantial barrier to school improvement than is often believed.

Vanderbilt University Professor Dale Ballou has 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 lan-

guage is negotiated, administrators do not take advantage of it... [but still] blame the contract for their own inaction."

John Deasy, superintendent in Prince George's County, MD, has attracted national attention for substantial achievement gains in low-performing schools. Deasy shattered notions of what could be done in the district by transferring hundreds of teachers to new schools and initiating a voluntary pay-for-performance system, observing that "there are extensive tools at my disposal that are generally unused by colleagues." He explains bluntly, "Nothing prohibited any of this. Why does it not happen?... Most people see the 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."

So, what is the problem? Educational leaders operate in

a defensive posture. The fear of getting sued can be more limiting than the law itself. Principals are encouraged to tread gingerly, pursue consensus, get clearance before acting, and abide by established procedures.

Crimped leadership may be as much a product of mindset as external forces. In response, there are steps principals can take and steps district leaders must take. First, principals can:

- Recognize the difference between how business is usually done and what *could* be done. Scrutinize the contract and related policies, asking, "Is there anything explicitly prohibiting a particular action?"

- Get a fresh perspective. In their training and socialization, principals are taught to shy away from uncertainty and gray areas. Deasy says that when it comes to redefining what is permissible, "My most formative experiences have

developed almost entirely in relationships and mentorships with noneducators." Pursue training, reading, and experiences that provide insight into how leaders operate outside K-12.

- Ask the district staff to help you find ways to do what needs to be done—not to tell you what you can do. If necessary, look to alternatives, locally or through professional networks. Francisco Negrón, general counsel for the National School Boards Association, explains, "A good general counsel...will tell you how to achieve what you want and how to do it within the law."

Of course, principals are asking for grief if they push without active support from above. School districts need to:

- Honor differencemakers and accept inevitable reversals. New York City Schools Chancellor Joel Klein encourages principals to make aggressive personnel

decisions, even if some of them don't pan out. Klein references his experience in the Clinton Administration to explain his approach: "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.'"

- Provide support and resources. New York City Schools Attorney Dan Weisberg says, "In the past, what [principals] would get from central or legal is, 'You can't do it.' Now it's 'How can we achieve the goal?'"

Shifting from playing defense to offense is the first, crucial step in breakthrough leadership. **NL**

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#### Are you content with the number and nature of elective courses your school offers?

(October 28–November 4)

Yes 23%  
No 77%

Total Votes: 116

#### Would anonymous tiplines reduce the incidence of bullying in schools?

(October 21–October 28)

Yes 57%  
No 43%

Total Votes: 163

#### Should school officials be permitted to wear campaign buttons while at school?

(October 14–October 21)

Yes 21%  
No 79%

Total Votes: 250

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