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Knocking on the Schoolhouse Door and Wondering What's Inside

Rachel F. Moran†

Based on a speech delivered at the National Conference on Women and the Law held March 31, 1989 in Oakland, California‡

INTRODUCTION

Debates about the problems of children whose racial, ethnic, linguistic, or cultural differences have left them knocking on the schoolhouse door typically focus on the need for "equal access to education." This demand would be relatively straightforward if everyone shared the same definition of "education." When all agree on the objectives that schools should pursue and the means by which they may properly be achieved, equal access simply requires that schools refrain from implementing admittedly unsound programs that prevent minority group children from achieving the school's own stated goals.

Unfortunately, rather than demonstrating a common vision of the schools' role in society, disputes over access to education reveal fundamental disagreements about the objectives that educators should establish and the teaching techniques that they should utilize. To clarify arguments about equal access to education, policymakers and reformers...
alike must carefully analyze the competing conceptions of the role of schools in society. This essay will consider three different models of educational institutions and their implications for equal access. These models are: schools as instruments of socialization, schools as purveyors of technical skills, and schools as seedbeds of pluralism. Because these three models aspire to different educational objectives, they address students' racial, ethnic, linguistic, and cultural heterogeneity in unique ways. Further, each presents distinct obstacles to ensuring that all students enjoy meaningful opportunities to benefit from their schools' curriculum.

Reformers charge that a socialization model, which suppresses a diversity of viewpoints by assimilating children into a unitary set of values, impedes equal access by systematically penalizing minority group children when their values diverge from majoritarian or elite norms. In comparison, critiques of the technical skills model reflect concerns that the value-neutral curriculum championed by the model's supporters is a harmful, exclusionary myth.

In contrast to both of these models, a pluralistic paradigm fosters diversity by creating outlets for the expression of a range of values in the schools. While this paradigm is a promising avenue for ensuring equal access to education, reformers must evaluate how best to foster diversity without unduly favoring some groups' or individuals' beliefs over others'. Different techniques for incorporating pluralism into the decision-making process must be explored in light of particular reformers' objectives in promoting a pluralistic educational process.

I. SCHOOLS AS INSTRUMENTS OF SOCIALIZATION

Those who conceive of schools as instruments of socialization treat them as institutions that reflect and perpetuate the shared values of the communities they serve. School officials must determine which norms are central to a community's way of life and command its widespread support. For example, a reservation school serving a traditional Navajo tribe would inculcate hozho, a condition that, among other things, emphasizes fullness and harmony with the environment. Respect for elders and reverence for nature would be integral parts of the reservation school's curriculum. As a community institution, the school would reinforce those beliefs, attitudes, and norms of conduct that the tribe itself views as critical to its identity and survival.


This model functions best when a school serves a small, relatively homogeneous community. Under these circumstances, parents are willing to delegate some responsibility for socialization to the schools because they are confident that teachers will inculcate values that do not deviate significantly from their own. Moreover, in a tight-knit community, parents can monitor adequately a school's fidelity to local mores, either through direct contact with teachers or through elected representatives on the school board.\(^3\)

Consequently, delegating responsibility to the school for socialization does not substantially reallocate the power to determine community values in a small, homogeneous community. In fact, our nation has developed its longstanding commitment to local control of the schools with small, homogeneous schools in rural areas as the paradigm.\(^4\) Under these circumstances, the process of electing lay representatives to school boards is unlikely to distort community values. School officials can reasonably assume that boards accurately account for consensual norms.\(^5\) Whether this vision of harmonious rural communities is more mythical than real, it provides the justification for using elected school boards as the primary source of lay influence over the schools.\(^6\)

When schools serve increasingly large, heterogeneous populations, especially in urban areas, the likelihood of discovering widespread consensus about acceptable values declines.\(^7\) Confronted with diverse views, school officials may simply abandon the responsibility for reinforcing community norms because too narrow a range of values enjoys widespread popular support. Indeed, as will be discussed at greater length in Part II, some educators have responded to the student body's growing heterogeneity by de-emphasizing the socialization function and according priority to conveying technical skills that are allegedly "value-neutral."

However, many school personnel consider the inculcation of com-

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\(^3\) See D. Tyack, The One Best System 15-21 (paperback ed. 1974) (describing the close affinity in values of schools and families in rural communities during the nineteenth century); see also D. Tyack, T. James & A. Benavot, Law and the Shaping of Public Education, 1785-1954 25 (1987) [hereinafter T. James] (American leaders nurtured the myth of a common school that existed above the political fray by serving the common good in a consensual polity).


\(^5\) Id. at 23.

\(^6\) See D. Tyack, supra note 3, at 15 ("life in the country could be harsh and drab, the tribe tyrannical in its demands for conformity, cultural opportunities sparse, and career options pinched"); see also Jongeward, The School Board in the Rural Community, in Understanding School Boards, supra note 4, at 173, 181-82 (noting mixed evidence on the representativeness of rural school boards).

\(^7\) See, e.g., Institute for Educational Leadership, School Boards 18-19 (1986) (describing the challenges and complexities that diversity in the 1980s engendered for school boards); Glenn, New Challenges: A Civil Rights Agenda for the Public Schools, 67 Phi Delta Kappan 653, 655 (1986); Lutz, Local School Boards as Sociocultural Systems, in Understanding School Boards, supra note 4, at 63, 71.
mon mores a central part of their educational mission and have been reluctant to relinquish this role in the face of racial, ethnic, linguistic, and cultural diversity. Often educators consider the schools' socialization function even more critical as student bodies grow increasingly varied. For example, during the late 1800s and early 1900s, leading educational experts and administrators cited the importance of the schools' role in assimilating immigrant children who brought a wide range of customs and values to the urban classroom.\textsuperscript{8}

Faced with a broad spectrum of views, educators hoping to preserve the schools' socialization function must ferret out those values that, if not consensually determined, can at least survive political scrutiny. More particularly, school officials must be sensitive to the constraints imposed by school board members whose reelection depends on continuing popular appeal. Boards in large, urban school districts serve constituencies with divergent values. As a consequence, these elected representatives must grapple with the demands of competing factions in the fray of special interest politics. The very contentiousness of school board politics in large cities belies the existence of any community consensus. School boards can no longer hope to discover shared values with broad support; instead, their members must calculate the strength of competing factions to formulate policies that will gain the support of winning political coalitions.\textsuperscript{9}

The board members' desire for reelection limits their policy choices: they must account for the sensibilities of influential segments of the electorate while exhorting minority dissenters to acquiesce in the will of the majority.\textsuperscript{10} To satisfy the board's political constraints, teachers and administrators will adopt majoritarian norms or those of influential elites with political clout.\textsuperscript{11} In large heterogeneous communities, the reliance on lay boards as the source of community values thus leads to the suppression of minority views. These schools' rejection of minority norms

\textsuperscript{8} D. Tyack, supra note 3, at 104-09; see also T. James, supra note 3, at 154-92 (describing how politically powerful groups pushed for state regulation to ensure that schools taught "traditional" values during 1880-1930 as the United States became increasingly urban, industrialized and heterogeneous and providing an in-depth case study of the rise of nativism in Oregon school politics in 1922, which grew out of a fear of diversity).

\textsuperscript{9} Jennings, Patterns of School Board Responsiveness, in UNDERSTANDING SCHOOL BOARDS, supra note 4, at 235, 245; Mann, School Boards and Power in Local Communities, in UNDERSTANDING SCHOOL BOARDS, supra note 4, at 161, 165.


\textsuperscript{11} See Boyd, School Board-Administrative Staff Relationships, in UNDERSTANDING SCHOOL BOARDS, supra note 4, at 103, 119-22; Spring, The Social Composition and Political Worlds of Boards of Education, in PEOPLE IN SCHOOLS, supra note 10, at 357-59. See also Callahan, supra note 4, at 23 (despite the push for professional administration of the Boston schools in the 1840s, reformers sought to retain school boards because they "represent all the wants and interests which should be provided for, and all the opinions and feelings which should be consulted").
significantly reallocates the power to determine children's values from dissenting parents to educators.

Minority parents are apt to challenge these schools' efforts to assimilate their children to majoritarian or elite norms on the ground that the schools are denying students equal access to education. Demands for equal access unimpeded by exclusionary socialization practices have led to two very different reform strategies. Some parents have sought only to check egregious examples of majoritarian overreaching. In their view, even if public schools are committed to inculcating majoritarian or elite values, minority children can reap educational benefits so long as the assimilative process is not taken to extremes. Other minority parents have tried to eliminate majoritarian or elite domination by restructuring schools to serve small, homogeneous enclaves in urban areas. These parents assume that children will enjoy equal educational opportunity only when public schools cease to serve majoritarian or elite interests and once again become integral components of the communities they serve.

A. The Rhetoric of Rights as a Check on Majoritarian Overreaching

Parents who seek only to constrain schools from egregious overreaching in the name of socialization have invoked a rhetoric of rights. This approach relies on individual autonomy interests as a bulwark against majoritarian domination. The rationale underlying the rhetoric of rights is set out most forcefully in *Tinker v. Des Moines Independent Community School District.* In that case, a high school and junior high school suspended five students who wore black arm bands to school to protest the Vietnam War. The Supreme Court held that the schools could not discipline these students for engaging in free speech that did not disrupt the educational process. As the Court put it, students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” For the classroom to operate as a marketplace of ideas rather than an enclave of totalitarianism, students must be free to express their opinions on controversial topics so long as their speech would not substantially disrupt or materially interfere with the orderly conduct of school activities.

Minority groups have enjoyed only mixed success in applying *Tinker*'s reasoning to student expressions of racial or ethnic pride. In *Hernandez v. School District No. 1,* for example, the high school suspended students for, among other things, wearing long hair and black berets in recognition of their Chicano heritage. According to the district

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13 *Id.* at 506.
14 *Id.* at 508-14.
court, "the beret was used . . . as a symbol of [the students'] power to disrupt the conduct of the school and the exercise of control over the student body."\(^{16}\) Based on the principal's undisputed testimony, the court found that those who wore berets shouted "Chicano power" in the halls, questioned teachers' authority, precipitated a lunchroom disturbance, and refused to submit materials to the principal for review before distributing them on campus. The court upheld the students' suspension because *Tinker* did not protect student conduct that materially disrupted class work or substantially invaded the rights of others.\(^{17}\)

Similarly, in *Tate v. Board of Education*,\(^ {18}\) Black students were suspended for walking out of a pep rally when "Dixie" was played. The Court of Appeals upheld the suspension because the student conduct was disruptive and therefore outside the purview of *Tinker* 's protection.\(^ {19}\) The court further found that the playing of "Dixie" did not amount to constitutionally unprotected fighting words.\(^ {20}\) After reviewing the song's history, the court concluded that the tune did not constitute a badge of slavery or officially sanctioned racial abuse.\(^ {21}\)

The rhetoric of rights has also been invoked to protect private schools that foster minority values from destructive public regulation. In *Meyer v. Nebraska*,\(^ {22}\) for instance, the Nebraska legislature passed a criminal statute prohibiting foreign language instruction in both private and public elementary schools. The State indicted and convicted a parochial school teacher who had provided German instruction to a ten-year-old student. The Supreme Court invalidated the penalty, citing not only the teacher's autonomy to pursue a chosen profession but also parents' autonomy to rear their children as they saw fit.\(^ {23}\) In the Court's view, excessive regulation of private education unduly constrained parents' freedom to remove their children from the public schools and seek more congenial pedagogical alternatives. The Court therefore concluded that

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16 Id. at 291.
17 Id. at 292.
18 453 F.2d 975 (8th Cir. 1972).
19 Id. at 978-79.
20 Id. at 980.
21 Id. at 982. See also *Banks v. Muncie Community Schools*, 433 F.2d 292 (7th Cir. 1970) (school's use of Confederate flag and choice of "Rebels" as school mascot did not deny Black high school students equal access to the curriculum or to extracurricular activities because there was no showing of a nexus between the choice of symbols and the alleged discrimination; nor were the students' right of free speech under *Tinker* abridged because there was no showing of racial or political discrimination behind the use of the Confederate symbols); *Caldwell v. Craighead*, 432 F.2d 213 (6th Cir. 1970) (finding that a Black student's challenge to his suspension for refusing to play "Dixie" with the high school band was moot because he had transferred to another school district). The federal courts have exercised their broad equitable powers under desegregation decrees to halt the use of Confederate symbols when necessary to mitigate racial tensions. See, e.g., *Augustus v. School Board*, 361 F. Supp. 383 (N.D. Fla. 1973), modified and remanded 507 F.2d 152 (5th Cir. 1975); *Smith v. St. Tammany Parish School Board*, 316 F. Supp. 1174 (E.D. La. 1970), *aff'd*, 448 F.2d 414 (5th Cir. 1971).
22 262 U.S. 390 (1923).
23 Id. at 400-01.
the State could not "foster a homogeneous people with American ideals" by trampling parents' and teachers' freedom to make reasonable curricular choices.24

Similarly, in Pierce v. Society of Sisters,25 the Court invalidated an Oregon law that required parents to send their children between eight and sixteen years of age to public school. The Court accepted the parents' arguments that the statute violated the due process clause of the Fourteenth Amendment in part because it deprived them of "the right . . . to choose schools where their children will receive appropriate mental and religious training" and their children of "the right . . . to influence the parents' choice of a school."26 The provision also interfered with "the right of schools and teachers . . . to engage in a useful business or profession."27 Again, the rhetoric of rights protected parents and children who preferred private alternatives to the assimilative curriculum of the public schools.

While the rhetoric of rights has played a crucial role in protecting minority interests, it cannot wholly answer minority groups' concerns about the exclusion of their values from schools' socialization processes. First of all, the rhetoric of rights only corrects egregious overreaching by majoritarian or elite interests; thus, the burden remains on individuals from minority groups to assert their values and invite reactions from the schools. Only if a school's response is excessively restrictive will the rhetoric of rights belatedly shield students from educators' overzealous endorsement of majoritarian or elite norms. Consequently, schools can continue to embrace majoritarian or elite norms so long as they do not unduly denigrate minority beliefs.28

Secondly, the rhetoric of rights imposes no affirmative obligation on educators to encourage a diversity of values. Because the rhetoric of rights pits individual liberties against the collective will, schools need not distinguish between the beliefs of a lone dissenter and the values shared by a number of minority group students in determining whether to alter the curriculum.29 Minority group interests in protecting their values

24 Id. at 402.
26 Id. at 532.
27 Id.
28 See, e.g., Stern, Challenging Ideological Exclusion of Curriculum Material: Rights of Students and Parents, 14 HARV. C.R.-C.L. L. REV. 485, 487-94, 517-28 (1979) (noting that judicial review of a school board's curricular decisions is not self-evidently appropriate because of the long history of local control and the schools' role in socializing students for citizenship but arguing that courts should protect individuality and freedom of thought and describing how those with minority views could initiate a lawsuit alleging ideological exclusion).
29 See, e.g., Caldwell v. Craighead, 432 F.2d 213 (6th Cir. 1970) (refusing to certify a class action because a Black student's protest of "Dixie" was based on only "individual rights arising out of a unique fact situation"). See generally Crenshaw, Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law, 101 HARV. L. REV. 1331, 1342 (1988) (antidiscrimination law defines "wrongdoing" as "isolated actions against individuals
from majoritarian or elite oppression thus enjoy no special protection under this rights-based approach: the Native American who wears long hair as a form of tribal loyalty has no stronger claim than the student who wears long hair as a form of personal expression.\textsuperscript{30} In fact, the Native American's claim may be weaker than the idiosyncratic dissenter's if school officials and courts more readily conclude that a racial or ethnic group's demands will exacerbate student tensions.\textsuperscript{31}

Minority group interests can bolster a rights-based claim only in exceptional cases where group preservation is necessary to protect constitutionally favored individual liberties. In \textit{Wisconsin v. Yoder},\textsuperscript{32} for example, the state of Wisconsin penalized Amish parents who kept their fourteen- and fifteen-year-old children out of school in violation of a compulsory attendance law. The Amish parents contended that sending their children to high school was inconsistent with their religious beliefs. In the parents' view, high school attendance not only jeopardized their own salvation and that of their children by exposing them to the church's censure but also threatened the very survival of the Amish community.\textsuperscript{33}

The Supreme Court held that Wisconsin could not punish the Amish for withdrawing their children from high school because the State had not adduced any interest sufficient to override the Amish parents' interest in the free exercise of their religion.\textsuperscript{34} According to the Court, the Amish mode of life was an integral component of their religious practices, and compulsory secondary education that imperilled the Amish community's survival would "gravely endanger if not destroy" the free exercise of their religious beliefs.\textsuperscript{35} In analyzing the Amish parents' need to withdraw their children from school to preserve their community, the Court noted the general threat posed to the Amish existence by urban, industrialized society and the particular dangers of modern secondary school programs that sharply conflicted with Amish values.\textsuperscript{36}

The preservation of the Amish community was relevant under a
rhetoric of rights only because it was essential to the protection of individual autonomy interests. Moreover, in according some weight to the Amish interest in safeguarding their unique way of life, the Court emphasized the specially favored status of religious beliefs. The Court carefully limited its holding to claims involving the free exercise of religion: "[a] way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the Religion Clauses, the claims must be rooted in religious belief."  

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_Yoder_ makes clear that minority groups citing a secular rather than a religious interest in safeguarding their values against intrusive state educational initiatives can make only limited use of a rhetoric of rights. Hispanic activists, for instance, have pressed for federal support of bilingual-bicultural education programs that provide native-language and cultural heritage instruction to limited-English-proficient students. _38_ These activists can invoke a rhetoric of rights to support these programs only when they promote students' individual autonomy by ensuring minimum access to the curriculum. If a school terminates a bilingual-bicultural program because it fails to produce substantial gains in achievement, Hispanics cannot successfully challenge the school's decision under a rights-based rationale by citing the program's utility as a springboard for preserving language, culture, and customs. _39_ As Meyer and Pierce make clear, the most that Hispanics can hope for under a rhetoric of rights is the freedom to establish private schools that perpetuate their way of life; they cannot ask the State to perpetuate group identity by affirming their values in the public schools.

**B. Community Control and the Limits of Top-Down Pluralism**

Partly in response to the limitations of the rhetoric of rights, other minority reformers have sought to make schools reflect their values by recreating the conditions of small, homogeneous communities in urban areas. These activists acknowledge the schools' critical role in teaching values, and they recognize the primary importance of lay boards in shaping the schools' socialization function. To ensure that schools respect their values, these reformers have demanded that school governance be restructured to enhance educators' responsiveness to minority constituencies. In particular, they have demanded that school districts be decen-

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_37_ Id. at 215.  
_39_ See Moran, _Bilingual Education as a Status Conflict_, 75 Calif. L. Rev. 321, 321-26, 346-50 (1987) (citing Hispanics' mixed motives in pursuing bilingual education legislation and exploring how the objective of vindicating their language, customs, and culture influenced the policymaking process).
tralized so that lay boards in minority neighborhoods can exercise considerable discretion in operating their own schools.

For example, in the late 1960s and early 1970s, Black leaders in metropolitan areas demanded that Black neighborhoods run their own schools. These "community control" advocates hoped to infuse minority schools with minority values. They planned to hire more Black administrators and teachers, eliminate racially insensitive personnel, and include issues of importance to Blacks in the curriculum. They also hoped to involve members of the Black community more directly in the schools' administration. While such measures in part were touted as a means to promote Black achievement, they were more fundamentally a means to re-empower Blacks in urban ghettos. In particular, community control promised a form of self-determination, the right to chart the future of Black children's values.

Unfortunately, however, the community control movement bandied about the concept of "community" without ever defining it. Underlying the movement's demands was the assumption that Black neighborhoods were identifiable communities with shared values. Advocates of community control assumed that the major gulf in values was between whites and Blacks; they ignored the possibility of serious value disagreements among Blacks. Yet, some commentators have suggested that high rates of turnover in Black, urban neighborhoods made it unlikely that their residents shared a common set of values. Low voter turnouts in community school board elections suggested that a substantial part of the Black electorate was not actively involved in the schools' administration; this lack of participation increased the risk that the school boards would not be representative of the general population. Rather, relatively elite segments of the minority community could dominate school board elections under the community control model, creating serious risks that board members would exploit decentralization efforts for political advantage.

41 Wiles, Community Control, Decentralization, and School Consolidation: The Impact on the School Board, in Understanding School Boards, supra note 4, at 219, 219-23. See also Lyke, Representation and Urban School Boards, in Community Control of the Schools, supra note 40, at 138, 154-64.
42 Pfautz, The Black Community, the Community School, and the Socialization Process: Some Caveats, in Community Control of the Schools, supra note 40, at 13, 18-26; see also Wiles, supra note 41, at 221 (noting wide variations in definitions of community according to functional, spatial, and interactive or decision characteristics).
43 See M. Fantini, supra note 40, at 238 (small factions may exploit community control experiments for their own political advantage); A. Ornstein, Metropolitan Schools: Administrative Decentralization vs. Community Control 252-53 (1974) (citing low voter
The community control movement failed because it embraced a system of school board politics that suppresses pluralism by disempowering dissenters. The movement’s experience highlights the deficiencies of top-down pluralism in which a few members are elected to represent an entire group’s interests. Whenever this hierarchical system of representation operates on a principle of “majority rules,” it is apt to devalue the interests of dissenters whose votes are not necessary to establish a winning political coalition. If value heterogeneity does not respect racial, ethnic, linguistic, or cultural lines, then top-down pluralism necessarily leads to the suppression of dissident views within minority communities. To incorporate diverse values fully into the curriculum, then, minority reformers must devise alternatives that mitigate the potential for oppression inherent in a majoritarian political process.

In sum, the school is best suited to act as an instrument of socialization into shared values in small, relatively homogeneous communities. School officials serving diverse, urban populations face serious obstacles in implementing the socialization function because adoption of majoritarian or elite values necessarily excludes the values of minority groups who lose out in the political process. Minority groups have responded by using the rhetoric of rights as a shield against majoritarian overreaching and the community control model as a sword to create enclaves for the nurturing of minority group values. Neither response fully comes to terms with the problems created by the heterogeneity of the student population. The rhetoric of rights focuses so narrowly on individual liberties that it fails to give any special consideration to socialization’s impact on the identity and survival of distinctive racial, ethnic, linguistic, and cultural groups. The community control model, by relying on a highly politicized process of school board representation, overlooks the danger that this hierarchical system will stifle dissenting views within minority communities.

44 See J. Mansbridge, Beyond Adversary Democracy 15-22 (1980) (a model based on the maximization of self-interest is “the democracy of a cynical society,” and its moral bankruptcy has resulted in efforts to recreate “participatory democracy” with a more communal orientation).

45 See Peterson & Williams, Models of Decision Making, in State, School, and Politics 162-65 (M. Kirst ed. 1972). While various political models of the school board are possible, so long as school boards are elected by majority vote and serve as arenas for bargaining, they will systematically suppress minority views. See generally J. Buchanan & G. Tullock, The Calculus of Consent 119-210 (paperback ed. 1965) (describing a system of simple majority rule, its imposition of externalities on losing minority factions, and the willingness to adopt such a rule only when it will be used to decide a broad array of issues that implicate approximately equal intensities of preference and when individuals do not believe that they will tend to be in the minority more than the average number of times).
II. SCHOOLS AS PURVEYORS OF TECHNICAL SKILLS

In light of the political complexities that public schools face when they attempt to assimilate students with diverse backgrounds, some teachers and administrators have sought to redefine their role in a way that renders pupils' heterogeneity irrelevant. Under this view, the schools' role is to prepare students to act as competent participants in the marketplace and civic arena, regardless of their race, ethnicity, language, or culture. Instructors need only impart value-neutral, technical skills to children in the classroom. As purveyors of these technical skills, schools do no more than build a foundation for all students' full membership in the polity.46

Lay governance through school boards is critical when schools undertake to socialize students, but professional educators play the pivotal role when schools transmit technical skills. Historically, families have been the repositories of social values, and teachers could hardly assert an exclusive claim to the determination of children's mores.47 Yet, teachers' efforts to establish a monopoly on pedagogical expertise and thereby professionalize the field of education are impeded by lay monitoring of classroom value judgments.48 By claiming that a school's curriculum is value-neutral, teachers and administrators can free themselves from an obligation to consult board members regarding their assessments of community norms.

Teachers and administrators argue that in an increasingly complex society, lay people do not understand which teaching techniques are best suited to convey sophisticated technological information. Therefore, the argument goes, educators with specialized knowledge about transmitting technical skills must be free to structure the curriculum as they see fit.49 Further, because of the subtleties of implementing appropriate educational programs, professionalism can be safeguarded only by regulating

46 M. CHESLER & W. CAVE, SOCIOLOGY OF EDUCATION 241-42 (1981); Walsh, supra note 1, at 116-17.
47 See Arons, The Separation of School and State: Pierce Reconsidered, 46 Harv. Educ. Rev. 76, 96-99 (1976) (arguing for parents' primary right to determine the values their children will be taught and suggesting how the power of public schools to educate children should be limited accordingly).
48 See, e.g., McLaughlin & Shields, Involving Low-Income Parents in the Schools: A Role for Policy, 69 Phi Delta Kappan 156, 158 (1987) (noting school officials' failure to support programs designed to promote the involvement of low-income parents); see generally D. Tyack, supra note 3, at 78-79 (educators in the nineteenth century considered lay decision-making at best a form of officious intermeddling and at worst a source of political patronage).
49 See M. CHESLER & W. CAVE, supra note 46, at 14 (describing professionalization of the teaching force and relating this development to the schools' role as inculcators of technical skills in an increasingly industrialized society); see also D. Tyack, supra note 3, at 21-27 (describing how teachers justified consolidation and professional domination of the schools in the early 1890s and 1900s on the ground that lay people could not formulate adequate educational policies in a complex urban society); Kerr, supra note 10, at 334, 338-39 (school board candidates who base their campaign on vague generalities become ineffectual captives of the school administration because they do not understand how schools work).
entry into the teaching profession; educational experts play a central role in devising appropriate training and certification requirements. Moreover, because only professional educators can evaluate the complicated process of conveying technical skills, lay people's views on teacher competency are less important than peer review and performance on standardized tests designed by experts. In sum, then, because the curriculum is allegedly value-neutral and educators are better able to assess the efficacy of various instructional methods, there is little reason to give lay people a significant voice in school administration.

Despite educators' efforts to render students' heterogeneity irrelevant by categorizing technical skills as "value-neutral," many critics doubt that teachers can transmit purely academic skills without making significant value judgments. For example, when students learn to read, teachers must select appropriate books and articles. Critics contend that educators consistently prefer primers with stories about Dick and Jane growing up in a white, middle-class family to those with tales of Dick and Jane coming to grips with life in a poor, urban ghetto. As children grow older, teachers continue to favor majoritarian or elite values by assigning classics by western European authors while ignoring the literary masterpieces of other racial, ethnic, linguistic, and cultural groups. By systematically underutilizing materials by or about minority groups, schools allegedly pay lip service to value neutrality while replicating the exclusionary biases that plague our nation's economic, political, and social life.

The skepticism and alienation that minority children experience at school belies the contention that educators can impart technical competency in a value-neutral environment. As a twelve-year-old Hopi child attending school on a reservation graphically explained:


51 W. BENNETT, FIRST LESSONS 20-21 (1986) (schools must expose all students to "the good stuff," embodied in the classical culture of the Western world, regardless of the "tawdry fare" that besieges them elsewhere); Thomas, Socialization and Conformity in Education, in Social Goals and Educational Reform 137, 148 (C. Willie & I. Miller eds. 1988) (the "back-to-basics" movement of the 1980s is in part a negative reaction to the rise of ethnic studies programs and curriculum materials and other educational innovations developed in the late 1960s); Raspberry, A High School Where Most Kids Flunk Out, Newsday, Jan. 4, 1988, at 40 (city ed.) (describing Secretary of Education William Bennett's model high school curriculum, which "[m]any critics are apt to see . . . as so Europe-oriented as to insult—and flunk out—black and Hispanic students"); Adler, Hard Days for Lame Ducklings: Learning Disputes, L.A. Times, Jan. 10, 1988, pt. 5 at 1, col. 5 (criticizing Secretary Bennett's model curriculum for failing to consider the different kinds of teaching methods and learning styles that the public schools must accommodate to meet the needs of all students).

Everything, everyone, is the white man's; all he has to do is stake his claim. They claimed us. They claimed our land, our water; now they have turned to other places. My uncle, who knows the history of our people, and of the United States, says it is a sad time for others; but when my brother began to worry about the others, our uncle sighed, and said: "At least our turn is over. Don't be afraid to be glad for that." They are not really through with us, though. They come here—the police, the red light going around and around on their cars: visitors to our reservation from the great United States of America. "There they are," my father always says. He tells us to lower our eyes. I have stared at them and their cars, but I will never say anything, I know that. If their President came here, I would stay home or come to look at him, but not cheer. I have seen on television people cheering the President. In school they show us pictures of white men we should cheer. I never want to. I don't think the teachers expect us to want to; just to pretend. So, we do.53

Clearly, there is little that is neutral for this Hopi child in a government-run classroom.

If teachers invariably endorse particular values when they inculcate technical skills, minority groups again must concern themselves with whether schools accord fair recognition to their values in the curriculum. Regardless of educators' claims that they are uniquely capable of determining whether teachers are qualified and have performed competently in the classroom, minority reformers allege that their children's low achievement scores and high dropout rates provide unequivocal proof of a breakdown in the standards of professionalism.54 To prevent schools from conveying technical skills in an exclusionary manner, minority reformers have demanded the employment of more minority teachers and administrators and program modifications that integrate minority values into the curriculum. These reformers argue that their proposed changes will reaffirm professionalism by enabling educators to impart technical skills to minority students more effectively.

By touting affirmative action as a solution to minority students' exclusion from the educational process, minority reformers have acquiesced in professional monopolization of the pedagogical process. While accepting the necessity of hiring qualified personnel, these reformers insist that the teaching corps include sympathetic educators sensitive to minority students' needs. Proponents of affirmative action typically assume that minority teachers will be better able to identify with and respond to these students' problems.55

54 See Moran, supra note 38, at 1252 (describing how non-English-proficient (NEP) and limited-English-proficient (LEP) students' low achievement and high drop-out rates were used to justify demands to limit educators' discretion to make program choices).
55 Carter, Help Wanted: Minority Teachers, 69 EDUC. REC. 54 (1988); Loehr, The 'Urgent' Need for Minority Teachers, Educ. Week, Oct. 5, 1988 at 32, col. 1. Both articles cite the growing scarcity of minority teachers as role models as the racial and ethnic diversity of the student population increases and the diversity of the teaching force declines.
However, employment of minority teachers does not guarantee that minority values will be respected and reinforced in the classroom. First, these teachers frequently come from relatively privileged backgrounds and may not be aware of the special needs of less advantaged minority children. In addition, teachers undergo extensive career preparation that orients them to conventional methods of transmitting technical skills. This training may prompt minority teachers to rely on techniques and materials that are largely indistinguishable from those of their white colleagues, although minority reformers have attacked these approaches as exclusionary. Finally, even if minority teachers arrive in the classroom with alternative teaching methodologies, they may experience significant pressure from fellow teachers and administrators to conform to the school's traditional ways of imparting academic skills. Minority faculty will be especially vulnerable to these pressures if they have been hired only in token numbers.  

All of these factors can conspire to make it difficult to differentiate a minority teacher's classroom strategy from that of a white teacher. For example, Ray Rist studied interactions between a Black schoolteacher and her students in an elementary school in a poor, Black urban area. He found that the teacher tracked students based on their family backgrounds and treated students quite differently according to conventional assessments of scholastic promise. Moreover, she often devised lesson plans that were alien to the students' background. Rist describes one poignant example of this teacher's insensitivity as follows:

(The students are involved in acting out a skit arranged by the teacher on how a family should come together to eat the evening meal.) . . . At the small dinner table set up in the center of the classroom, the four children are supposed to be sharing with each other what they had done during the day—the father at work, the mother at home, and the two children at school. The . . . boy [playing the son] makes few comments. (In real life he has no father and his mother is supported by ADC funds.) The teacher comments, "I think that we are going to have to let Milt [a child the teacher has labeled academically promising] be the new son. Sam, why don't you go and sit down. Milt, you seem to be one who would know what a son is supposed to do at the dinner table. You come and take Sam's place."  

Sam did not live in a household in which the father works full-time, the mother is a homemaker, and the family gathers together for dinner.

56 See Hochschild, Approaching Racial Equality Through Indirection: The Problem of Race, Class, and Power, 4 YALE L. & POL'Y REV. 307, 321-22 (1986) (affirmative action programs primarily benefit well-off Blacks); Rebell, supra note 50, at 397-402 (citing pressures from not only white educators but also leading Black educators to strengthen preparation of minority teachers so that they can satisfy standardized competency measures at a rate comparable to white candidates).


58 Id. at 82.
In fact, it is unlikely that many students in this teacher's classroom lived in such a home. Consequently, the teacher's decision to act out this imaginary family situation at best may have left students uncertain about how to behave and at worst may have embarrassed them by suggesting that their home environments were inferior to the teacher's hypothetical construct. As this example suggests, without other fundamental changes in educational institutions, affirmative action alone cannot assure that minority students escape the harmful effects of an exclusionary technical skills game.

Perhaps partly in recognition of the shortcomings of relying solely on minority professionals' isolated presence to promote minority values, reformers have demanded that schools adopt curricular reforms to ensure that technical skills are imparted in ways that respect minorities' unique heritage. For instance, these reformers have asserted that reading programs must include literary works by Black, Latino, and Asian writers and that history classes must acknowledge the contributions of Americans from racially, ethnically, linguistically, and culturally distinct backgrounds.\textsuperscript{59} Accepting the schools' commitment to conveying technical skills, reformers claim that the incorporation of minority history and literature is necessary to maximize minority achievement. For example, a reservation school will include the Navajo language and Native American literature in its course offerings because "[t]he only way to reach national achievement standards . . . [is] to restore Indian identity."\textsuperscript{60}

Although these reformers have embraced the goal of acquiring technical skills, their demands for curricular reform represent a stronger assault on professional monopolization of the schools than do affirmative action plans that result in the hiring of a token number of qualified minorities.\textsuperscript{61} The push for curricular reform contradicts the claim that the pedagogical process is value-neutral; moreover, the pressure for input into curricular choices conflicts with professional educators' discretion to run the schools as they see fit. The curricular reform movement thus reflects minority groups' awareness that more far-reaching changes are necessary to overcome the inherent biases of an educational system dominated by professionals with majoritarian or elite values.

Precisely because curricular reform proposals threaten the image of schools as professional and value-neutral, these challenges have met with considerable resistance. Typically, courses on minority history or literature are elective courses outside the core curriculum; they are marginal-

\textsuperscript{59} See Gay, supra note 52, at 330-37.
\textsuperscript{60} See Meyer, supra note 2.
\textsuperscript{61} Of course, if demands for minority hiring include employment of paraprofessionals and teachers' aides who seem to compromise the definition of a "qualified" teacher, this may threaten educators' self-definition as professionals. F. WIRT & M. KIRST, POLITICAL AND SOCIAL FOUNDATIONS OF EDUCATION 246 (1972).
ized by being relegated to the pedagogical periphery. When minority concerns are included in core courses, such as American history, social studies, or literature, they are often treated as little more than footnotes or addenda to the "regular" material. The devaluation of minority contributions is further reinforced when academic advancement turns on proficiency in traditional subjects, such as Western history and literature, while excellence in minority history, literature, and culture is deemed unimportant. Despite these setbacks, minority groups have continued to press vigorously for full incorporation of their contributions into the school curriculum.

Even this more aggressive curricular reform strategy suffers from serious limitations. Minority reformers suggest that a one-time restructuring of the curriculum is an adequate corrective to the aberrational failure of professional expertise. Their confidence is, of course, belied by the educational bureaucracy's efforts to subvert curricular changes by marginalizing courses and materials on minority history and literature. Without a fundamental restructuring of the educational decision-making process, isolated reform efforts are apt to fall prey to bureaucratic resistance and inertia. Moreover, with a fluid student population, the values that need to be incorporated into the curriculum are likely to change. Yet, minority reformers do not indicate how the educational decision-making process should be transformed to ensure that the curriculum remains responsive to heterogeneous needs.

Minority reformers also presume considerable certainty about how minority children learn. They seem convinced that their suggested curricular changes will uniformly benefit minority children. Educators, on the other hand, claim that because the learning process is extremely complicated, innovative techniques designed to rectify minority underachievement frequently produce mixed results. These experts doubt that curricular reforms are certain to produce substantial gains in minority performance. If these doubts are justified, minority reformers should

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62 See Baptiste, Multicultural Education and Urban Schools from a Sociohistorical Perspective: Internalizing Multiculturalism, 6 J. EDUC. EQUITY & LEADERSHIP 295, 306-08 (1986); Gay, supra note 52, at 333-34.
63 Gay, supra note 52, at 337-38.
64 See, e.g., B. BULLIVANT, THE PLURALIST DILEMMA IN EDUCATION 120-23 (1981) (describing minority groups' support for the Ethnic Heritage Studies Program and the schools' limited implementation of a multicultural curriculum).
65 See id. at 116 (noting tendency of supporters of cultural pluralism to oversimplify the issues and ignore relevant theoretical literature).
66 See, id. at 133-34 (citing Professor Arturo Pacheco's criticism of cultural pluralists who underestimate the complexity of social forces affecting student achievement and therefore may perpetrate a "political hoax"); Grant & Melnick, In Praise of Diversity: Some Implications, in IN PRAISE OF DIVERSITY: A RESOURCE BOOK FOR MULTICULTURAL EDUCATION 214, 215 (M. Gold, C. Grant & H. Rivlin eds. 1977) (to incorporate diversity into the classroom, teachers must not rely on generalizations about race or ethnicity but must respond to each student's individuality).
67 For an example of these competing claims about the utility of centralized curricular reforms in
carefully consider the potential costs of centralized curricular requirements. Such requirements may rigidify educational decision-making and reduce schools’ flexibility in meeting students’ special needs. For example, if a reservation school provides instruction in Navajo and Native American culture, some students may resist the lessons because their parents believe that teaching culture is best left to the family. Other children may reject classes in minority culture and history because their parents have impressed upon them the importance of assimilation to dominant western European values. In either case, wooden recitation of rigid course requirements is unlikely to give such students an opportunity for meaningful participation in the curriculum, and schools might profitably employ a more flexible approach to their education.

In short, minority reforms aimed at promoting the acquisition of technical skills have floundered because they leave professional monopolization of the schools largely intact. Affirmative action proposals accept the legitimacy of professional domination and ask only that qualified minority teachers and administrators be hired. Curricular reform efforts treat minority underachievement as an aberration that can be rectified through a one-time intrusion into the professional sphere. However, without broader input into schools’ program choices, teachers and administrators are apt to implement a narrow range of values consonant with their backgrounds and training. Having mastered conventional teaching techniques, educators are unlikely to jeopardize their professional reputations by undertaking risky innovation to meet students’ special needs. To avoid the stultifying effects of the educational bureaucracy’s monopoly on decision-making, minority reformers must consider alternatives that permit parents, students, and community groups to influence program choices. At the same time, these alternatives must mitigate the dangers of majoritarianism or elitism that have plagued school board representation. Although such processes have yet to be implemented, this more extensive transformation of the schools represents the next stage in minority groups’ quest for equal access to education, to which this essay now turns.

III. THE SCHOOLS AS SEEDBEDS OF PLURALISM

Advocates who seek broader input into the educational decision-making process argue that educators can neither deny the student body’s

promoting minority achievement, see Moran, supra note 38, at 1316-17 (bilingual education proponents asserted that native-language instruction would uniformly benefit non-English-proficient and limited-English-proficient students; when empirical evidence cast doubt on this claim, Congress rejected centralized curricular controls in favor of according educators greater flexibility to experiment with various instructional techniques).

68 See id. at 1336-39 (arguing that centralized curricular controls are inappropriate where schools confront a high degree of uncertainty about program goals and effectiveness).

69 See Meyer, supra note 2.
heterogeneity by adopting assimilative practices nor disregard it by professing value-neutrality. Instead, schools must act as seedbeds of pluralism by not only tolerating but nurturing the heterogeneous values that children bring to the schools. More particularly, teachers and administrators must determine how this diversity of values affects students’ needs and devise responsive educational programs. Because of the complicated make-up of minority groups and the uncertainty about how best to serve them, schools must be in close contact with the populations they serve. This contact will enable schools to understand students’ value differences more fully and to engage in continual reassessment of programs designed to meet these pupils’ needs. Only by restructuring the pedagogical decision-making process to permit greater participation by affected minorities can the schools successfully become seedbeds of pluralism that capitalize on diversity.

As discussed in Part I, community control experiments based on top-down pluralism failed to promote broad-ranging participation; instead, these experiments led to hierarchical systems of representation that suppressed dissent. Sensitive to these failures, those hoping to promote a truly participatory, pluralistic educational process have suggested two alternative means to broaden input into school officials’ decision-making. One group of reformers has recommended that the State provide parents with vouchers to pay for educational programs tailored to their children’s needs. Vouchers would enable families to express their diverse preferences by putting their market power behind responsive educational programs. Supporters of a voucher system argue that it would encourage diversity by weakening the ideological domination that inevitably emerges in centralized school bureaucracies heavily influenced by special interest politics. As John E. Coons and Stephen D. Sugarman explain:

Were a workable system of choice installed, the family without wealth could make its non-majoritarian views heard without resort to the picket line and the street—forums closed by culture to many dissenters. In having a school that represents their views, these families for the first time in this century would acquire access to one of the major forums in which our national identity is delineated. For school is media, and its clients’ ideolo-

70 McLaughlin & Shields, supra note 48, at 159-60.
71 See E. Berger, Parents as Partners in Education 64-70 (1987) (describing the rise of parental involvement in the 1960s and 1970s as a means to acknowledge diversity and permit greater self-determination for minority and disadvantaged children and their parents); McLaughlin & Shields, supra note 48, at 157-79; Moran, supra note 38, at 1347-51.
gies would now enter the marketplace.  

As a practical matter, critics have questioned whether a politically feasible voucher system could ever overcome class-based disparities in market power. In their view, a voucher plan would perpetuate elite domination because economically privileged families still would wield greater bargaining power than low-income families with little to spend but a presumably modest-sized voucher. Critics also have worried that parents will remain at the mercy of professional educators who command superior information about the schools, regardless of whether families have vouchers to spend. Voucher proponents respond that their proposals could be structured to minimize the effects of income inequality and would at least place lower-income families in a better position to influence pedagogical decision-making then they currently enjoy. Moreover, defenders of a voucher system point out that parents could purchase information as well as educational programs, thereby giving professional educators every incentive to disseminate data about their schools.

As a theoretical matter, voucher proposals raise some central questions about what reformers mean by pluralism. By relying on a market model in which parents are catalysts for reform, voucher proposals embody the principle of family autonomy. Indeed, the ideal voucher system relies on independent decision-making by atomistic family units; the relationship of these units to larger community groups is largely ignored. Vouchers thus rest on a theory of bottom-up pluralism, in which individual choice is the guarantor of diversity. Whether vouchers promote or undercut community groups' vitality depends entirely on how families vote with their dollars. The survival of a wide array of

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73 Education by Choice, supra note 72, at 101.
74 Id. at 190-91; Doyle, The Politics of Choice: A View from the Bridge, in Parents, Teachers, and Children, supra note 72, at 228-32, 252 (1977) (redistributive aspects of federally-sponsored voucher plan were politically unacceptable).
77 See, e.g., Discussion, in Private Schools and the Public Good, supra note 75, at 158-59 (remarks of Professor John E. Coons) (argues that independent system of delivering information about the schools could be included in a voucher plan and would ultimately empower parents from less privileged socioeconomic backgrounds to make autonomous choices about their children's education); J. Catterall, supra note 76, at 17-18 (discussing how various voucher proposals have dealt more or less adequately with the need for effective dissemination of information).
78 Education by Choice, supra note 72, at 52-61; M. Friedman, Capitalism and Freedom 91 (1962); J. Catterall, supra note 76, at 19.
active community groups may be an artifact of a voucher system, but it is
by no means a prerequisite.\(^7^9\)

Because bottom-up pluralism disregards the effect of individual
choice on group vitality, it ignores the problems that a voucher system
can create if a group's philosophy does not permit it to capitalize effec-
tively on state funding for schools. The most extreme example is a group
that prides itself on self-sufficiency and does not want its school system to
depend on government subsidies. The Amish, for instance, may prefer to
finance their own schools through private funds and be free of school
taxes, rather than receiving vouchers. This group preference cannot be
translated into appropriate individual choices under a voucher system.

Voucher proponents can dismiss the problems of the Amish order as
a highly unusual situation easily accommodated by exempting its mem-
bers from a voucher plan and the tax burdens associated with it; how-
ever, these difficulties are simply the most obvious instance of a more
pervasive problem. The voucher system says nothing about how competi-
tion among groups for status and recognition will be affected by the fit
between a group's philosophy and that of the voucher system, even
though members' choices will certainly affect the group's standing by
influencing its available resources. For example, how will authoritarian
groups fare as compared to liberal ones under a voucher plan? Perhaps a
voucher system that lauds individual choice will help liberal groups by
legitimating their tenets and harm authoritarian groups by undercutting
theirs. Alternatively, a voucher plan that empowers individual families
may undermine all group affiliations, whether liberal or authoritarian, by
attenuating their significance in dealings with the State. Finally, a
voucher system could benefit authoritarian groups more than liberal ones
if the former are more willing than the latter to police their members'choices to ensure that families vote with their dollars to attend schools
that perpetuate group loyalty.

If proponents of pluralism are concerned about the schools' impact
on the vitality of various groups, they cannot overlook the ways in which
group membership shapes individual choice under a voucher system. As
an alternative to the bottom-up pluralism of the marketplace, some
reformers have recommended that pluralism be advanced through a
communitarian school that would account for heterogeneity by involving
parents, community groups, and, where appropriate, students in peda-
gogical decision-making.\(^8^0\) Under this model, a school would cultivate
ongoing working relationships with parents to ensure that their values

\(^7^9\) Education by Choice, supra note 72, at 94 ("Choice in education would . . . permit the
maintenance of cultural integrity; we would be surprised if this opportunity to cement group
identities were to go unused. In any event, to sharpen the divisiveness issue, we will assume
that it would be used."). But cf. Doyle, supra note 74, at 246-47 (arguing that the ability of
vouchers to promote educational diversity has been exaggerated).

\(^8^0\) See J. Handler, The Conditions of Discretion 283-300 (1986).
are respected and that program choices benefit their children. The school's objective would be to establish a relationship of trust, which would provide parents with a meaningful opportunity to participate in curricular decisions affecting their children. To assist parents in negotiating the educational bureaucracy, the school could refer them to parent advocates, who would be familiar with official decision-making practices and would be drawn from various community organizations. Moreover, parents, community organizations, and, where appropriate, students could provide input on how the school's decision-making processes might be made more responsive. By according significant roles to community organizations as well as parents and students, the communitarian model relies on cooperative pluralism; that is, both groups and individuals provide input on how schools' decisions will affect them. This permits educational policymakers to assess impacts on not only individual welfare but also group identity.

Again, critics have raised practical concerns. If the communitarian model leaves school bureaucracies largely intact, professionals are likely to dominate parent-school relations. Parental participation will be reduced to a formalistic exercise; alienation and lassitude will ensue as parents realize that the schools are making little more than a token gesture to include them. The presence of parent advocates cannot completely guard against these difficulties because school officials may co-opt advocates. After all, advocates want to preserve long-term relations with school personnel, while their connections with parents often will be only short-term.

Advocates of a communitarian model respond that the school bureaucracy should be modified to reduce monolithic professional domination and thereby nurture diversity. They recommend redefining principals' and teachers' professional roles to permit them to exercise greater discretion in implementing educational programs. Their new role would

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81 See id. at 92-94.
82 Id. at 88-91.
83 See C. Hassell, A Study of the Consequences of Excessive Legal Intervention on the Local Implementation of P.L. 94-142 (1981) (unpublished dissertation) (available at Education-Psychology Library, University of California, Berkeley) (in school districts that formally complied with legal provisions requiring parental involvement in formulating a program for a handicapped child, parents were less knowledgeable about special education activities and reported less positive, less stable relations with the schools than parents in districts that had policies that encouraged meaningful parental involvement).
84 See Handler, Continuing Relationships and the Administrative Process: Social Welfare, 1985 Wis. L. REV. 687, 696 (noting that parent advocates "do not have to worry about being polite" but at the same time suggesting that "there are potential issues of cooption" (citation omitted)); see generally Galanter, Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change, 9 LAW & SOCY REV. 95, 97, 110-14 (1974) ("repeat players" who have an ongoing relationship with each other and continuing contact with the legal system are more likely to use informal methods of dispute resolution than resort to litigation; their "expectation of continued mutually beneficial interaction" gives rise to "informal bilateral controls").
emphasize innovation to meet diverse student needs and responsiveness to students’ and parents’ concerns.85 Based on this redefinition, teachers and principals would welcome parental input in evaluating and satisfying children’s needs. This input would be crucial in helping school officials to devise an appropriate curriculum.86 While this reconception of the role of principals and teachers is an attractive possibility, proponents of a communitarian school need to be more specific about the techniques and incentives that would be used to resocialize principals and teachers successfully.

At a theoretical level, the communitarian model also raises troublesome concerns about what cooperative pluralism means. Advocates of communitarianism have not carefully defined which community groups are most central to maintaining a healthy pluralism, nor have they indicated how individuals and groups should interrelate in a properly-functioning pluralist system.87 Are racial, ethnic, linguistic, or cultural groups essential to pluralism? Should they be given a primary role in educational governance? Or are groups defined along other dimensions equally or more important? For example, perhaps groups defined along ideological or class lines are more significant in a pluralistic society and deserve a major role in the pedagogical decision-making process.

The relative importance of various group affiliations becomes critical when school officials confront controversies among groups that implicate their deeply held values and hence are not readily amenable to bargaining and compromise.88 For example, religious fundamentalists may demand that schools refrain from assigning Manchild in the Promised Land89 and other books by prominent Black authors that contain offensive language inconsistent with their children’s religious beliefs. On the other hand, Black parents may claim that their offspring ought to be able to read these books in order to develop a sense of their own identity and racial heritage. How should schools resolve this conflict between two

85 J. Handler, supra note 80, at 169-70 (lower-level discretion in special education must be treated not as a “necessary evil” but as a “creative challenge” and “positive good”).
86 McLaughlin & Shields, supra note 48, at 159-60; see Moran, supra note 38, at 1336-39. Unfortunately, many school administrators and teachers feel ill-equipped to develop forums for including parents and to invest in innovation when they have few resources to undertake such initiatives. Frymier, Bureaucracy and the Neutering of Teachers, 69 Phi Delta Kappan 9, 11 (1987).
87 See Handler, Dependent People, the State, and the Modern/Postmodern Search for the Dialogic Community, 35 UCLA L. Rev. 999, 1071-93 (1988) (contrasting different conceptions of community and their implications for participation by clients, such as parents, who are dependent on the State for the provision of social services, such as education).
88 See Moran, supra note 39, at 357 (describing how group conflicts over competing ways of life undermine the opportunities for legislative compromise). See also K. Luker, Abortion and the Politics of Motherhood 192-215 (1984) (analyzing how pro-life and pro-choice advocates have adopted conflicting lifestyles and values, thus rigidifying the abortion debate and generating highly moralistic, deeply emotional reactions on both sides).
89 C. Brown, Manchild in the Promised Land (1965).
groups' interests in preserving their values? Cooperative pluralists have yet to formulate a satisfactory answer.

In addition, proponents of cooperative pluralism must clarify the role of schools as community institutions that balance individual and group interests. The dilemmas posed by the trade-off between individual and group interests are nicely illustrated by Justice Douglas' dissent in *Wisconsin v. Yoder*90. Justice Douglas expressed concern that the Court's decision to permit Amish parents to keep their children out of high school undermined "the right of students to be masters of their own destiny."91 As Justice Douglas explained, "if [the student] is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption [from school attendance] which we honor today."92 The majority refused to address Justice Douglas' concerns because there was no evidence in the record that the Amish students wished to attend high school.93 Yet, Justice Douglas' observations highlight a problem that cooperative pluralists must face: how will schools resolve conflicts between a person's freedom to choose his or her own values and a community group's desire to ensure that its members adhere to traditional norms? While bottom-up pluralism under a voucher plan clearly favors individual choice over group conformity, the cooperative pluralism of a communitarian school does not establish a clear-cut preference between individual and group interests.

In sum, then, a pluralistic educational process remains a largely aspirational ideal. To convert schools into institutions that are responsive to the value differences of various racial, ethnic, linguistic, and cultural groups, minority reformers must convince policymakers that their proposals can overcome the majoritarianism inherent in governance by popularly elected, lay school boards and the monopolistic sway of professional educational bureaucracies. In addition, these reformers must agree on and make clear to policymakers the precise definition of pluralism embodied in their reform proposals. A careful definition of pluralism not only can alert its proponents to the reasons why top-down pluralism through community control failed to yield broad-ranging involvement in the schools but also can sensitize these advocates to the potential risks of relying on bottom-up or cooperative pluralism. Those who embrace the bottom-up pluralism of a voucher plan must explain why they need not concern themselves with the impact of individual choices on group vitality. Adherents of cooperative pluralism must explain how they will cope

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91 Id. at 245.
92 Id. at 245-46.
93 Id. at 231 (Burger, C.J., for the majority).
with in-fighting among competing groups and conflicts between groups and their members in a communitarian school.

CONCLUSION

Minority reformers have used a number of strategies to promote equal access to education. As policymakers have responded to demands for change, the very image of the pedagogical process has been transformed, which in turn has necessitated new reform strategies. With the shift from rural to urban schools, for instance, the model of schools as instruments of socialization became increasingly unworkable. Schools consequently began to adopt professional norms that purportedly transcended value differences in the populations educators served. When schools redefined their role as transmitters of technical skills, minority groups feared that their concerns were underrepresented in a supposedly "value-neutral" curriculum. The push for various forms of pluralism represents minority groups' most recent efforts to render schools more accessible to all students.

Proponents of diversity in the educational process must decide which brand of pluralism, whether top-down, bottom-up, or cooperative, is best calculated to foster a rich array of values in the schools. In making this determination, advocates of pluralism should consider the characteristics of different school districts and the relative weight accorded to group identity and individual autonomy. For example, some schools may serve parents and students who generally do not have strong group affiliations. If reformers do not consider the absence of well developed group ties a problem, they can advocate a model of bottom-up pluralism, which makes individual choice the critical determinant of diversity.

Conversely, if reformers believe that the paucity of group ties is a serious deficiency, they can press for top-down or cooperative pluralism to spur the formation of vital community groups. Of course, reliance on such artificial inducements may create dangers of manipulation. Thus, some enterprising individuals could seek disproportionate influence over educational decision-making by creating "paper organizations," which allegedly have a wide membership but in fact command only token support. Such distortions will persist if individuals consider it too costly to mobilize to discredit the paper organization's claims. Consequently, before adopting such strategies, reformers must weigh the potential benefits of healthy group formation against the risks of political manipulation.

Alternatively, some schools serve parents and students with strong group ties. Reformers who value these affiliations can try to reinforce them by demanding top-down or cooperative pluralism. Those who value group ties but fear group tyranny will prefer cooperative pluralism to top-down pluralism because the former affords individual members a
more direct role in the decision-making process. If reformers doubt the value of group ties or believe the State should not explicitly reinforce their significance, bottom-up pluralism becomes the preferred strategy because it accords central importance to individual autonomy.

Proponents of any variety of pluralism face a considerable challenge in implementing their unique vision of the educational process. Not only must supporters of pluralistic education overcome school board politics and bureaucratic inertia, but they must also become astute institution builders. As institution builders, policymakers and reformers have to be sensitive to the ways in which top-down, bottom-up, and cooperative pluralism affect the relative influence of groups and individuals over educational decision-making. While this task is extremely complex, its successful completion may represent minority children’s best chance to achieve meaningful educational opportunities.