

Restructuring Public Education to be more like the Military and Government

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I. Introduction

The federal should take an active role to effect significant change in the state school system, specifically so that the state schools are structured like military and government institutions. This change will greatly aid the administration of the schools, the level of education, teacher training and accountability, and the general wellbeing of children in our education system.

II. Current Problems with Public Education

There are many problems with the current system of public education in the United States. This has been a problem that was much worse in the past, but has not gotten a lot better, even in these modern times. In the past segregation created two very different school systems in the America. After the Supreme Court decided *Brown v. the Board of Education* in 1954, the Court called for the desegregation of schools.¹ The Court declared that separate schools cannot by nature be equal.² This led to schools slowly being integrated and a major cultural shift in our society. However what it has led to is the creation of more and more private schools, and schools often being defined by their location and the socio-economic status of the families in the area.

¹ *Brown v. The Board of Ed. of Topeka*, 347 U.S. 483, 495 (1954).

² *Id.* at 496.

Largely this is due to schools getting most of their funding from property taxes, and poor neighborhoods tend to have less revenue from property taxes.³ This has created disparaging difference in the public schools all across the America and has led to more difficulties in public education. Additionally the source of funding for public schools has been shifting off of the local municipalities, and onto the state and subsequently the federal government.⁴ Statistics show that in 1946, local revenue for schools was 58.4%, state 38.8%, and federal 2.8%.⁵ In 1989, local was down to 43.5%, state was up to 50.3% and federal was up to 6.2%⁶

Another problem is the difficulty of becoming an educator in public schools. Most all schools require that teachers have at least a bachelor's degree and teaching certificate.⁷ This eliminates a large portion of the population from becoming teachers, even though they might be very good at it. However, does having a bachelor or graduate degree make it easier to teach basic high school courses? Many of these subjects have not changed in decades and the students often learn more from the books than they do from the teacher. Often public school teachers have to work as a substitute for many years before they can secure a permanent position in a school. This puts a greater strain on becoming a teacher, which is not seen as prominently in other employment areas. Additionally, there are not a lot of teaching jobs because school are poorly funded, and would rather increase class sizes than

³ San Antonio Independent School Dist. v. Rodriguez, 411 U.S. 1, 16-17 (1973).

⁴ *Id.*

⁵ Sam Peltzman, *The Political Economy of the Decline of American Public Education*, The Journal of Law and Economics, Vol. 36 No. 1, 331, 346 (1993).

⁶ *Id.*

⁷ <https://www.teach.org/teaching-certification>.

decrease teacher student ratio. Further, there are fewer public schools, as many private school are offering better jobs and taking the most qualified teachers.

Parents want the best for their children, and are more likely to shy away from the public education system.⁸ Many factors play into the decision to place a child into the private school system, like cost, local school performance, religion, community relations, and status. Even though segregation is unconstitutional, public schools have often become generally segregated through parent's choices in where to send their children. Parents who can afford to send their children to exclusive schools will often do so, without consideration of the poorer public schools. Additionally many more parents are choosing to home school their children, increasingly because of religious reasons. The Constitution allows parent great flexibility in the education decisions of parents, and more and more parents are using this right.⁹ But the children do not often have a choice in where they are educated, and can be greatly affected for their entire life by the decisions of their parents.

One of the major problems with the education system, as a whole, is the concept of tenure. Tenure grants some teachers the protection of not being fired, regardless of performance.¹⁰ It is justified by the claims that if it was not there, then school officials would just keep cycling in new low cost teachers, and exclude older "wiser" teachers. However without tying tenure to performance, the system has created a system of sloth. Some teachers who have tenure will often do the bare

⁸ *Pierce v. The Society of Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510, 533 (1925).

⁹ *Id.* at 534.

¹⁰ *Johnson v. Board of Ed. Of Decatur School Dist. No. 61*, 85 Ill.2d 338, 348 (Ill. 1981).

minimum that is required of them in the performance of their job.¹¹ Many no longer bring innovation or revision of their teaching style, they just teach the same way that they always taught. This does not account for the changes in students, technology, learning styles, environment, and school social structure.

Similar to tenure is the widespread “problem” of teachers unions. Before the 1960s there were no unions for teachers, only organizations that were simply comprised of teachers.¹² Unions have helped teachers to become more organized, and wield a little power in negotiations with the school boards and districts. However, currently with half of all teachers in a union and teacher strikes more and more common, the unions are bringing more problems to the districts, without affecting a lot of change.¹³ The problem with the unions is that their collaborations, compromises, and accommodations, are seen by its members as selling out the movement.¹⁴ Teacher unions decry the corporate influence on education, and yet the corporations sponsor unions’ events and activities.¹⁵

III. The Military and Government Structure

Conversely the military and government structure provides for many safeguards that can protect its employees and services.¹⁶ The structure allows employees to know their place, and the path toward advancement. Employees know

¹¹ *Id.*

¹² Sam Peltzman, *The Political Economy of the Decline of American Public Education*, *The Journal of Law and Economics*, Vol. 36 No. 1, 331, 342-343 (1993).

¹³ Hirsch and Macpherson, *Union Membership and Coverage Database*, 2014.

¹⁴ Mike Antonucci, *Teachers Unions and the War Within*, *Education Next*, Vol.15 No. 1 (2015).

¹⁵ *Id.*

¹⁶ *U.S. v. Stanley*, 483 U.S. 669, 679 (1987).

where they can start and where they might end up, unlike teachers who may remain a high school teacher forever. Entry level government employees start out at around the same level as other same level employees. In order to advance in their position the governmental employee knows that there are certain requirements, like length of service, qualification, job related education, and specific experience. Additionally, the pay of the employee's remains tied to level of the employee's position. An E3 (Lance Corporal) in the Marines, earns the same base pay as an E3 Marine anywhere else across the world. There are factors that might increase the paycheck, like overseas pay, combat pay, hazardous duty, etc., but the basic system builds in a standard of equality and stability.

This stability allows the governmental organizations to function with little outside oversight, and cuts down on the number of grievances.¹⁷ Because the employees know their position and their duties, they are allowed to concentrate their abilities on specific areas of interest. As a person advances in level they become more and more administrative and less what their original military occupational specialty (MOS). This allows more experienced individuals more readily pass down their knowledge and experience to the newer incoming employees.

Additionally, there is a great deal of mobility available in the government structure. An employee in one department has opportunity to move to a similar department in another state or city, and expect to perform the same job. Therefore employees are not bound by the limits of their location, and can adapt better to

¹⁷ *Chappell v. Wallace*, 462 U.S. 296, 302-03 (1983).

changing circumstances. This is helpful for when circumstances change in a person's life, they can better adapt to their non-employment needs.

If there are problems between the personnel and the employer, the government and military have specific channels to file complaints. Congress passed statutes to protect the people from being wronged and provides a chain of command to complain to.¹⁸ Furthermore, if a person feels that their complaint was not satisfied, the employee can complain to the next higher level above their boss. This chain of command gives employees a better understanding of who exactly they must register complaints with. And there is a system in place to handle the particulars of each situation, instead of having to use the American legal system.¹⁹

Most important are the extensive benefits that are given to military and federal employees.²⁰ They get great insurance, facilities, paid leave, job security, and many other things. Combined it makes for a strong and healthy work environment that benefits the employees and the employer. Government employees also have a good retirement plan that allows for retirement after only 20 years. And this does not have to be at the same job. A person could serve 8 years in the military, then 12 years at the Department of Justice, and it will be counted cumulatively. This means that employees are not restricted at what type of job that have or perform in the future.

¹⁸ *Id.*

¹⁹ *Stencel Aero Engineering Corp. v. United States*, 431 U.S. 676, 697 (1977).

²⁰ <http://www.usa.gov/Federal-Employees/Benefits.shtml>.

IV. Benefits of Adopting the Governmental Structure

The first and most important benefit of a military and government structure is that teaching becomes an entry-level position. This helps many people get employment, without having to waste years and years on a higher education. In America a person can graduate high school, join the military, given a weapon and fight overseas. Additionally, without a degree a person can become a police officer, receive a gun, have absolute authority, and have the protection of the “Blue Wall”. Yet you need a bachelor’s degree to teach freshman level algebra or history. In this country we routinely give vast amounts of authority to people without a higher education, but somehow teaching children deserves a higher requirement. By making teaching available to more people the pool of possible teachers expands greatly. Also with many jobs, especially teaching, it is not always what you know, but how you are able to convey that information to others. There are many people who might make great teacher, but simply lack a higher education. By making teaching entry-level, teachers become more on the job learners and more experience based profession. Essentially, teachers will teach no higher an education level than they have attained. So until one has earned a college degree, one cannot teach college level courses.

Similar to the government structure, states can have centralized training facilities for teacher. So a person would enlist to become a teacher, travel to the training area, and receive the skills and knowledge that will be necessary to teach in school. Also it will be easier to do complete background checks on people to

ensure that the wrong person does not become a teacher. People would sign contracts that will compel them to work in a certain field or area, for a set number of years. The facilities would provide an environment for teaching techniques and skills that would be beneficial to that profession. After completing the training people would be tested on their knowledge and must demonstrate the skills they have learned. Then will earn the right to teach and be prepared to excel in their profession.

The next major benefit is that the pay structure will be much more uniform and regulated. Teacher pay will not be based on where the teacher instructs, but instead on the level of their “rank”. Thus an E3 teacher in Beverly Hills will earn the same amount of money as an E3 teacher in south side of Chicago. Regardless of funding that is afforded to various schools, teacher’s pay will remain steady and constant. There are also other ways that someone will be able to increase their pay, such as training, experience, and length of service. These will allow a teacher remain in the same position that they enjoy, without the consequence of being paid less.

Additionally, the government and the military have rules about personnel who are not working at the standard that they require. When applied to the education system this would allow the schools to remove underperforming teachers from schools. Tenure would no longer be a shield for some teachers to use, to avoid being a good teacher. Performance would not be simply based upon numbers, but on the overall rating of the teachers, work, evaluations, grades, and many other

factors. Under performing teachers would be asked to retire early, or face a demotion down in their pay grade.

V. Conclusion

The changes that have been mentioned will benefit the public education system and the learning environment of our country. While it would be very difficult to convince the states to give up control of their school system, the federal government can provide incentives to encourage them to implement this system. Congress has the power to place optional requirements in governmental spending bills, which gives the states more money if they implement them.²¹ By providing these suggestions to the states, it gives the states the power to still control whether they adopt the new system. It is important for states to maintain independent power and prevent the federal government from usurping state powers. There is a presumption that historic state police powers are not superseded unless there is a clear and manifest purpose of Congress.²² Additionally, any powers that are not expressly stated in the Constitution are therefore the powers of the states. So the federal government would have to provide a very compelling argument for trying to take a state power away from the state.

In order to change the state public school system it will take a lot of effort from the federal government, but change is possible and realistic.

²¹ *National Federation of Independent Business v. Sibelius*, 32 S.Ct. 2566, 2598 (2012).

²² *Sprietsma v. Mercury Marine, a Div. of Brunswick Corp.*, 197 Ill.2d 112, 117 (Ill. 2001).