Imagine a scenario in which an individual gets up every day and goes to work in fear: fear of performing the difficult tasks at work; fear of the colleagues who perform better. The individual is in fear of the boss who is omnipotent, larger than life, and constantly judging, evaluating, and sentencing employees to a lifetime of failure. The individual knows that someone is going down and at any moment it is likely the individual will hear those dreaded words: “You’re fired!” This is not Donald Trump’s reality television program, *The Apprentice*. Although it follows a similar formula, this is the reality of public school teachers on a daily basis: obliged to follow the fear-inducing mandates of the No Child Left Behind Act. Like Donald Trump, the No Child Left Behind Act compels the managers of schools—superintendents and principals—to use hierarchy, competition, and fear to motivate their most important employees: teachers. The consequences of this Dissonant Leadership in business are questionable; in education, they are devastating.

Part I of this Article explains Daniel Goleman, Richard Boyatzis, and Annie McKee’s theory of Primal Leadership and Dissonant Leadership as first described by Daniel Goleman in *Harvard Business Review*. Part II of this Article enunciates the ways in which key No Child Left Behind Act provisions encourage and in some cases mandate that schools utilize Dissonant Leadership strategies. Part III of this Article explains how the Dissonant Leadership strategies espoused by the No Child Left Behind Act undermine the purported purposes of the statute. Part IV considers the ability of an education statute to mandate or encourage Primal Leadership strategies.
Building on Daniel Goleman's classic *Harvard Business Review* articles, *What Makes a Leader?*¹ and *Leadership that Gets Results,*² Daniel Goleman, Richard Boyatzis, and Annie McKee fully develop the theory of Primal Leadership and Dissonant Leadership in their book, *Primal Leadership: Realizing the Power of Emotional Intelligence.*³ According to Goleman and his colleagues, managers, management practices, and organizations can be characterized as utilizing Primal Leadership strategies or Dissonant Leadership strategies. Broadly, the difference between Primal Leadership and Dissonant Leadership concerns the emotional climate that is created in the organization as a result of management practices. Primal Leadership practices "prime good feelings . . . creat[ing] resonance—a reservoir of positivity that frees the best in people."⁴ Dissonant Leadership practices, on the other hand, create bad feelings, driving individuals toward "antagonism and hostility."⁵ Instead of creating a reservoir of positive feeling, these Dissonant Leadership practices lead to "chronic anger, anxiety, [and/]or a sense of futility"⁶ as well as making "people less emotionally intelligent"⁷ in other ways. In addition to creating bad feeling, Dissonant Leadership results in bad work. Negative emotions "powerfully disrupt work, hijacking attention from the task at hand"⁸ as well as "erod[ing] mental abilities."⁹

The primary feeling described in Goleman and his colleagues' articulation of Dissonant Leadership is fear. Specifically, fear manifests in Dissonant Leadership practices in the following ways:

4. Id. at ix.
5. Id. at 4.
6. Id. at 13.
7. Id.
8. Id.
9. Id.
(a) motivation through fear from hierarchical top-down management rather than through inspiration as the result of teamwork and collaboration;\(^\text{10}\)

(b) progress out of fear of punitive repercussions rather than by professional development;\(^\text{11}\) and

(c) adversarial relations based on fear and erroneous zero-sum perceptions rather than positive relations based on safe communication and constructive conflict management.\(^\text{12}\)

A. *Motivation through fear from hierarchical top-down management rather than through inspiration as the result of teamwork and collaboration*

Fear manifests in Dissonant Leadership practices when management motivates through fear in a hierarchical, top-down way rather than inspiring its employees through teamwork and collaboration. Primal Leadership encourages a bottom-up strategy of teamwork and collaboration in order to intrinsically motivate people to work hard for the organization. Goleman and his colleagues explain:

A bottom-up strategy is needed as well, because resonance only develops when everyone is attuned to the change. This means engaging formal and informal leaders from all over the organization in conversations about what is working, what is not, and how exciting it would be if the organization could move more in the direction of what is working. Taking time out to discuss these kinds of issues is a powerful intervention. It gets people thinking and talking, and shows them the way. Once the excitement and buy-in builds, it’s more possible to move from talk to action. The enthusiasm provides momentum. But the movement needs to be directed: toward the dream, toward collective values, and toward new ways of working together. Transparent goals, an open change process, involvement of as

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\(^{10}\) *Id.* at 219-20, 255-56.

\(^{11}\) *Id.* at 256.

\(^{12}\) *Id.*
many people as possible, and modeling new behaviors provide a top-down, bottom-up jump-start for resonance.\textsuperscript{13}

This bottom-up strategy inspires employees through a vision that creates a sense of mission. The vision must be “compelling” and needs to “touch people’s hearts . . . [so that they] see, feel, and touch the values and the vision of the organization.”\textsuperscript{14} Through an atmosphere of “friendly collegiality . . . respect, helpfulness, and cooperation,”\textsuperscript{15} a manager can solicit “enthusiastic commitment to the collective effort”\textsuperscript{16} of the organization.

While Primal Leadership motivates people to act out of inspiration, Dissonant Leadership forces people to act out of fear. While Primal Leadership fills people with a common vision, Dissonant Leadership fills them with individual dread. While Primal Leadership collaborates and listens to create “buy-in,” Dissonant Leadership ignores individual views and uses threats and intimidation to create fear. The panic and anxiety created by using fear to demand performance may result in an instantaneous improvement, but it is usually short-lived and cannot be sustained. Force and fear lead to burn out. As Goleman and his colleagues explain:

If core beliefs, mindsets, or culture really need to change, people need to drive that change themselves. It cannot be forced, so when people enter in to such a change process, they need to be personally and powerfully motivated—preferably by hope and a dream, not fear. A visionary leader can impact this process positively by honoring the feelings and beliefs of the people around him, while steadfastly demonstrating the benefit of moving toward the dream.\textsuperscript{17}

B. Progress out of fear of punitive repercussions rather than by professional development

Fear manifests in Dissonant Leadership practices when progress is demanded by instilling a fear of punitive repercussions

\textsuperscript{13} Id. at 219-20.
\textsuperscript{14} Id. at 220-21.
\textsuperscript{15} Id. at 256.
\textsuperscript{16} Id.
\textsuperscript{17} Id.

https://scholarship.law.upenn.edu/jlasc/vol8/iss1/2
rather than through encouragement and professional development. Dissonant Leadership seeks change and improvement by breaking people down while Primal Leadership seeks change and improvement by building people up. Primal Leadership improves an organization by “cultivating people’s abilities”\(^\text{18}\) and “understanding their goals, strengths, and weaknesses.”\(^\text{19}\) Primal Leadership provides “mentors or coaches”\(^\text{20}\) to develop employees to improve their performance and the success of the organization. Primal Leadership encourages managers to be “change catalysts”\(^\text{21}\) who do not just recognize the need for change but also “champion the new order.”\(^\text{22}\) Dissonant Leadership does not champion, it bullies. Dissonant Leadership deals with change by threatening its employees with severe punitive consequences unless they perform. Dissonant Leadership does not develop employees or help them overcome obstacles. It scares them into compliance for fear of survival.

C. *Adversarial relations based on fear and erroneous zero-sum perceptions rather than positive relations based on safe communication and constructive conflict management*

Dissonant Leadership uses fear to divide people while Primal Leadership uses constructive communication to unite people. Dissonant Leadership practices create and exacerbate adversarial relations. Dissonant Leadership pits people against each other. Dissonant Leadership perpetuates the erroneous perception that individuals live in a zero-sum world where they are continuously competing with one another for scarce resources.

Primal Leadership assumes that stakeholders are on the same side. Eschewing fear and dissension, Primal Leadership promotes safe communication and constructive conflict resolution. Goleman and his colleagues explain how Primal Leaders use the power of influence and persuasion to be effective:

\(^{18}\) *Id.*  
\(^{19}\) *Id.*  
\(^{20}\) *Id.*  
\(^{21}\) *Id.*  
\(^{22}\) *Id.*
Leaders who manage conflicts best are able to draw out all parties, understand the differing perspectives, and then find a common ideal that everyone can endorse. They surface the conflict, acknowledging the feelings and views of all sides, and then redirect the energy toward a shared ideal...Indicators of a leader’s powers of influence range from finding just the right appeal for a given listener to knowing how to build buy-in from key people and a network of support for an initiative. Leaders adept in influence are persuasive and engaging when they address a group.\(^{23}\)

Thus, Primal Leadership organizations address stakeholders’ concerns, communicate with stakeholders about competing interests, and effectively mediate differences. Dissonant Leadership organizations, on the other hand, ignore stakeholders’ points of view, pit stakeholders against one another, and perpetuate a zero-sum, dog-eat-dog mentality.

II. KEY NO CHILD LEFT BEHIND ACT PROVISIONS ENCOURAGE AND IN SOME CASES MANDATE THAT SCHOOLS UTILIZE DISSONANT LEADERSHIP STRATEGIES

The No Child Left Behind Act through its key provisions encourages and in some places requires schools to utilize Dissonant Leadership practices. The No Child Left Behind Act of 2001\(^ {24}\) is the reauthorization of the Elementary and Secondary Education Act of 1965,\(^ {25}\) and it embodies Dissonant Leadership. The “centerpiece” of the No Child Left Behind Act is the requirement that all students meet proficiency requirements, as well as the harsh sanctions for schools whose students do not meet such requirements.\(^ {26}\) Specifically, the following key provisions in the No Child Left Behind Act reflect characteristics of fear-inducing Dissonant Leadership:

\(^{23}\) *Id.*


\(^{26}\) Peter W.D. Wright et al., Wrightslaw: No Child Left Behind 11 (2004).
(a) the "Adoption of Phonics-Based Reading" provisions of the No Child Left Behind Act reflect the Dissonant Leadership practice of motivating through fear from hierarchical top-down management rather than through inspiration as the result of teamwork and collaboration;

(b) the "Adequate Yearly Progress" provisions of the No Child Left Behind Act reflect the Dissonant Leadership practice of achieving progress by fear of punitive repercussions rather than by professional development; and

(c) the "Parental Choice" provisions reflect the Dissonant Leadership practice of encouraging adversarial relations based on fear and zero-sum politics rather than constructive relations based on conflict management.

A. Adoption of Phonics-Based Reading Curriculum and Top-Down Management through Fear

The "Reading First" provisions of the No Child Left Behind Act reflect the Dissonant Leadership practice of motivating through fear from hierarchical, top-down management rather than through inspiration resulting from teamwork and collaboration. The No Child Left Behind Act takes a top-down hierarchical approach toward curricular decision making. For example, in its "Reading First" initiative, the No Child Left Behind Act hierarchically sets curriculum for schools all across the country by only funding phonics-based reading programs. The purpose of the Reading First initiative is "[t]o provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3." 27 The statute goes on to define "reading" as follows:

The term "reading" means a complex system of deriving meaning from print that requires all of the following:

(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.
(B) The ability to decode unfamiliar words.
(C) The ability to read fluently.
(D) Sufficient background information and vocabulary to foster reading comprehension.
(E) The development of appropriate active strategies to construct meaning from print.
(F) The development and maintenance of a motivation to read.28

The statute also mandates "essential components of reading instruction" as follows:

The term "essential components of reading instruction" means explicit and systematic instruction in—
(A) phonemic awareness;
(B) phonics;
(C) vocabulary development;
(D) reading fluency, including oral reading skills; and
(E) reading comprehension strategies.29

These provisions clearly mandate research-based methods of reading instruction that include phonemic awareness and phonics. With its explicit requirement of phonics-based reading instruction, the No Child Left Behind Act engages in Dissonant Leadership. This reflects a top-down hierarchical approach toward setting curriculum rather than the utilization of a bottom-up strategy to get input and buy-in from those on the front lines of education: principals and teachers. Not only does the federal government hierarchically require a certain curriculum, but it does nothing to achieve buy-in to this curriculum. The statute does not address the beliefs, mindsets, or cultures of principals and teachers. Surely, these soldiers on the front lines of education have views of and experience with different reading curricula. Surely, they understand the unique needs of their schools and students. While the statute mandates the type of reading instruction it will fund, it ignores the sense of mission that teachers need to be effective. It ignores their need to be included. It ignores the buy-in that is

necessary to inspire and uplift these weary soldiers. In response to having curricular decisions shoved down their throats and their points of view ignored, teachers may tune out and turn off. Indeed, the only way to ensure compliance is to threaten them with punitive sanctions: "You're fired!"

B. The "Adequate Yearly Progress" Provisions and Progress by Fear of Punitive Repercussions

The "Adequate Yearly Progress" provisions of the No Child Left Behind Act reflect the Dissonant Leadership practice of achieving progress by fear of punitive repercussions rather than by professional development. As mentioned above, the centerpiece of the No Child Left Behind Act is the requirement that public schools bring all students to proficiency in reading and math. The law includes severe sanctions for schools that fail to make acceptable progress. The No Child Left Behind Act requires states to implement accountability systems to ensure that all schools make what it calls "adequate yearly progress." The No Child Left Behind Act defines adequate yearly progress as follows:

"Adequate yearly progress" shall be defined by the State in a manner that—
(i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;
(ii) is statistically valid and reliable;
(iii) results in continuous and substantial academic improvement for all students;
(iv) measures the progress of public elementary schools, secondary schools and local educational agencies and the State


[e]ach State plan shall demonstrate, based on academic assessments described in paragraph (3), and in accordance with this paragraph, what constitutes adequate yearly progress of the State, and of all public elementary schools, secondary schools, and local educational agencies in the State, toward enabling all public elementary school and secondary school students to meet the State's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the State, local educational agencies, and schools.
based primarily on the academic assessments described in paragraph (3);
(v) includes separate measurable annual objectives for continuous and substantial improvement . . . .

The statute goes on to describe a series of penalties for schools that do not make adequately yearly progress. Specifically, it provides:

In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State’s plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school—
(A) shall continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency in accordance with subparagraphs (E) and (F);
(B) shall make supplemental educational services available consistent with subsection (e)(1); and shall continue to provide technical assistance.

If a school district or school fails to make adequate yearly progress for two consecutive years, the state must identify the district or school in need of improvement. Students in the school may choose to attend a non-failing school in the school district. The school district may not use lack of capacity to deny students the option to transfer. If a school fails to make adequate yearly progress for three consecutive years, the school must also provide supplemental educational services. If a school fails to make adequate yearly progress for four consecutive years, the district may replace school staff, hire outside experts, implement a new curriculum, and/or reorganize the management structure. If a school fails to make adequately yearly progress for five consecutive years, the district shall either replace the school staff, contract with a private firm to run the school, or reopen the school as a charter school.

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These and other penalties form the centerpiece of the No Child Left Behind Act. The No Child Left Behind Act disproportionately emphasizes sanctions rather than incentives. In fact, the way in which this statute focuses on penalties has been suggested by education scholars such as Martin R. West and Paul E. Peterson:

The crucial aspect of [the No Child Left Behind Act] is not so much the money authorized as the policy framework imposed. . . . NCLB increased the federal share of the country’s total school funding by barely 1 percentage point. The federal government’s fiscal role in education has always been small, in recent years hovering around 7 to 8 percent of all public funding of elementary and secondary education, with the balance being covered by local and, to an increasing extent, state revenues . . . no it is not the federal dollar contribution but the direction given to all school spending—whether federal, state, or local—that is key . . . Under its terms every state, to receive federal aid, must put into place a set of standards together with a detailed testing plan designed to make sure the standards are being met. Students at schools that fail to measure up may leave for other schools in the same district, and, if a school persistently fails to make adequate progress toward full proficiency, it becomes subject to corrective action.34

This statute practically institutionalizes Dissonant Leadership. Practitioners as well as scholars have commented on the particularly harsh nature of the No Child Left Behind Act. A No Child Left Behind Act handbook, for example, describes the perils of Dissonant Leadership. It warns principals and teachers of the punitive and unforgiving aspects of the Adequate Yearly Progress provisions:

How will No Child Left Behind affect you? No Child Left Behind will affect everyone employed by schools and school districts. You should expect changes as your school and school district focus on teaching all students to higher levels of proficiency. Your state and school district must report their

present levels of performance to parents and the public every year. These performance levels must increase steadily until all students are being educated to proficiency. If you are a music, gym, computer, or foreign language teacher, you will be affected by No Child Left Behind. If you teach in a needs improvement school, your school must offer public school choice and supplemental educational services. If many of your students transfer, you may find that the student population has reduced at your school and your services may no longer be needed. If you are a speech pathologist, occupational therapist, physical therapist, or other therapist you may need to work academics into your therapies. When students exercise their school choice options and transfer from unsuccessful schools, the need for related service providers may decline.35

This message does not celebrate the promise of educational improvement. It encourages teachers to update their resumes. It does not describe the ways in which schools, principals, and teachers will be supported so that they can turn things around. It does not encourage them to learn, grow, or make their schools better. Instead, it prepares them for the grim reality of failure. It tells schools they have to go from A to Z without getting the skills, resources, or emotional support to get there. This passage echoes the message of fear and doom that underlies the No Child Left Behind Act. It warns of the dangers of noncompliance and recognizes the difficulties of compliance. It warns of massive firing. It cynically expects schools and the people who work at schools to fail. The handbook reflects the reality of this Dissonant Leadership statute. The No Child Left Behind Act is a statute of fear rather than hope. There is practically no meaningful help provided by the statute to develop school personnel and schools so that they can be truly successful. The most significant stimulus offered by the statute for overcoming obstacles to create meaningful change is fear. The statute is generous, offering plenty of fear—fear of teachers being fired, fear of principals being fired, fear of whole staffs being fired, and fear of schools being closed forever. Because the statute offers fear as the main catalyst for educational improvement, it exemplifies Dissonant Leadership.

35 WRIGHT ET AL., supra note 26, at 63-65 (emphasis added).

https://scholarship.law.upenn.edu/jlasc/vol8/iss1/2
The "Parental Choice" provisions reflect the Dissonant Leadership practice of encouraging adversarial relations based on fear and the perception of zero-sum politics. The No Child Left Behind Act contains what it calls "Parental Choice" provisions. The substance and tone of these provisions sets up parents and schools as adversaries. If a school fails to meet its Adequate Yearly Progress goals for three consecutive years, the school must provide supplemental educational services to the students from low-income families who remain in the school. Supplemental educational services include tutoring, remediation, after-school programs, and summer school, and they are provided by the failing school at no cost to parents.

The most adversarial aspect of the "Parental Choice" provisions involves student transfer. According to the statute:

In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local education agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 6313(c)(1) of this title.\[36\]

In sum, if a school fails to make adequate yearly progress, the school district must promptly notify parents of eligible children of their option to transfer to a better-performing school or to receive supplemental educational services at the district's expense.\[37\]

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two consecutive years, all children in that school may attend a non-failing school in the school district. If all schools in a district fail, children may attend a non-failing school in another school district. When a child transfers to a better school, the child may remain there until he or she completes the highest grade in that school. The sending school district is responsible for providing transportation to the receiving school until the sending school district meets its Adequate Yearly Progress goals for two consecutive years.\footnote{Id.}

These provisions divide parents and schools instead of uniting them. Academic trouble triggers parents’ asserting their right to move their children to another school. In fact, transfer kicks in before supplemental educational services. Thus, the school’s fear of parents being angry and not believing in the school creates a huge wedge between two of the most important stakeholders in education—parents and teachers. From the parents’ perspective, the statute implies that if a school is failing, it has nothing to do with the lack of resources, the curriculum, the actions of the parent, or the specific educational needs of the child. If corrective action is needed, it must be the school’s fault—that is what the statute says. Therefore, the school will pay, literally and figuratively. The school loses funding when it loses the child. The school pays to transport the child to the transfer school. Finally, the school pays for supplemental educational services. Thus, when a child leaves, the school must give up scarce resources that may end up further harming the children who remain. This is classic Dissonant Leadership: Parent v. School, School v. School, and Child v. Child. There are no meaningful provisions to provide the Primal Leadership that would encourage and enable all stakeholders to come together to improve their neighborhood schools.

III. DISSONANT LEADERSHIP CONTRIBUTES TO THE VERY PROBLEMS THE NO CHILD LEFT BEHIND ACT WAS PURPORTEDLY ENACTED TO ADDRESS

Ironically, the Dissonant Leadership promoted by the No Child Left Behind Act contributes to the very problems it was

\footnote{Id.}

https://scholarship.law.upenn.edu/jlasc/vol8/iss1/2
purportedly enacted to address. The purpose of the No Child Left Behind Act is described as follows:

The purpose of this subchapter is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.\textsuperscript{39}

Section 6301 lists twelve steps to accomplish this purpose. These steps include "meeting the educational needs of low-achieving children in our Nation’s highest-poverty schools"\textsuperscript{40} and "closing the achievement gap between high—and low—performing children, especially the achievement gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers."\textsuperscript{41} Generally, the statute seeks to provide "children an enriched and accelerated educational program."\textsuperscript{42} These steps, including improving the efficacy of public education, improving teacher quality, and closing the achievement gap, cannot be achieved in the fearful climate of Dissonant Leadership. Sadly, this statute probably exacerbates the very problems it was enacted to address.

\textbf{A. How Dissonant Leadership Impacts Efficacy of Public Education}

Dissonant Leadership, embodied in the curriculum provisions of the No Child Left Behind Act, does not improve the efficacy of public education. For one thing, micromanagement from a hierarchical, top-down leadership inhibits creativity. Goleman and his colleagues explain that "visionary leaders articulate where a group is going, but not how it will get there—setting people free to innovate, experiment, and take calculated risks."\textsuperscript{43} In this age of lower academic performance and higher state budget deficits, schools and teachers need to be free to innovate and experiment.

\textsuperscript{40} 20 U.S.C. § 6301(2).
\textsuperscript{41} 20 U.S.C. § 6301(3).
\textsuperscript{42} 20 U.S.C. § 6301(8).
\textsuperscript{43} GOLEMAN ET AL., supra note 3, at 57.
The curricular chokehold that the federal government places on teachers makes this nearly impossible. Ironically, the No Child Left Behind Act does acknowledge the importance of this freedom to innovate in its provisions regarding charter schools. According to 20 U.S.C. § 7221, charter schools will be funded for the following purposes:

It is the purpose of this subpart to increase national understanding of the charter schools model by—
(1) providing financial assistance for the planning, program design, and initial implementation of charter schools;
(2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;
(3) expanding the number of high-quality charter schools available to students across the Nation; and
(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.44

The Charter School movement is all about innovation and experimentation. It is about setting schools free to provide a laboratory to study and better understand which education techniques work. While this is the epitome of Primal Leadership, forcing teachers to adopt a set curriculum is the epitome of Dissonant Leadership.

Moreover, when employees do not believe in an organization, quality of work suffers. Goleman and his colleagues explain the importance of this intrinsic motivation: “Although traditional incentives such as bonuses or recognition can prod people to better performance, no external motivators can get people to perform at their absolute best.”45 Researchers have studied teachers’ intrinsic motivation at school with respect to the notion of trust. Specifically, Anthony S. Bryk and Barbara Schneider asked the fundamental question, “[c]an excellent work be coerced from principals, teachers, and students simply by withholding diplomas, slashing funds, and publishing embarrassing statistics in the

45 GOLEMAN ET AL., supra note 3, at 42.
Bryk and Schneider found that as states and school districts utilize strict accountability mechanisms and mandate changes in instruction, they also need to remember that school stakeholders and their relationships to one another will "make or break reform." For them, how teachers relate to one another, to the principal, and to the parents, are "central to determining whether schools can improve." Bryk and Schneider conclude that a "broad base of trust across a school community lubricates much of a school's day-to-day functioning and is a critical resource as local leaders embark on ambitious improvement plans." They explain that schools with a high degree of "relational trust" are more likely to raise student achievement than those in which relations are poor. Improvements in such areas as classroom instruction, curriculum, teacher preparation, and professional development have little chance of succeeding without improvements in a school's emotional climate. This is classic Primal Leadership. Bryk and Schneider obtained empirical evidence that linked the relational trust of the school personnel and academic achievement. They obtained quantitative and qualitative data from ten years of work in Chicago schools during a period of sweeping reform. They explain the following characteristics of Relational Trust:

Respect. Do we acknowledge one another's dignity and ideas? Do we interact in a courteous way? Do we genuinely talk and listen to each other? Respect is the fundamental ingredient of trust.

Competence. Do we believe in each other's ability and willingness to fulfill our responsibilities effectively? The authors point out that incompetence left unaddressed can corrode school wide trust at a devastating rate.

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47 Id.
48 Id.
49 Id.
50 Id. at 39.
51 Id. at 40.
Personal Regard. Do we care about each other both professionally and personally? Are we willing to go beyond our formal roles and responsibilities if needed—to go the extra mile?52

Integrity. Can we trust each other to put the interests of children first, especially when tough decisions have to be made? Do we keep our word?53

This concept of relational trust as the “connective tissue” that holds improving schools together is akin to Primal Leadership. According to Bryk and Schneider, teachers want a principal who practices Primal Leadership: a principal who communicates a strong vision for the school, clearly defines expectations, takes an interest in their personal well-being, and fairly allocates resources and assignments.54 They used data from the 1997 school year, looking at levels of relational trust in schools in the top and bottom quartiles.

In top-quartile schools, three-quarters of teachers reported strong or very strong relations with fellow teachers, and nearly all reported such relations with their principals. In addition, 57% had strong or very strong trust in parents. By contrast, at schools in the bottom quartile a majority of teachers reported having little or no trust in their colleagues, two-thirds said the same about their principals, and fewer than 40% reported positive, trusting relations with parents.55

The evidence suggests that “while not all schools with high levels of trust improve—that is, trust alone won’t solve instructional or structural problems—schools with little or no relational trust have practically no chance of improving. Trust is a strong predictor of success.”56 Even though it seemed like the secret ingredient of success, Bryk and Schneider found that many schools discouraged

52 Id.
53 Id. at 40.
54 Id. at 41.
55 Id. at 44.
56 Id.

https://scholarship.law.upenn.edu/jlasc/vol8/iss1/2
trust between stakeholders and encouraged a kind of isolation.\textsuperscript{57} Was it the school’s fault, however, or did the high-stakes accountability system foster Dissonant Leadership?

B. \textit{How Dissonant Leadership Impacts Teacher quality}

The emotional impact of the fear generated by Dissonant Leadership undermines the quality of an individual’s work. As Goleman and his colleagues point out,

If people’s emotions are pushed toward the range of enthusiasm, performance can soar; if people are driven toward rancor and anxiety, they will be thrown off stride . . . . When they drive emotions negatively . . . leaders spawn dissonance, undermining the emotional foundations that let people shine . . . . Negative emotions—especially chronic anger, anxiety, or a sense of futility—powerfully disrupt work, hijacking attention from the task at hand.\textsuperscript{58}

While Dissonant Leadership undermines the quality of one’s work, Primal Leadership enhances the quality of one’s work. As Goleman and his colleagues explain:

Feeling good lubricates mental efficiency, making people better at understanding information and using decision rules in complex judgments, as well as more flexible in their thinking. Upbeat moods, research verifies, make people view others—or events—in a more positive light. That in turn helps people feel more optimistic about their ability to achieve a goal, enhances creativity and decision-making skills, and predisposes people to be helpful.\textsuperscript{59}

\textsuperscript{57} \textit{Id.} at 42.
\textsuperscript{58} GOLEMAN ET AL., \textit{supra} note 3, at 5-6, 13.
\textsuperscript{59} \textit{Id.} at 14.
Thus, if the government was serious about improving education, wouldn’t it want principals and teachers who believed they could make things better? Wouldn’t it want principals and teachers who felt inspired, who felt optimistic, and who felt they could make a difference?

The No Child Left Behind Act offers teachers fear and little else. An education statute can reward educators through incentives as well as punish them through penalties. It can offer the carrot and the stick. In 1983, for example, the national education report, *A National at Risk*, called for a wide range of reforms that it hoped would reverse the downward trend of education performance. In addition to accountability measures, it urged higher pay for teachers and also greater involvement from parents and other members of the community.\(^{60}\)

Fear does not address other factors that undermine a teacher’s job, such as teacher shortages, lack of teacher development, low teacher salaries and benefits, limited educational resources, and large class sizes. Many have commented that the No Child Left Behind Act penalizes school personnel without holding students and parents accountable. For example, Martin R. West and Paul E. Peterson note:

> Students themselves face neither sanctions nor rewards based on their performance. States need not establish high school graduation requirements—or standards that govern promotion from one grade to the next. While schools are held strictly accountable, students are not . . . . If No Child Left Behind is designed to hold schools accountable, it places no direct burdens on student themselves. It does not require standards for high school graduation or levels of performance for passing from one grade to the next. Although nothing in the legislation prevents states from instituting such standards on their own, they are under no federal mandate to do so. Yet the student is the learner, the one person whose engagement in the educational process is essential to the enterprise. If a student is attentive, curious, enthusiastic, committed, and hardworking, much can be accomplished—even with limited resources . . . but systems that try to get teachers to work harder will not have much effect if students are unresponsive.\(^{61}\)

\(^{60}\) West & Peterson, *supra* note 34, at 6.

\(^{61}\) *Id.* at 9, 14-15.

https://scholarship.law.upenn.edu/jlasc/vol8/iss1/2
The fear generated by Dissonant Leadership will undermine a teacher’s job performance when the roles of other factors and stakeholders are not addressed.

Finally, teacher quality is undermined by Dissonant Leadership because such leadership can eventually create backlash and rebellion. Frederick M. Hess describes how this process works in education. He states that coercive high-stakes accountability that imposes high standards, rigorous testing, and severe consequences will encounter political opposition as time goes by. Initially, tough accountability has support from broad constituencies, but, as its coercive “teeth begin to bite,” the interested parties most affected revolt. Thus, “to ease political opposition, standards are lowered, exceptions granted, and penalties postponed.” Dissonant Leadership may create a backlash from principals and teachers that undermines the quality of education. It can also create a backlash from the powerful unions organized to protect those teachers. Terry M. Moe, for example, has addressed the ways in which teachers’ unions undermine high-stakes accountability schemes. Because teachers’ unions are so powerful and teachers are in such a climate of fear, the unions will do whatever they can to protect their membership. Thus, Dissonant Leadership exacerbates the conflict between management and labor, possibly undermining the quality of education in the process.

Dissonant Leadership undermines the quality of teaching when teachers allow their fear of test scores to take over all aspects of their job so that they do what they must to pass: “teach to the test.” In 1995, Mayor Richard Daley supported a rigorous high-stakes testing scheme in Chicago schools. This included tougher high school graduation requirements, rigorous testing in grades three,

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62 Frederick M. Hess, Refining or Retreating? High-Stakes Accountability in the States, in NO CHILD LEFT BEHIND?: THE POLITICS AND PRACTICE OF SCHOOL ACCOUNTABILITY 55 (Martin R. West & Paul E. Peterson eds., 2003).
63 Id.
64 Id.
65 Terry M. Moe, Politics, Control, and the Future of School Accountability, in NO CHILD LEFT BEHIND?: THE POLITICS AND PRACTICE OF SCHOOL ACCOUNTABILITY 80 (Martin R. West & Paul E. Peterson eds., 2003).
66 Id.
six, and eight, and an end to social promotion.\textsuperscript{67} West and Peterson reflect on how teachers and schools did everything they could to ensure test success at the expense of academic success. They explain:

At first glance the reform seems to have boosted test scores dramatically, by as much as half a standard deviation. At least some of this gain, however, is more apparent than real. More students were being retained in their previous class for a year, more were assigned to special and bilingual education programs (exempting them from testing), and the test day was shifted back a month, allowing for additional instruction. All of these moves helped lift the test score average, even without any real improvement in the quality of instruction. Less clear is whether these underlying gains constitute a one-time impact or whether they are evidence of a more productive school system.\textsuperscript{68}

C. \textit{How Dissonant Leadership Exacerbates the Achievement Gap}

The provisions in the No Child Left Behind Act designed to address the achievement gap are shallow. The transfer provision, for example, has been futile in many large urban areas like Chicago. Only a handful of students eligible for transfer have been able to do so. Those "lucky few" who do transfer find at their new schools problems involving transportation, absenteeism, parental involvement, and being behind in the course material. Moreover, the transfer provisions do not address the needs of the poorest minority students who remain in failing schools with diminished resources, because their parents or guardians do not have the wherewithal to obtain a transfer.

The transfer provisions also fail to address the other obstacles that contribute to the achievement gap. For example, schools in affluent white neighborhoods and suburbs tend to be smaller and have smaller class sizes. Bryk and Schneider found that small schools tend to have more trusting environments, stronger senses of community, and greater openness to change.\textsuperscript{69} Moreover, as discussed above, the transfer option undermines trust by damaging

\textsuperscript{67} West & Peterson, \textit{supra} note 34, at 17.
\textsuperscript{68} \textit{Id}.
\textsuperscript{69} Gordon, \textit{supra} note 46, at 46.
the relationship between schools and parents. As David T. Gordon has pointed out, "[g]ood relationships and trust won’t compensate for bad instruction, poorly trained teachers, or unworkable school structures . . . . But by the same token, reform efforts are bound to fail if they ignore the importance of how teachers, principals, parents, and students interact—how the people behind the headlines work together." These poor minority students do not have a chance if parents and schools are not working together. Thus, Primal Leadership in which stakeholders are working together is absolutely crucial to address the achievement gap.

IV. ABILITY OF AN EDUCATION STATUTE LIKE THE NO CHILD LEFT BEHIND ACT TO MANDATE OR ENCOURAGE PRIMAL LEADERSHIP

The cynic might ask: if an education statute is ineffective because it promotes Dissonant Leadership practices, how can it become effective by promoting Primal Leadership practices? If Primal Leadership involves inspiring a sense of mission, developing employees’ strengths and confidence, and achieving buy-in from all stakeholders, how can these “warm and fuzzy” feelings be mandated by statute? What would such a statute look like?

Primal Leadership would not require all accountability to be thrown out the window. Rather, it would complement reasonable and measurable goals, providing the resources schools and teachers need to achieve those goals. Primal Leadership provisions in an education statute might include the following:

- In order to inspire all who are involved with schools, school leaders and school personnel are required to collaborate on developing a mission statement and then required to check-in on a monthly basis to determine whether the mission is being realized.

- In order to encourage the professional development of teachers and other key personnel, principals will confer with teachers and top school administrators on a monthly

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70 Id.
basis to reflect on goals, strengths, and weaknesses. Principals will provide school personnel with timely and constructive feedback.

- In order to change schools in a positive way, all superintendents and principals will participate in seminars where they learn about being effective "change catalysts." In this seminar they will learn how to recognize the need for change, how to champion change, how to make a compelling argument for change, how to build buy-in from stakeholders for change, and how to overcome barriers to change.

These are just a few examples of how to incorporate Primal Leadership strategies into an education statute. While they are definitely "fuzzier" than punitive corrective action for not meeting precise accountability goals, they might be more effective. Legislating individuality, innovation, and inspiration may be difficult but it is not impossible. Those who drafted the No Child Left Behind Act know this. They embrace all of these "fuzzy characteristics" when it comes to charter schools. Charter schools are prime examples of Primal Leadership. They epitomize experimentation and innovation. Charter schools try a number of strategies to inspire teachers, parents, and students to succeed. Charter schools present maximum individualization, providing their own unique take on the needs of students. The Bush administration understands this and provided unprecedented support for charter schools in the No Child Left Behind Act. In fact, if a school has failed to make adequate yearly progress consistently, the statute states that it can be closed and reconstituted as a charter school. 20 U.S.C. § 6316(b)(8)(B) provides:

Not later than the beginning of the school year following the year in which the local agency implements subparagraph (A), the local educational agency shall implement one of the following governance arrangements for the school consistent with State Law:

71 GOLEMAN ET AL., supra note 3, at 256.
(i) *Reopening the school as a public charter school.*

(ii) Replacing all or most of the school staff...

(iii) Entering into a contract . . . with a private management company . . .

(iv) Turning the operation of the school over to the State educational agency . . .

(v) Any other major restructuring . . . that makes fundamental reform . . .

Moreover, the No Child Left Behind Act also creates incentives for States to develop charter schools irrespective of academic failure. In the charter school provisions, the No Child Left Behind Act has no problem with "fuzzy" strategies: it supports inspiration, individuality, and innovation. For example, 20 U.S.C. § 7221(b) describes the criteria for charter grants:

The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted . . . after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices;
(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;
(3) the extent of community support for the application;
(4) the ambitiousness of the objectives for the charter school;
(5) the quality of the strategy for assessing achievement of those objectives;
(6) the likelihood that the charter school will meet those objectives and improve educational results for students . . . .

The No Child Left Behind Act thus legislates community buy-in, flexibility, and individualized curriculum quality in the development of charter schools. These are hallmarks of Primal Leadership practices. In addition, the charter provisions encourage diversity of charter schools, stating that the federal and state governments "will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce

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While the No Child Left Behind Act encourages creativity, flexibility, and experimentation in the charter provisions, it completely restricts those activities for regular neighborhood schools. Thus, it is adept at legislating both Dissonant Leadership and to a smaller extent, Primal Leadership.

Donald Trump is certainly adept at Dissonant Leadership and Prime Time Leadership. His hit reality television show, The Apprentice, scored high in ratings and advertising dollars. The Apprentice epitomizes Dissonant Leadership. Donald Trump will begin this season again by dividing candidates into teams. Only one team can win. Only one person can be the ultimate winner, getting a job opportunity with Donald Trump. As with most Dissonant Leadership systems, The Apprentice is becoming tougher and the competition more grueling in its second season. As described by NBC,

The candidates will face far more intense tasks and the stakes will be much higher. Donald Trump and his trusted colleagues—George Ross and Carolyn Kepcher—will frame each episode, beginning with the task delivery and ending with the climactic boardroom showdown. And, each week, one person will hear those dreaded words—“You’re Fired!”

While this formula is great for ratings, it is horrible for education. Can you imagine a reality show where teachers work together in a close environment and are acutely aware that they are constantly competing with one another? Can you imagine telling these teachers that only one of them can win? Can you imagine asking teachers to perform insurmountable tasks without any resources so that we can laugh as they struggle? Can you imagine telling a teacher who went into a low-income neighborhood to try to make a difference that we don’t want to hear any explanation for low test scores? As far as we’re concerned, that teacher is lazy and incompetent and in the boardroom we let her know. Our time is short and our voices are loud as we say, “You’re Fired!” This reality show may not score well in the ratings, but it exists. It is called the No Child Left Behind Act.