

MEMORANDUM

February 1, 1997

To: James Harris, Superintendent
From: Jim Shannon, Consulting Analyst

Subject: Strategic Analysis of the Buffalo School District Financial and Structural Crisis

The challenges facing the Buffalo School District, and by extension the City of Buffalo, are daunting and stem from long-time systemic problems involving a poor working relationship with the elected school board representatives, problematic labor relations with the Buffalo Teachers Federation, a fiscally constraining relationship with the City and a seemingly unaccountable budget with expenditures spiraling out of control. The scope of this writing does not address the specific issue of how to fund the retroactive teachers' salaries; rather, as requested, the following memorandum discusses these salient issues in depth and provides clear recommendations on how the district should move forward.

1.0 Synopsis of Important Issues

Clearly the twenty years worth of tension between the district and the teacher's union plays a prominent role in this case. The strike of 1976 left a lasting impression on all players within the district, including management, the teachers and the broader community. Exacerbating the emotional effect of the strike itself was the use of the striking fines levied to pay for negotiated salary increases and the finding by Public Employment Relations Board in 1983 determining the District, in fact, went out of their way to provoke the strike and did not

bargain in good faith. Instead of attempting a serious fix of the labor relations by attempting to reconcile the needs of labor and management, both sides simply accepted vast sums of state aid during the 1980s; thereby using increased salaries to postpone the inevitable showdown until the negotiations of 1989 and 1990.

Not only did the school board's decision in refusing to appropriate the raises specified in the signed contract further deteriorate relations, when Judge Rath issued his ruling in 1994 that such an arguably unscrupulous act was justified, the teachers were on record asking BTF Phil Rumore to allow them to strike. Even cooperation at the high levels of contract negotiation, such as the work of Rumore and former Superintendent Thompson, would not be able to address the level of resentment from teachers and get their buy-in on any contract that did not include redressing the back pay issue. That the only way to come to an agreement on retroactive salaries was to let the union's lawsuit move forward—litigation itself being a confrontational method of dispute resolution—is telling of the lack cooperation and trust that the rank and file have for the district.

Surprisingly, though, the contract talks of 1996 proceeded smoothly with each side claiming victory; teachers received a hefty raise to bring them to parity with many of the surrounding suburban areas. However, the settled contract did little to address the structural financial problems facing the district and made the New York Court of Appeals ruling all the more damaging.

Once flush with federal aide to assist in desegregation efforts and state aid to assist with special education mandates and remedial services, money in the 1980s was not a problem. The relative wealth of the district during that time period hid many of the labor tensions and problems

with the district's organizational structure in the way it ran its business and taught its students. The various sources of aid have been drying up and an inability to raise its own revenue through taxes has exposed the district's organizational problems to all. The district budget has increased by 182% since 1981 compared to a nationwide inflation rate during that same time period of 71%; moreover, the number of staff employed by the district has increased by nearly 25% since 1980, while enrollment has shrunk by 2.5%. Such a mismatch of revenues and resources needs to be addressed.

Overlaying these problems is the less than ideal relationship and level of communication between the school board and the previous superintendent. The transformation from a mayor-appointed board to an electorally selected board has increased the political sensitivity of the board-superintendent relationship. People who won their seats through the electoral process proved to be a representative with greater credibility with the community—as well as the unions who may have endorsed them—but possessed less administrative and bureaucratic experience. Such a scenario would likely reward a superintendent-board relationship with more, not less, communication.

Yet during the contract talks of 1989 and 1990, it appears that Superintendent Thompson did not keep the board updated on the progress of negotiations and waited almost until the last minute to brief members on the tentative contract before its formal presentation. The limited one-on-one he did have with certain representatives led him to wrongly believe that the 1990 contract would be fully adopted when it was, in fact, rejected. Moreover, poor communication did not allow the superintendent and board a way to address the structural organizational and financial problems facing the district. Each time a negotiated contract came up for a vote, the

board expressed a confusion as to how the agreement was reached and skepticism that the district had the financial resources to live up to the contract's terms. Improving superintendent-board communication will help address the district's serious long-term structural issues.

2.0 Potential Solutions

The rest of the memorandum further develops the issues highlighted above and provides concrete recommendations for how to move forward. Beginning with the issue that will require the least amount of resources, board-superintendent communication is first discussed, followed by labor relations and concluding with recommendations as to how to address the organization and fiscal challenges facing the district. Each issue is related with the others, and the recommendations offered here attempt to connect the pieces together to arrive at a more holistic solution.

2.1 Improving Communication between the School Board and Superintendent

In many aspects, a school district—comprised of teachers, aides, principals, maintenance workers, students and parents—is essentially a political body rife with upheaval and conflict. To effectively manage their organization, a superintendent needs to approach her role as a politician would. Although many economic and decision-making models assume that an individual makes rational choices, experience tells us that community groups are reactionary and respond to emotion just as much, if not more, than reason. If a superintendent tries to play the role of the technical administrator, making the most rational decisions given the information available, she will almost certainly fail. Rather, the problems of a school district often mirror those faced by its community and may have their roots in non-rational, emotional issues (Stone, 2002) . Only by

embracing the role of a politician can a superintendent hope manage the inevitable controversy that comes with setting and meeting objectives to move the organization forward (Jackson, 1995, p. 60).

Though the role of a politician is not assumed merely to engage with the community. The role also affects the relationship with the school board. By winning their seats through electoral victory, Buffalo School District board members are politicians by definition. As politicians and concerned citizens, each representative will have different reasons for serving. After every election, the superintendent should take some time to consider their values and political motivation of the newly elected members and those already serving to determine how the combined board might behave in future scenarios. Put another way, the superintendent should take the time to conduct a careful political analysis of current issues, the various stakeholders and how these inputs might affect board decision-making (p. 62). Of particular importance in conducting this analysis is the consideration of how board members might define the concept of power.

A study by Mountford (2004) found a relationship between the type of motivation a person had for serving on the school board and how they defined the concept of power. Broadly categorized, most people serve either for altruistic reasons (such as trying to improve education for special needs children) or because they saw the school board as a stepping stone toward higher office. Those who served for altruistic reasons defined power as a force shared with others to achieve a common goal, while those who served to advance a more personal agenda defined power as a force over others. A superintendent, then, needs to identify those members who may serve for narrow personal reasons from those who serve for broader altruistic reasons.

Altruistic members may become problematic if they do not feel empowered to work with each other or the superintendent to solve problems, just as personal serving members may become frustrated and problematic if they do not feel that they have power over other members or the superintendent (p. 733). While a political analysis of the current board is beyond the scope of this document, I encourage you to consider your board, what reasons they might have for serving, how they would define the concept of power, and consider how future policies or agenda items might be crafted to gain maximum support.

After the analysis is done to determine how board members might react to certain policies, proposals or other issues, the superintendent needs to consider a method for providing a consistent flow of meaningful communication outside of the events that transpires in the context of a public meeting. As noted earlier, communication between the previous superintendent and the school board was severely lacking and needs improvement. The goal is not only to communicate worthwhile information, but to establish a meaningful relationship between you and the board.

While some board members feel that superintendents should simply serve as a communication facilitator between them and the principals who manage the individual schools (Opfer & Denmark, 2001), according to Mark Smith (1999), an experienced superintendent from Massachusetts, many more board members benefit from and value a more comprehensive communication structure. Smith has outlined a series of useful communication tools to foster a positive working relationship between superintendents and school boards. The first suggestion is to avoid one-on-one conversations and stick with a method whereby all members receive the same information. Clearly this tenet was violated during the 1990 contract negotiations when the

chief negotiator provided one board member with information outlining the impacts of the salary increases that differed to information given to other board members—an arguable act of employee sabotage (Giacalone, Riordan & Rosenfeld, 1997).

As superintendent Smith makes time every week to send out a written communication to all board members, updating them on any salient issues, providing additional context for pending agenda items, noting district accomplishments and giving a summary of his own activities. Scheduling a block of time every week may seem like too much time diverted from more important issues, but Smith finds that the members greatly value the received information and results in a stronger relationship. Though the exact details of contract negotiations would not be recommended until a deal was near, such a weekly communication would prove valuable during contract talks in keeping members in the loop on what the major issues are and how the superintendent feels about them. Another useful way to communicate championed by Smith is through face-to-face interactions outside of public meetings. Taylor's Law does place restrictions on when and how boards meet in private, but out of town weekend retreats are allowable if publicly posted and reporters or members of the public are not likely to attend unless specifically invited. The scope of the agenda of such retreats or evening planning sessions is also limited by Taylor's Law, but the importance of face time away from the public eye is indispensable for relationship building. I encourage you to look for ways to justify as many face to face meetings as possible in order to build a firm relationship with the current board.

When building that relationship, keep in mind particular traits that you should express as superintendent. Studies have shown that trustworthiness, expertise and social attractiveness are essential for board members to look favorably upon their superintendent (Petersen & Short,

2001). The fact that you make the effort to produce the weekly communications should demonstrate your trustworthiness and social attractiveness to the board, and expertise will be apparent by the depth of knowledge on educational and organizational issues. Face-to-face encounters reinforce these traits conveyed in writing.

Embracing the fact the a superintendent is a political figure and assessing issues and board members on a political level forms the basis of your relationship building efforts. Regular communication and nurturing the positive traits of expertise, trustworthiness and social attractiveness will help develop the board-superintendent relationship into one that can address significant problems be they political, financial or labor-related.

2.2 Improving Labor Relations

In preparing for this assessment, it became clear that strained labor relations between the teacher's union and the district handicap the potential of the organization to deliver quality education at a cost the community can sustain. Engaging in traditional confrontational bargaining every two to four years will not lead to the degree of cooperation necessary to overcome the current crisis. Applying the theoretical framework of social critical theory to organizational management—a concept whereby government is administered to empower individuals within the organization to foster the public interest (Denhardt, 2004)—a method needs to be found that will allow individuals employed by the district to take a meaningful role in how it achieves the overarching objective of educating children. The district should invest significant energy, therefore, to develop stronger, meaningful relations between labor and management in order to have a more productive relationship between the two sides outside the

scope of contract negotiations (Rabin, Vocino, Hildreth, & Miller, 1994). Often referred to as labor-management committees or more generally as labor-management cooperation (LMCs), the objective is to create sustained communication in the interims between contract negotiations, and have become increasingly popular in the private as well as public sectors (Ospina & Yaroni, 2003, Rabin et. Al, 1994 and Shafritz, Rosenblum, Riccuci, Naff & Hyde, 2001).

Stated simply, an LMC is a committee comprised of labor and management representatives to address a variety of “workplace issues, such as productivity improvement, quality of work life,..., even cutback management” (Shafritz et. al, 2001, p. 487). More broadly, joint efforts such as LMCs express a willingness or common need to address problems affecting the public and require “joint-effort, open communication, delegation of authority, commitment, training, patience and faith” (p. 489). Though LMCs seem difficult to implement, and they are, the payoff can be substantial. Active labor-management collaboration creates a positive change in behavior for both union members and management (Ospina & Yaroni, 2003) and resolve complex problems with solutions in which both take ownership of (Goldsmith, 2003).

The Buffalo School District has little to lose and much to gain by initiating the formation of a labor-management committee. While several forms of LMCs exist, the most successful are decentralized across the organization and empowered to develop programmatic change (Rabin et. Al, 1994). The district should collaborate with labor representatives to create several committees that span the bulk of work activities for the district. Depending on their personnel makeup, committees can look into a variety of work practices including student academic achievement, provision of extracurricular activities, busing, school breakfasts and lunches, and dispute resolutions. The deliverables from these committees would be recommendations to the school

board based on their investigations. The superintendent's office must take care to ensure that committees are well represented by capable union members and are provided with sufficient data upon which to make decisions. Additionally, once committed, the superintendent supports these committees and their recommendations in full faith during board communications. As noted previously, these partnerships generally run counter to many management-labor relationships and need nurturing in order to succeed in the long term.

A productive relationship helping to administer the terms of the existing contract and developing workable solutions to the current crisis that has buy-in from the rank and file should reap rewards when negotiating the next contract. Moreover, successful LMCs serve as a tool address the structural reforms the district needs in order to get spending under control.

2.3 Controlling Costs

Poor board-superintendent communication and unhealthy labor relations played a leading role in the crisis the district is now presented with, but at the root exists a structural financial problem. Buffalo's declining urban core has reduced city revenues and, by extension, revenue to the school district. Federal and state aid to the district has also declined in recent years. This contrasts with increased costs due to desegregation efforts, compliance for special education mandates and salary increases to keep pace with compensation in suburban districts.

Outside of deferring capital investments and delaying maintenance—a strategy that will certainly create more long-term problems than it solves (Metcalf, 2005)—the quick solution is to find a way to coax additional revenue from the federal and state governments. Many local governments throughout the United States have found success in forming associations to lobby elected officials of higher elected office on various issues (O'Toole, 1999). However, the era of

federal revenue sharing and generous aid to localities has, by and large, ended (Walker, 2000, p. 253). Not only does the New York face a budget deficit, but a recent nationwide survey of city managers serving municipalities with populations greater than 100,000 remain bearish on the outlook of receiving general budgetary aid for their organizations from higher governments (Baldassare & Hoene, 2004). Given this state of affairs, even having the League of Cities lobby on behalf of Buffalo is unlikely to yield results. Short of declaring bankruptcy or allowing for a state takeover, the solutions for the district's fiscal woes will have to come from within.

First, the district needs to clearly define its objectives. Identifying a goal provides a reference against which the effectiveness of organizations can be measured. Work with the board and the labor-management committees to determine the what the priorities of the Buffalo School District are or should be and evaluate or collect the necessary data to measure how closely the organization comes to meeting those goals. This basic process of program evaluation has become a mainstay in both the public and private sectors and a variety of literature is available on the subject (see Rossi, Lipsey & Freeman, 2004 as an example).

Second, determine the best way to conduct a program-wide evaluation. Some organizations conduct evaluations of their programs with in house staff while others take advantage of the expertise offered by private contractors. With the school district in such disarray and the stakes so high, I recommend issuing an RFP to solicit proposals from professional auditing and evaluation firms and select the most qualified firm to conduct a thorough analysis. The scope of work in the RFP should direct the selected firm collect all available data that apply to the goals and objectives identified by the elected board representatives and/or the labor-management committees—though programs for analysis should

be targeted based on the cost for the programs and “the political feasibility for changing them” (Lee, Johnson and Joyce, 2004, p. 216). The report from the consultant should assess the relative success of those programs and identify where dollars are underutilized or overspent. Regardless if the evaluations are done in house or contracted out, be sure to employ a cadre of capable analysts that can either conduct or process information resulting from the evaluations, or at least serve as an analytical unit that can conduct miscellaneous short-term studies at the will of the superintendent, as well as begin a performance measurement campaign to evaluate the district's long term performance (Lee, Johnson and Joyce, 2004, pp. 214-216).

Third, develop a plan to address the prominent issues raised by the evaluation. Though this is a logical sequence of events, implementing this step will require tough choices. Given that costs have increased by 182% since 1981 and student enrollment has dropped by 2.5%, and with the number of employees increased by 25%, significant waste exists within the organization. The low hanging fruit will likely entail some simple reorganization or elimination of bureaucratic red tape and streamlining of policies—a process that some refer to as “modestly deregulating government”(Wilson, 2005). More difficult choices lay with deciding which district programs should be restructured or eliminated. Several prominent scholars and practitioners have developed variations on the central theory that privatizing certain government services improves efficiency and effectiveness by freeing the organization from spending undue resources on tasks outside its core mission, and instead contract that out a more specialized provider (see Goldsmith & Eggers, 2004 and Kettle, 2002 for a review).

For example, busing, preparation and serving of school lunches, and day care are all functions outside of the primary goal of educating students. The district might find a way to

reorganize the provision of these services to reduce costs. Cited several times in this memorandum, Stephen Goldsmith used the method of contracting out, or at least the intention of contracting out, to improve fire and emergency medical response delivery in the City of Indianapolis (Goldsmith, 2003). The same principals can be applied in the Buffalo School District. Programs deemed accessory to the core mission of education that have been shown to be under performing should undergo the process of contracting out. This does not mean, however, that district employees lose their job. Workers can be given the option to compete for their positions by offering a proposal just as any other private firm would. Quite likely, these departments would find a way to streamline themselves and leverage their ability to work at cost to defeat private firms that must make a profit. Alternatively, the district could package an RFP so that instead of having the district manage multiple contracts to private firms for accessory service provision, it may choose to structure the RFP to have a single firm establish and manage a network of providers to accomplish the same services. This way, the district reduces the amount of contracts managed to one. Though the district must take care to design a method carefully; working with contractors can result in unmet objectives and politically vulnerable elected official if the wrong is selected or the program lacks sufficient oversight (Rainey & Steinbauer, 1999).

These three recommendations offer a mechanism for the district to assess where to reign in costs aside from simply slashing salaries and laying off teachers. A systematic approach taken by the contract analysts will also establish a framework upon which future evaluations of the enacted changes can be made. Of course, the real trick here is assembling these various solutions into an actionable strategy that is politically feasible.

3.0 Plan for Implementation

The broad characterizations, recommendations and supporting documentation above are organized below into a suggested plan of action. Because a complete financial analysis of the district falls outside the scope of this memorandum, and because the response team created by the district is already addressing the issue, a specific recommendation to address the back pay issue resulting from the appeals court ruling is not considered. However, implementing the following action plan will likely reveal potential solutions and certainly lays the groundwork for a more productive organization moving forward.

Step 1: Meet with BFT President Rumore to discuss the possibility of creating labor-management committees.

Before initiating a discussion with the board, get buy in from the president of the most powerful union in the district to ensure that he agrees to the concept of creating labor-management committees to address the structural financial and organizational problems the district faces. As a hard look at the district might eventually include cutbacks of some form, the rank and file may see such committees as an attempt by management to co-opt union leadership and you may come up against initial resistance. However, if you demonstrate your commitment to Rumore regarding this process and offer a partnership with real power sharing authority, you should find him ultimately welcoming the process.

Step 2: Send memo to Board of Education detailing the proposed plan of action and set up a schedule for regular written communications.

Craft a written message to the board that covers the topics discussed in this action plan once you have buy-in from the union president regarding the LMCs. Additionally, set a schedule

for regular communications; bi-weekly is acceptable, but weekly is optimal. Besides the action plan, discuss the steps already taken by the response team that is looking into the back pay issue and inform the board of any meetings with the mayor or state officials. As noted above, beginning this flow of regular communication will help establish a stronger working relationship between the superintendent and the school board when dealing with these difficult issues.

Step 3: Discuss the implementation of labor-management committees and contracting out a district-wide evaluation at a public school board meeting.

The plan outlined here will almost certainly require input from and modification by board members to ensure passage. Ideally, though, three LMCs will be created: one to study student achievement and the resources necessary for its attainment, one to study the delivery of non-education related services such as busing, school lunches, after school programs, etc., and one to study district finances—both revenue sources and expenditures. Again, those serving on these committees should have the appropriate skill set and competencies necessary to evaluate the committee's area of consideration. The task of each LMC is to identify: 1) The district's objective within the scope of the particular LMC; and 2) Programs or policies that are not meeting objectives and programs or policies that can be eliminated or restructured to cut costs. Additionally, each LMC will be required to provide weekly progress updates to the superintendent for assimilation into the regular written communication to school board members. Operating concurrently with the efforts of the LMCs, initiate a comprehensive study of district operations and finances (as noted in section 2.3) by outside evaluation and auditing specialists. The results from this study can then be used by the LMCs as another perspective when developing their recommendations for structural change.

Step 4: Submit LMC recommendations to the board for possible adoption, consider the potential of contracting out particular services.

Within three months the LMCs should have a series of conclusions and recommendations for board consideration; and as the board has been informed of progress along the way, the recommendations will not come as a surprise to any involved party. Either through LMC evaluation or as a result of the outside auditors, several programs will be identified as under performing and in need of elimination or significant overhaul. For those programs or services not essential to student education, investigate the possibility of putting those services out to bid. If not already recommended by the LMCs, allow for the option of having current workers bid on services as well. In order to keep costs as low as possible, contract out each service separately, have in house district employees manage the individual contracts with the winning bidders.

Step 5: Implement LMC/auditor recommendations and monitor progress.

If not already on board, hire a small team of in house management analysts to assist with implementation of structural overhaul and monitor the progress made.

4.0 Reflections and Conclusion

The steps above may result in dramatic changes to the district. Under ordinary circumstances, enacting potentially sweeping reforms would be politically infeasible. However, the court ruling regarding the teacher's retroactive pay, the City of Buffalo's bleak fiscal future and the dwindling of state and federal aid to the district combine to open a window of opportunity to enact bold reforms that would otherwise be unthinkable (Theodoulou & Kofinis, 2004).

As a politician seeking to effect this change, recognize the power structures that exist within your organization and the power structures that act upon your organization from the

outside. Power is the “lifeblood” of any organization and the chief executive must assemble the necessary components to build and then wield such power effectively (Long, 1949). Reach out to parents concerned about their children's educational future; initiate ties with the labor unions and make sure they become part of any solution; create coalitions with city council members to build a stronger partnership with city hall; and use the various human capital resources within the broader Buffalo community to build a strong issue network capable of generating the momentum necessary to overcome the numerous obstacles that will surely present themselves (Hecl, 1978).

No doubt this time is a period of reckoning for the Buffalo School District. Yet this crisis provides an opportunity for the district to grow as an organization and to develop the employees comprising it. Many government executives have the pleasure of simply busying themselves with management of the day-to-day business of the organization. Rare are the opportunities to demonstrate true leadership. As noted by Northouse (2004):

"The overriding function of management is to provide order and consistency to organizations, whereas the primary function of leadership is to produce change and movement. Management is about seeking order and stability; leadership is about seeking adaptive and constructive change" (p.8).

This situation requires a type of transformational leadership where the executive engages with the members of his organization to create the type of positive change that transforms not only the capability of the organization, but alters—for the better—the motivation and sense of duty among both employees and executives (p. 170). As superintendent, your goal is not just to transform the employees who report directly to you, but incite a change that transforms the entire district.

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