

Principals' Perspectives on Discretion and Decision-Making

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ABSTRACT

Principals are required to continuously exercise their discretion on a variety of matters that affect schools, teachers, children and communities. In spite of this reality, not much study has been done in this area of the principal's job. In this study I examine discretionary decision-making in areas of discipline, budgets and staff management. I found that principals seek to balance the needs of their students against defensibility of their actions within the context of seemingly conflicting school board policies, school policies and superintendents expectations. I present a new conceptual model for discretion and a call for careful policy writing, increased understanding of discretion by administrators and further studies which would include the perspectives of those affected by principals' decisions.

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Principals' Perspectives on Discretion and Decision-Making

CHAPTER I

INTRODUCTION

Exercising discretion or judgement in decision-making is an essential part of the school principal's role. Principals are expected to and called upon to use their judgement many times each day. How do school administrators make the difficult decisions that they are required to make? What guides them through situations where there are no obvious answers available? Decision-making is rarely automatic, even where there are seemingly corresponding policies or procedures in place. The nature of complex decision-making situations, with or without policy support, warrants attention. It is also important to examine situations where administrators "bend" or ignore the rules or expectations, in short, their use of discretion.

Discretion permits and demands flexibility when considering individual circumstances (Davis, 1969). The ability to choose between options is at the core of discretion. The inherent problem with using discretion is that it may result in both positive and negative outcomes. Davis (1969) captures the dual nature of discretion in this analysis, "discretion is a tool only when properly used; like an axe, it can be a weapon for mayhem or murder" (p. 25). How do principals use discretion to make decisions which have positive consequences and avoid decisions that mitigate the negative results that can occur with the use of discretion? How do principals ensure

that they are making decisions that are best for the situation – for children, for schools, for their communities?

Problem Statement and Study Rationale

The purpose of this thesis is threefold. First, the thesis is intended to add to the scholarship and understanding of discretion in decision-making through an extensive literature review. Second, a small number of school principals' decisions and decision-making practises are examined in order to understand more fully the discretionary components of those decisions. Third, those principals' environments are examined in order to determine what, if any, part context plays in discretionary decision-making.

Given the pervasive role of discretion in school administration, there is a need to contribute to the literature on this important concept. There has not been an extensive amount work done in this area. To date, Hall (1999), Toews (1981) and Manley-Casimir (1976) have submitted theses on educational administrative discretion. All three writers had to go beyond the field of educational administration to find the majority of literature and research about discretion. In 1975, Ellis Joseph wrote a book entitled *The Predecisional Process in Educational Administration* where he highlights the need for more research in educational administration in the area of discretion. He references works from the 1930's and 1950's as part of his literature review. It seems that work in this area has occurred sporadically over the past eighty years. The void of research on discretion coupled with its pervasive nature

in educational administration, as well as its potential disadvantages, call for the need for further study of this important concept.

Rarely mentioned in practice and largely ignored by the literature, the concept of discretion warrants our attention. Principals base their decisions on several factors – case facts, personal values, school and divisional policies as well as a range of other influences. To what extent does each of these factors impact the principal's use of discretion? In order to understand discretionary decisions we must study the decision-making process that principals use, including a close look at discretion.

There are two major reasons to include a study of discretion in school administrative decision-making. First, discretion is common to many major decision-making models for administrators. Decision-making is central to the role of an administrator, as substantiated by Joseph (1975) who writes, "the reaching of a decision may be regarded as the core of educational administration" (p. 2). Secondly, administrative discretion can cause great harm to individuals and the school organization if it is misused. Davis (1969) warns of these dangers in his analysis of the use of discretion in the justice system.

I think the greatest and most frequent injustices occur at the discretion end of the scale, where rules and principles provide little or no guidance, where emotions of deciding officers may affect what they do, where political or other favouritism may influence decisions, and where the imperfections of human nature are often reflected in the choices made. (p. v)

Administrators are required to make some very important decisions with significant, ongoing and long term consequences. Discretion must be understood in order to ensure it is used properly.

The final purpose of this study is to see if the amount of discretion that principals use is dependent upon their environment. Is the exercise of discretion influenced by the principal's political position in their school division? Does physical location between high schools and elementary schools or urban and rural schools play a role? Are discretionary decisions influenced by these and other contexts?

Research Questions

This thesis focuses on discretionary decisions and the factors which influence the use of discretion in decision-making. The research questions represent the purpose of the study, as well as issues derived from the literature review, which subsequently influenced the development of the interview schedule. The following questions guided the research:

1. How do school principals define discretion?
2. How much discretion does each principal have in his/her job?
3. How, where and why is discretion used? What are some consequences of these uses?
4. Is there a relationship between policies and principals' discretion?
5. What influences do local school boards and school superintendents have on principals' discretion?

6. What guides principals' decision-making when difficult decisions must be made?
7. Are there forces that pose limits on school principals' discretion?
8. Does the amount of discretion principals have vary between high school and elementary school and between urban and rural schools?

Significance of the Study

This study is significant because of its conceptual, research, policy and practice implications. Conceptual implications involve providing greater insight into the use of discretion in principals' decision-making. Increased understanding about decision-making, and what influences it, might lead to better decisions. In this sense, the study contributes to the literature on discretion and decision-making in educational administration. Begley (1999b) states,

the crux of the matter, in the context of considering the relevance of values to educational administration, is that the majority of research on school leadership has tended to be positivist and not particularly informative on the intents of administrative action or the underlying and motivating values of the actors. The prevailing domain of research has been focused on the publicly and logically verifiable world of facts. However, as previously asserted, the notion of values extends beyond facts, and the nature of values as influences on administrators has not figured prominently in research (p. 213).

Research implications include adding to the current breadth of work and literature on the use of discretion in educational decision-making and making suggestions for further research. Manley-Casimir (1977) asserts, “we need more studies of the exercise of administrative discretion. How do school administrators exercise their discretion? What bases underlie their decisions? Is there evidence of selective enforcement? If so, on what bases are distinctions made? Are such bases defensible? Answers to these and related questions may generate the elements of the theory of administrative discretion.” (p. 97). This study will attempt to address some of these issues.

Policy implications reside in how policies are designed and how they affect discretion. The study will examine how policy controls discretion and reveal how some principals deal with these controls. Suggestions for writing policies which account for discretionary decision-making are made.

Practice implications include active thought about using discretion in decision-making to lead to better decisions. Campbell (1999) captures the need for this in the following statement:

I believe that case study approaches in administrator preparation programs provide future school leaders with a singularly valuable opportunity to confront the complexities of ethical decision-making in a realistic and potentially controversial and confusing value-laden situations. As individuals grappling with contemporary relativistic orientations to ethics and a very few solid guidelines to facilitate their professional responsibilities, students in

these programs can benefit by elevating their awareness of the ethics of administration (p. 159).

Practice implications also involve recognition of contextual factors that influence discretionary decision-making in educational administration. The contexts of school location and school type are also explored.

Organization of the Thesis

The thesis is organized into five chapters. The introductory chapter, Chapter I, describes the research problem and study rationale, the specific research questions and the significance of the study. Chapter II reviews the literature. An extensive review of discretion, the controls on discretion and decision-making models in education support the rationale for the study. In Chapter III the research methods are described and the participants are introduced. Chapter IV provides an analysis of the data. Chapter V completes the thesis with conclusions and recommendations.

CHAPTER II

DECISION-MAKING AND DISCRETION:

A REVIEW OF THE LITERATURE

Definition of Discretion

Before embarking on a discussion about discretion and decision-making, a clear definition of these concepts is in order. Webster's dictionary defines "decision" in three ways: i) the act of deciding ii) determination, as of a question or doubt iii) final judgement or opinion in a case which has been under deliberation or discussion. Decision is rooted in the Latin word *decidere*, which means to decide. Webster's defines decide as "to settle by giving the victory to one side or another". A choice between alternatives is central to making a decision.

Discretion is not usually seen as being much different from a decision. Webster's dictionary defines discretion as, "the quality or attribute of being discreet" and "discernment to judge critically of what is correct and proper". One could argue that in the area of school administration there is a general resolve to make all decisions correct and proper, so there is no need to differentiate between discretion and decision-making. Once again, a reference to the root of the word proves useful. Discretion comes from the French word *discret*, which in turn comes from the Latin word *discernere*. When we examine *discernere*, we find that it means to separate or distinguish between, from *dis* (apart) and *cernere* (to sift). This definition makes it

clear that discretion is more than just deciding between alternatives or giving victory to one side or the other. Discretion involves sifting through several solutions and critically choosing the desired one.

If discretion is simply choosing the best alternative out of several, then why is this concept worth examining in any depth? The study of discretion is important because it often occurs outside of established rules and procedures. Handler (1986) believes the discretionary part of decision-making “is not or ought not to be governed by the rules” (p. 3). Handler (1992) also states that, “discretion involves the existence of choice, as contrasted with decisions purportedly being dictated by rules” (p. 332). Manley-Casimir (1977) expands on this to include an individual’s experience. He states, “discretion is thus vital to administrative decision-making, especially where experience together with existing policy and rules are inadequate or inappropriate guides to action” (p. 84). To round out this view of discretion, Pinkele (1985) would add that there should be no constraints on the person making the decision. He states,

when an individual or set of individuals has the capability of making decisions based upon personal choices or preferences without being behaviourally constrained in their actions by rules or by others in positions of greater authority, the resulting behaviour is discretionary in nature (p. x).

The literature shows that discretion exists in situations where rules and policies do not offer a clear indication of how to proceed. These situations are not the only places where discretion can occur.

Discretion also occurs when an individual deliberately chooses to ignore the established rules or policies. Davis (1969), in his book *Discretionary Justice*, sees

discretion as the “choice to do nothing – or to do nothing now” (p. 4). He refers to these choices as inaction decisions and postulates that “inaction decisions are ten or twenty times as frequent as action decisions” (p. 4). Rhyhart (1985) demonstrates this point in his study of bail system reform in Ohio. He found that judges ignored the reform (Rule 46) which directed them to use personal recognizance for felonies. Instead, they applied a bail amount to the majority of the cases they heard, effectively ignoring the rule (Rhyhart, 1985). In short, the judges used their discretion and exercised inaction when implementing the reform. In the court system, this type of discretion also lies with the prosecution. Lezak and Leonard (1985) state that prosecutorial discretion

is the power of the prosecutor to enforce the laws selectively. It begins with the decision to initiate *or decline* prosecution and extends through sentencing. In the selection of offenders and offences the power of the prosecutor is almost unlimited (p. 44). [emphasis added]

The use of discretion in inaction decisions extends to other areas in the justice system. Police officers also have the ability to “exercise significant discretion in the arrest decision” (Williams, 1985, p. 30). This includes the decision to not arrest.

Discretion is not limited to the justice system. It also applies to the everyday work of street-level bureaucrats (Lipsky, 1980). Bovens and Zouridis (2002) also see inaction decisions made by street-level bureaucrats who “must continuously make decisions, major and minor, about whether or not to apply the rules and how they should be interpreted in a specific case” (p. 2). The choice to not apply the rules appears here again.

Definitions of discretion are not readily found in educational administration literature. When present, they refer to the definitions found in the field of law. This lack of a discipline-specific definition is resolved later in the literature review when research on street-level bureaucrats is linked to educational administration.

Individual vs. Structural and Strong vs. Weak

Carl Pinkele (1985) describes the discretion discussed thus far as individual discretion:

Individual discretion occurs when either one or both of two circumstances occur: (1) individuals in the law implementation system have no rule or policy guidelines by which to set their course and thus are able to act according to personal, rather than institutional or systemic, motives; or (2) individuals are able for one reason or another to chart a course independent of an existing rule, an existing set of policy guidelines, or superior rule interpreter (p. x).

He distinguishes this type of discretion from what he calls structural discretion in the following: “structural discretion occurs within an organizational framework when operations are permissible according to a pre-figurative established rule. Thus, for example, a general rule will allow for a range of possible behaviour to put the rule into operation” (p. x). In other words, the destination is pre-defined but the path to take is not. This contrasts with individual discretion where the destination and the path are both unknown, which parallels Dworkin (1979) who defined individual discretion as strong and structural discretion as weak. Strong discretion refers to “a

situation where the person is not bound by any standards established by authorities ... he [she] must establish his [her] own standards” (Toews, 1981, p.3). By contrast, discretion can be weak in two ways: “(a) standards cannot be applied automatically, requiring the use of judgement, or (b) when judgement is exercised among permissible alternatives, and no one can review or overturn the decision” (Hall, 1999, p. 9). This definition of weak discretion comes full circle to our definition of a decision. It is useful to think of discretion and decision-making not as separate concepts but rather as the same process on a continuum. A decision is on one end of the scale bound by rules and few choices, while strong discretion is on the other end with no rules (by either circumstance or inaction) and infinite choices. Infinite choices come with infinite possibilities for courses of action, courses of action that can be positive or negative.

The Positive Side of Discretion

Discretion is more than opting for inaction or making a choice where rules do not apply. The use of discretion must also include careful thought about the consequences of decisions. Those charged with making discretionary decisions have a responsibility to do what is right and just. Burke (1996) argues that it is the discretionary decision itself that helps to keep administrators on the moral path. He contends, “if we expect officials to be responsible for their actions, they need to exercise discretion in making those choices. Discretion and the moral agency it fosters would appear to serve as fundamental, perhaps even inviolable, conditions for

any account of individual responsibility” (p. 1). Dillman (2002) in his analysis of the deportation of Elian Gonzalez concludes that, “discretion, exercised wisely, may contribute to decisions by public officials that are both effective and just” (p. 177). Even Michael and Don Gottfredson (1988), who devote an entire book to controlling discretion, agree that “the decision maker needs a sufficient flexibility – that is, discretion – to use the information in a prudent and humane matter” (p. 263). It is clear that with discretion comes the possibility of profound effects including justice, fairness and equality for the people involved and integrity for the person making the decision. “The proper perspective is that of Aristotle: treating unequals in the same manner is as unjust as treating those who are equal in an unequal fashion. Only through the operation of discretionary decision-making, as evaluated by democratic standards, can the objective of fairness be achieved” (Pinkele, 1985, p. 11).

Not only can discretion elicit the best in human qualities it can also help to enrich the administrative structures we work within. Schuck (1994) states, “discretion vitalizes agencies, infusing them with energy, direction, mobility, and the capacity for change” (p. 155). Dillman (2002) takes this a step further and adds efficiency to the dialogue. He asserts, “discretion may provide the supple muscle to efficiently and effectively accomplish what rules cannot. The ability to ‘get things done’ is surely one component of a responsible public administration” (p. 178). ‘Getting things done’ is important for the overall function of any organization but it is also important for the people who rely on administrative discretion to help them in their lives.

When making decisions that involve people, discretion allows administrators to tailor decisions to fit individuals' needs. Ball, Krane and Thomas (1985)

substantiate this in the following,

for the individual administrator, discretion means flexibility to accommodate unforeseen situations and the ability to individualize policy applications to meet the needs of particular clients or constituencies. Discretion gives administrators both a creative and a reactive capacity to deal with the problems of a complex society (p. 103).

Manley-Casimir (1977) agrees with this point, saying that discretion "allows administrative flexibility and responsiveness, thus providing the creative elements in administrative action" (p. 84). I believe the key point in these passages is creativity. Not everyone is the same, and cookie-cutter solutions can be unjust in certain situations. Discretion allows decision makers to be at their creative and cognitive best, providing a splash of color in the black and white world of rules and policy. As Sowa and Selden (2003) observe, using Mosher (1982) and Rourke (1984) as reference, "with this discretion, scholars have recognized that administrators often exercise political power toward the representation of citizens' interests" (p. 700). The decision-maker can use his/her discretion to create positive results for individuals. Of course, not everyone agrees with this positive perception of discretion. The next section will examine its negative side.

The Problem with Discretion

As mentioned in the introduction, the use of discretion, like an axe, can lead to positive or negative results. This section will focus on the negative aspects of discretion. The degree and magnitude of these problems varies between authors. Hayek (1960) sees discretion as "a self-willed and uncontrollable apparatus before which the individual is helpless" (p. 262). Dillman (2002) contends, "discretion is equated with powerful bureaucracies run amuck, creating their own standards of behaviour and exerting unaccountable power to regulate and enforce" (p. 178). These positions are cause for concern, but they are generalizations. A deeper analysis will help to understand these negative perceptions.

Ball, Krane, and Lauth (1985), who see positive and negative sides to discretion, describe the negative side as follows:

Discretion also may mean opportunities for malfeasance or nonfeasance in the form of selective enforcement, prejudice, or favouritism in enforcement. Even when administrators are well-intentioned, broad discretionary authority provides the opportunity for administrative interpretations that may alter significantly the intent of official policies. Finally, decisions based upon broad discretionary authority frequently place clients or constituents in the position of not knowing the criteria by which decisions affecting them were made (p. 103).

This description contains two important themes found throughout literature in which the problems associated with discretion are addressed. The first is identifying what

caused injustices that resulted from a discretionary decision. In this case, malfeasance and nonfeasance are caused by selective enforcement, prejudice, and favouritism in enforcement. The second theme that emerges from the literature is identifying the threat that such decisions have on the established system of governing. Ball, Krane and Lauth (1985) see policy alteration and unapprised individuals as possible problems arising from discretionary decision-making. The literature will be examined from these perspectives – injustices and causes, and threat to democracy.

Injustices and Causes

Discretion “is criticized for its potential for abuse” (Lezak & Leonard, 1985, p. 44). This abuse can occur in the day-to-day interactions of common people within bureaucracies. In examining the power of civil servants, Bovens and Zouridis (2002) describe the frustration the public feels when they have to deal with bureaucrats who are able to make discretionary decisions. The perception is that “bureaucrats are well known to be small-minded pencil pushers who can reject or approve an application for no better reason than the fact that your existence has somehow annoyed them” (p. 174). A rejected application may or may not be an injustice depending on the circumstances. However, the fact that these decisions can be made dismissively without examination of issues or facts is a problem.

Friedrich (1958) states this same concern in his description of discretion. “Discretion comes into play whenever no rules (or principles) can be or have been, formulated, while at the same time, *mere whim cannot be allowed*” (p. 41) [emphasis

added]. Toews (1981) echoes these trepidations when he writes, “injustice is probably most frequently inflicted when administrators have discretion—where rules, principles and standards do not offer sufficient guidelines for decision-making” (p. 3). Sowa and Selden (2003) contend that when these areas without guidelines emerge, administrators refer to their own values and beliefs to guide them.

The presence of discretion in an organization does not necessarily produce actions that are broadly representative; therefore ... administrators need to recognize that their discretion allows them to reflect their personal values and beliefs in their actions, leading to more representative outcomes if they hold values that are similar to those of the public they serve (p. 703).

If administrators’ beliefs and values are in line with the community with which they work, then positive results are attainable. Problems arise when administrators’ beliefs and values conflict with the beliefs and values of the people for whom they are making discretionary decisions. The issue of values in discretionary decision-making is significant. A subsequent section will explore this further.

Manley-Casimir (1977) transposes the problems associated with discretionary decision-making into a school setting. In his analysis of student discipline procedures, he observes “one administrator deals with one student in a closed office, thereby increasing the possibility of inconsistency and arbitrariness” (p. 85). Hall (1999) contributed to this research by investigating the causes of these inconsistencies. She concluded that, “diverse ideologies of administrators, lack of common purpose of disciplinary procedures, contradictory beliefs on the effectiveness of student suspensions and subjective assessments of students influence administrative

discretion” (p. iii). It is evident that schools are not immune to the problems associated with discretionary decision-making.

Can the injustices associated with discretion be avoided? I believe the answer lies in the definition of discretion. The use of discretion implies that there is more than one alternative available, some positive and some negative. Manley-Casimir (1977) states,

The exercise of discretion, however, poses a problem that derives from the Janus-like character of discretion itself. Even though in ordinary usage of the word discretion has a positive connotation, an administrator can use discretion either benevolently or malevolently, reasonably or unreasonably, justly or unjustly (p. 84).

Hall (1999) echoes these sentiments when she states, “discretion confers flexibility and permits individualized treatment; it can yield consistency or disparity in decisions depending on administrative values, social constraints and decision context” (p. iii).

These statements show that discretionary decisions may lead to dire results, but it need not be the case. At some point, an administrator making these decisions can choose a path that leads to positive results or, at the very least, a decision that is deemed fair by the participants.

Threat to Democracy

It is important to have an understanding of the potential for injustice at an individual level, however, there also needs to be an awareness of the problems that

arise from the use of discretion in larger systems. As before, there are differing views about the effects of discretion in this area. Dillman (2002) sums up this inconsistency, “the paradox of administrative discretion is this: although administrative discretion poses a threat to democracy it, at the same time, makes a responsive and effective democracy possible” (p. 166). The political arena will be examined first to see how it is negatively impacted by discretion.

Bryner (1987) summarizes the problem that exists between discretion and government politics. He states that discretion is in tension with

... the idea of political accountability, that important policy choices be made by elected officials, and that government ultimately be responsible to the people. It endangers the idea of the rule of law, that government actions be clear and specific, and applied by officials in a non-discriminatory manner so that the coercive powers of government not be exercised arbitrarily. It calls into question the structure of the separation of powers, checks and balances, and other elements of constitutional democracy that rely on formal institutions and processes. It threatens the development of clear public choices, inhibits public debate and education concerning public policies, and contributes to perceptions of ‘capture’ of agencies by the interests that fall under their jurisdiction (p. 1-2).

Discretion can impede democracy. A democratic government is supposed to be representative of the people. If administrators, who are not elected, have the authority to make discretionary decisions, then that democracy is not truly representative. Administrators can make decisions that are contrary to the public’s

desire without being held accountable for those decisions. “This was the spectre that haunted Weber, Hayek, and Popper: Large numbers of faceless officials whose *freies Ermessen* (discretionary power) could cause an open society to be smothered in the bud” (Bovens & Zouridis, 2002, p. 174). Lowi (1969) predicted, “statutes without standards, policy without law, will yield pluralism and bargaining throughout the system” (p. 155). In other words, a representative democracy is reduced to competing groups with each group’s success dependent upon their power to influence the discretionary decision makers within society. As of yet we have not seen the world’s democracies come to a halt because of discretion. Discretion can, however, have an impact on specific parts of a democracy – specifically rule of law and policy implementation.

Laws are rules that everybody should obey. If individuals break the law, they are disciplined in accordance to guidelines set out by the law. Policies are put into place to uphold the laws. In theory, policy and law should not diverge from each other but they do and, according to some, discretion is to blame. Pinkele (1985) represents these views as follows, “individual discretion interacts with law to produce policy that hardly resembles the sorts of things one formally is taught to expect where rules are present to ‘guide’ the actions of public officers” (p. 7). Lipsky (1980) furthers this view declaring that policy is not just changed by individuals with discretion (street-level bureaucrats) but it is made by them. He states:

The decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out. I argue that public policy is not best

understood as made in legislatures or top-floor suites of high-ranking administrators, because in important ways it is actually made in the crowded offices and daily encounters of street-level workers, (p. xii).

If street-level bureaucrats make policy, then the public will view them not just as administrators but also as lawmakers. This is not a problem so long as the policies reflect the desires of the public. If the two are at odds, the public does not feel represented and administrators feel they must uphold the “law”, thus furthering the disparity between the two groups. Kelly (2004) encapsulates this problem in the following:

This means that administrators must use a great deal of interpretive practical judgement in deciding when and how law should be applied. ... From the standpoint of the citizen, the law-making/managing distinction fails because, for them, law is the force that they face in the lifeworld itself. When an administrator executes the law in a particular manner, that decision is part of the law to citizens. Through their interpretation and execution of the law, administrators are never merely managers—they are constantly adding something to the law itself.... Here the devil is in the details. Once a gap exists between the public will and the law, execution of the law in the name of efficiency often flies in the face of the public's values and priorities (p. 47).

Problems with discretion and the law go beyond policymaking. Davis (1969) contends that discretion can override the rules at every step in the justice system. He theorizes that

administrative discretion is far more important than rules. All the rules that call for punishment can be nullified by any one of five sets of discretionary power – the discretion of the police not to arrest, the discretion of the prosecutor not to prosecute or to trade a lesser charge for a plea of guilty, the discretion of the judge in favour of suspended sentence or probation, the discretion of the parole officer to release, the discretion of the executive to pardon (p. 18).

When discretion is seen in this light, it becomes obvious that the problems associated with it can happen at any or all of the steps in the justice system. Remembering that individuals are making these decisions at each step and that each individual could potentially make a negative decision based on prejudice, misunderstanding or mere whim, the fear of discretion is justifiable.

Vorenberg (1976) takes the apprehension about discretion to an even higher level in his article entitled “Narrowing the Discretion of Criminal Justice Officials”.

Excessive reliance on discretion has a deeper effect. It hides malfunctions in the criminal justice system and avoids difficult policy judgements by giving the appearance that they do not have to be made. It obscures the need for additional resources and makes misapplication of available resources more likely. And it promotes a pretence that we know more than we do, thereby leading to wrong decisions and pre-empting research and evaluation on which change should be based. Discretionary decision-making has helped keep cases moving through the system without too many embarrassing questions, while promoting the sense that compassion and wisdom are at work. The result has

been some compassion (often matched or exceeded by unfairness) and very little wisdom (p. 652).

This analysis of discretion makes one wonder why discretion is allowed to be used at all. It is very clear that discretion can and does lead to some very bad decisions that affect people in the real world. Not only can discretion hurt individuals, it can also hurt entire governing systems if it is abused. Can we just rid the world of discretion?

Of course the answer is no. Even the harshest critics of discretion (Davis, 1969, Lowi, 1969, and Vorenberg, 1976) concede that discretion is not only here to stay but that it is necessary in the complex modern world in which we live. If this is the case, then it is not only important, it is vital that we try to understand how to prevent or minimize the injustices that are caused by discretionary decision-making. Many authors believe that this can be accomplished not by abolishing discretion but instead by controlling it.

Controlling Discretion

The problems inherent in discretion led Davis (1969) to develop three ways of controlling it: confining, structuring and checking. Hall (1999) describes these controls as follows, “confining involves developing rules to establish limits on discretion; structuring offers specifications for action or inaction within the limits; and checking offers a system of review, serving as a safeguard against the arbitrary and unreasonable use of discretion” (p. 8). Davis’ model for controlling discretion is an excellent tool to examine the literature in relation to this subject. Nearly all the

literature, for or against controlling discretion, can be separated either into confining, structuring, or checking.

Confining Discretion

Discretionary decisions can, and do, lead to actions which are harmful to people or organizations. In order to alleviate the fears that are associated with these “decisions gone wrong” many authors have looked not to abolish discretion but instead to confine it within pre-established limits. “Confining discretionary power means locating the boundaries of discretionary action and ensuring that discretion is exercised only within these limits” (Manley-Casimir, 1977, p. 86). Throughout the years, there has been an interesting scholarly debate as to what the limits should be and what they would look like in a real world situation.

Finer (1941) calls for very tight controls on public servants. He states that they “are not to decide their own course; they are to be responsible to the elected representatives of the public, and these are to determine the course of action of the public servants to the most minute degree that is technically feasible” (p. 336). This would see public servants with almost no discretion and rules or policies to follow for every decision. Lowi (1969) takes a similar approach but allows some room for discretion. He advocates that, “policies that are real laws do not destroy pluralism but merely reduce its scope to those points in the system where decisions on rules can be made or reformed” (p. 155). Once again, policy and law would confine the decision-maker.

Davis (1969) contends, “the sensible goal... is not to try to replace discretion with the rules but to locate the proper balance between rule and discretion” (p. 44). This view allows more room for discretion than Lowi’s, but Davis (1969) still supports the elimination of some discretion. He proposes, “what we need to do is to work... not to minimize discretion or to maximize its control but to eliminate unnecessary discretion and find the optimum degree of control” (p. 20). Ball, Krane, and Lauth (1985) agree with Davis’ call for balance when confining discretion. They state, “the important concern is one of balance – reconciling the need and desirability of administrative discretion with the requirement that administrative decisions be subject to the rule of law” (p. 103).

Dworkin (1979) sees discretion as a choice that is confined by some restrictions. A person has discretion when they are “charged with making decisions subject to standards set by a particular authority” (p. 40). He uses a doughnut as an analogy to illustrate his point. He proclaims, “discretion, like the hole in a doughnut, does not exist except as an area left open by a surrounding belt of restriction” (p. 52). This doughnut hole analogy leaves more room for discretion within the confining structure. This open area is congruent with Manley-Casimir’s (1977) description of administrative flexibility and the belt of restriction with his safeguards. He suggests that, “what needs to be done is to limit the scope and exercise of discretion in such a way as to preserve administrative flexibility while simultaneously creating safeguards to protect the individual against arbitrariness and injustice” (p. 85). He goes on to say that in a school setting, “school officials can confine discretionary power through

administrative rule making, thus making it reasonably specific” (p. 98). This brings us full circle to confining discretion with rules.

Sowa and Selden (2003) look at confining from a different angle. They propose that a representative bureaucracy would help to confine discretion:

The theory of representative bureaucracy maintains that a more representative workforce can lead to discretion being exercised toward the achievement of policy outcomes that are more representative and responsive to particular groups, especially minority groups. A public workforce that is representative of the population will have values and beliefs that are similar to the population it represents, and these values and beliefs will direct the exercise of discretion toward these shared values and beliefs (p. 702-703).

Instead of being confined by rules and policy, administrators would be confined by the values and beliefs that they shared with the public. This scenario leaves even more room for discretion than the previous ones because the restrictions, which confine discretion, are not fixed. If the values and beliefs of the public change, then the values and beliefs of the administrators will change as well.

This concept is very similar to the one developed by Habermas (cited in Kelly, 2004) in his book *Between Facts and Norms*. Habermas advocated that the confining structure around discretion should come from the public sphere. Kelly (2004) summarizes Habermas’ work in the following statement:

As Habermas (1996a) put it, the idea is that the public sphere assumes responsibility for the "pool of reasons from which administrative decisions must draw their rationalizations" (Habermas, 1996a, p. 484). This places

limits on the range of administrative action. It is not that "anything goes" (Habermas, 1996a, p. 484) provided it is justified in the name of efficiency. Instead, when popular sovereignty is realized, the political system is structured in such a way as to create procedures by which the free and open public sphere can generate and communicate ideas that mark the range of appropriate administrative discretion. If particular administrative decisions depend exclusively on publicly invalidated norms or arguments, then those decisions themselves are invalid (as cited in Kelly, 2004, p. 48-49).

If the confining structure comes from the public that the administrator serves, then that administrator is better able to make discretionary decisions that represent the interests of the public. This is still confinement in the way that Davis (1969) described it. What has changed is the way in which the confining structure is created. Instead of hard and fast rules that come from above, the boundaries are set by the public that administrators work with every day.

Critique of Confining Discretion

As is the recurring theme with discretion, there are authors who oppose its confinement. Friedrich (1940) favoured discretionary power for public administrators, citing a complex world that needed creative solutions for its problems. In response to the suggestion that confinement is necessary Pinkele (1985) states, "some might argue that what is needed is more rules or better enforcement of them; I think not" (p.

7). Another opponent to confinement by rules is Chapman (2000). He makes this clear when discussing discretionary decisions:

...such decisions cannot and should not in a democracy be replaced by systems of increasingly precise rules. The human element cannot be removed. This is because the political environment, which conditions the daily work of public administrators, is never static: adapting to change and reconsidering issues from first principles is a requirement of modern life (p. 229).

Sowa and Selden (2003) agree with this position and support it with several studies that have been done over the years. They conclude that,

while public administration theorists once believed that a public administrator's actions could be dictated clearly by legislative mandate, numerous studies have demonstrated it is often impossible for legislators to anticipate all of the circumstances that may influence administrators' actions in the execution of public law (Bryner 1987; Lipsky 1980; Mazmanian and Sabatier 1989; Prottas 1979; Scott 1997) (p. 700).

None of these authors advocates that discretion should be completely free of any controls. What this group opposes is the implementation of rules to control discretionary decision-making, especially those conceived by higher authorities in bureaucracies. I believe that the approach to controlling discretion used by Habermas would not alarm the opponents to confinement.

Structuring Discretion

Once discretion is confined, it must be structured. Manley-Casimir (1977) states that “structuring discretionary power means controlling the way in which discretionary power is exercised within the designated limits” (p. 86). The decision-maker is now within Dworkin’s belt of restriction but still free to make discretionary decisions. Structuring guides those decisions. Louthan (1985) states that using discretion “does not necessarily imply that decisions are made on an ad hoc basis, without order, and without reference to some kind of directional norm” (p. 14). The directional norms are the structure.

Dillman (2002) drawing on work by Hawkins (1992) describes the influences on discretionary decision makers. He states:

Discretion is not the freedom to decide as the actor chooses, but the freedom to be influenced by a wide variety of constraints, including statutory law, agency rules, political, organizational, and cultural realities, and professional and ethical standards. In a democracy, discretion is exercised in a sea of safeguards that help to reconcile, though sometimes imperfectly, the dangers of discretion to its necessity (p. 183).

The laws and rules here confine the decision-maker but the rest of the “seas of safeguards” are structuring devices. These are the political, organizational, and cultural realities, and professional and ethical standards. The realities of the job at hand, the day-to-day interactions, and the ethics of the people involved will guide discretion.

Bovens and Zouridis (2002) see computer technology controlling discretion now and in the future. They argue that an individual and an organization cannot interact without information being entered into a computer, which is pre-programmed to receive only certain facts. This structures the information that is available to the decision maker. In some instances, through programming, the computer will make decisions (Bovens and Zouridis, 2002). The computer is now part of the structuring of discretion and it may play a bigger role in the future.

Habermas' (1996a) "pool of ideas" can also structure discretion. Since the public creates the pool of ideas, the public can also change it. This is not a process where "idea A" is replaced by "idea B", like a high-ranking bureaucrat changing the rules for their subordinates. Instead, it is a process that is informed by the public spheres' influence over time. This is what Habermas (1996b) referred to as "indirect steering" by the citizens (p. 484). Indirect steering does not set the boundaries around discretion; however, it does influence its use. In short, indirect steering structures discretion.

Critique of Structuring Discretion

The authors who criticize confining discretion have already covered most of the criticisms toward structuring discretion. If one is against confining it, then they are sure to be against structuring it within those confines. Some may see structuring simply as more rules to follow. With a plethora of rules to choose from administrators can select the pieces that they want in order to make the rules match the decision that

they plan to make. As Fox and Miller (1995) put it, "The more rules that are promulgated, the more must an administrator choose a particular concatenation of them" (p. 5). Even with confining and structuring in place an astute administrator can still find a way to make their discretionary decisions fit the mould provided to them.

Checking Discretion

“Checking discretionary power involves the correction of arbitrariness or illegality” (Manley-Casimir, 1977, p. 86). Checking is the accountability end of Davis’ (1969) model for controlling discretion. The confines and structures are in place to guide decision-making but there is still a chance that poor decisions will be made. Checks on decisions, either internal or external, hold the decision-makers accountable for their decisions. Checks include legal, democratic principles and public checking.

Legal

The most obvious check is whether the decision is legal. Haque (2004), in his study of the eighteenth century political philosopher Edmund Burke (1901), proposed that, “it is understood that Burke was supporting a view that discretion is desirable to the extent necessary to fulfill the ends of the laws given the time and circumstances. Yet, to check the abuse that may emanate from giving broad discretionary powers,

Burke argued that public administrators must comply with the general laws of the land” (p. 706). There are legal discretionary decisions, however, that are undesirable.

Checking discretion outside of the legal/illegal realm is usually in the form of an intrinsic or external judgement. Manley-Casimir (1977) illustrates this point in the following statement:

Discretion is responsibility exercised not only when the administrator takes into account all relevant considerations and can elaborate reasons for the choice of a particular course of action, but also when the reasons themselves are defensible. When the reasons are not defensible, then the action taken may be considered the arbitrary abuse of power. Thus the crucial aspect of the exercise of discretion is the basis upon which the decision is made (p. 85).

The key to Manley-Casimir’s checking of discretion is defensibility. Defensibility is open to interpretation. A crime like stealing food may be defensible if the person who stole it is starving. Does this make it right? More clarity is needed.

Hall (1999) expands on Manley-Casimir’s notion of defensibility in her analysis of documentation procedures for incidents of youth violence in schools:

A heightened awareness of the defensible element of discretion in conjunction with a clear understanding of its dual nature is a first step towards more consistent discipline and documentation practices. Discretion allows administrators to accommodate to the individual needs of students, but as the data shows it also allows for disparity. Increased dialogue between school administrators will contribute to a shared understanding of the intent, rationale

and procedures of discipline and documentation practices for all students, broadening the potential for fair practice (p. 106).

If administrators discuss discretionary decisions with colleagues, it increases the defensibility of their judgements. This check on discretion may help to increase the justice in decisions.

Democratic Principles

Pinkele (1985) would argue that decisions must be judged according to accessibility, responsiveness, responsibility and democratic principles. He links the checking of discretion to Dworkin's doughnut analogy. "The ring should be democratic in character and quality, and the interior of the arena of discretion – that doughnut hole – should it be judged accordingly. It is in this context that the measures of accessibility, responsiveness, and responsibility are brought into full play. The point is to democratize the exercise of discretion" (p. 8). Here defensibility is described as democratic, with a focus on accessibility, responsiveness, and responsibility.

Public Checking

Sowa and Selden (2003) contend that public awareness and "recognition of the political power inherent in the exercise of administrative discretion has focused attention on how to ensure this discretion is translated into administrative

responsibility” (p. 700). This implies that the power in discretionary decisions, which so many feared, actually brings control to the decisions through checking by the public.

Habermas (in Kelly, 2004) also advocated checking of discretion through the public. He proposed that the communicative power of the citizens would act as a “normative filter” for administrative decisions (Kelly, 2004). This is related to Manley-Casimir’s (1977) idea of defensibility. Now there are guidelines, set by the public, which can be used to defend the decision.

Critique of Checking Discretion

The criticisms of checking discretion are not specific to the checks, but instead explore the ways in which administrators can avoid them. On a system level, if “the organization and its members have different views of what social demands they are meeting, the members usually will ignore the formal organizational mandates and deliver the services they perceive as appropriate. The result is the creation within a bureaucracy of an informal organization with its own rules, leadership, communication system, and reward system” (Kalinich, 1985, p. 65). This implies that there could be two types of checks in place – those implemented by the organization and those implemented by its members.

If an organization tries to prevent this two-tiered system of checks, by further structuring and confining, the decision makers will still find a way to avoid it. Kalinich (1985) states, “the imposition of controls at the top level ...may conveniently

be reinterpreted as the new set of rules filters down to the practitioners. Conversely, information about covert methods of circumventing the new set of rules will not be readily passed upward, keeping the rule violator from scrutiny and control” (p. 66). This comes full circle to the initial problems associated with the control of discretion. So, is it impossible to control discretion?

Trying to control discretion, which, by definition, should have no controls, is a daunting task. Davis’ concept of confining, structuring, and checking discretion is not a perfect fit, although it does keep appearing in the literature. Otto Toews (1981) took this concept and developed it further to include administrators’ understanding of justice, morals and ethics. He then developed a normative framework for decision-making that can assist administrators in exercising discretion in the pursuit of justice (Toews, 1981, p. 94). Toews defines justice, or the act of being just, as not favouring one party over another without sound principles or reasons. Justice must take into account the standard of right and wrong (Toews, 1981, p. 96). Inherent in the determination of right and wrong are the values that an administrator brings to the table.

Discretion and Values

Values can be defined as conceptions of the desirable, and administrators regularly make choices from among competing conceptions of the desirable. In choosing between competing values, sometimes it is a matter of electing to move forward with one program rather than another when both are good but

resources are scarce. Sometimes it is a matter of choosing between the lesser of two evils when circumstances require such a decision. Sometimes the decision will be to do nothing for the time being, if all the options are undesirable and waiting does not have serious drawbacks (Willower & Licata, 1997, p.1)

Willower and Licata's description of values in decision-making closely mirrors the literature on discretion. Hall's (1999) research reflects the relationship between values and discretion, "administrators in both districts rely on their core values in their use of discretion" (p. 96). Begley (1999a) concurs. He states, "leadership and administration involve considerable amounts of decision-making and problem solving. Such decision-making inevitably involves values to the extent that preferred alternatives are selected and others are rejected" (p. 4).

The problem with drawing on values in decision-making, reiterates the problems with using discretion. Willower and Licata (1997) state, "personal predilections and biases, past experiences, lore, perceived pressures, and a variety of other idiosyncratic elements often play a large part in decision-making" (p. 2). In my opinion, the conflict of values causes the greatest distress to administrators. If administrators cannot resolve these conflicts within themselves, then this taints the discretion they use, causing them to make poor decisions. In their book *Tragic Choices*, Guido Calabresi and Phillip Bobbitt (1978) state, "evasion, disguise, temporizing, deception, are all ways by which artfully chosen allocation methods can avoid the appearance of failing to reconcile values in conflict" (as cited in Hennessey

& Lehrer, 1996, p.150). Toews (1981) suggests using the idea of justice and the notion of right and wrong to help reconcile these value conflicts in decision-making.

Manley-Casimir (1977) would agree with Toews (1981) in that justice is an important part of discretionary decision-making. He states,

Justice is intimately related to the exercise of discretion. Here justice refers to the notion of fairness advanced by Rawls. Justice involves “the elimination of arbitrary distinctions and the establishment, within the structure of a practice, of a proper balance between competing claims” (Rawls, 1969, p. 133).

Inherent in the concept of a “practice” is the notion that individuals who are equally situated should be treated equally (p. 85).

In this concept, fairness means that individuals in similar situations should be treated the same. For justice to happen, competing values within the decision-maker must be considered and resolved before a decision is rendered.

Pratchett (2000) speaks of balancing these competing values, which would then lead to ethical decisions. He proclaims:

Public servants need to be able to understand and balance all the competing values and preferences which may inform a particular decision – and organizations should afford all possible opportunity to public servants for the careful articulation and balancing of these competing values. Only then can decisions be deemed to be ethical either in terms of process or outcome. ...

The ethical public servant, therefore, is one who can show that all values have been carefully weighted before a final decision is made (p. 118).

The issue of ethics and values comes up frequently in management literature and law literature. It also appears in the education literature where some argue that ethics and values are somewhat different in educational leadership.

Values and Ethics in Educational Administration

There is no doubt that educational administrators must make decisions that include values. Roche (1999) contends, “daily, school administrators confront moral and ethical dilemmas that demand a response” (p. 255). Greenfield (1995) goes on to say, “school administrators have a special responsibility to be deliberately morale in their conduct, that is, to consider the value premise underlying their actions and decisions” (p. 69). School administrators must make daily decisions on budgets, curriculum, discipline and community matters all of which are value-laden. These decisions would be easy if the community, the teachers, the students and the policymakers all shared exactly the same values. Quite often, this is not the case.

Johansson and Bredeson (1999) examined this issue and came to the following conclusions:

This idealistic way of looking at political decisions are what we call the myth of democratic culture. This value orchestration model can work only if the policy community and the learning community embrace typical values and the same culture. Only then is it likely that policy and practice are isomorphic. Though certainly possible, it is generally unlikely. Thus, we need to examine how to bridge the distance between the two communities. The strength of this

bridge, transformative educational leadership, is of vital importance to the outcomes of the policy implementation process in education (p. 56).

The bridge that they refer to is the school principal. With so much depending on the value based decisions of the school principal one would expect to find an enormous amount of research on the subject.

In examining administrative behaviour, Greenfield (1986) and Hodgkinson (1988) focus on value aspects. Hodgkinson (1978) states, “the intrusion of values into the decision-making process is not merely inevitable, it is the very substance of a decision” (p. 39). If values are so significantly linked to decision-making then why is the research so sparse in the area of values in educational administration? Begley (1999b) answers this question. He summarizes his reasoning in the following statement:

the crux of the matter, in the context of considering the relevance of values to educational administration, is that the majority of research on school leadership has tended to be positivist and not particularly informative on the intents of administrative action or the underlying and motivating values of the actors. The prevailing domain of research has been focused on the publicly and logically verifiable world of facts. However, as previously asserted, the notion of values extends beyond facts, and the nature of values as influences on administrators has not figured prominently in research (p. 213).

If school administrators rely on value judgements for their decisions then how could this area have been largely ignored, even if it is harder to study than verifiable facts?

Leithwood (1999) has a very simple explanation as to why educational administrators' values are typically absent from the literature. School administrators are, in general, very ethical in their decision-making. Using numerous references, he contends that:

virtually all relevant evidence suggests that school administrative practice is already highly ethical. For example, Raun and Leithwood (1993) found that the values entering into the problem solving of senior school district leaders were largely those of pragmatism, participation, and duty. Walker (1995) reported district level leaders to be actively concerned about their staffs adherence to such values as caring, fairness, integrity, loyalty, and honesty. And well Begley (1988) found evidence of some school-level leaders basing decisions on personal preferences, more knowledge usually resulted in a shift to "consequences for students" as the overriding value in their decision-making. These findings ought not to be surprising since administrative ranks are populated by former teachers and the main source of teachers' professional satisfaction is visible evidence that they have contributed to the intellectual, emotional and social well being of their students (Lortie 1975; Feimen-Nemserand Floden 1986) (p. 25).

This, in no way, is a claim that *all* educational administrators are highly ethical. Nor does it state that educational administrators do not make mistakes when they are making decisions. What it does say is that research involving the values of school administrators has shown a trend of very ethical behaviour and consistent values.

Harris and Chapman confirm these findings in their 2002 study. They found that “while principals’ responses to problems varied, depending on the circumstance or situation, their value position remained consistently one of empowering pupils, staff and parents” (p. 4). Even with the evidence describing school administrators as a homogeneous group in terms of their ethics and values, would it not be prudent to pursue values research in order to detect “the bad apples” of the bunch?

Leithwood (1999) contends that few administrators would follow an unethical path. He gives two reasons for this contention. First, he states that “even if school administrators set out to behave in a professionally unethical manner, it is extremely difficult for them to do so for long without being detected” (p. 26). Second, “much of the work of school administrators is highly visible to students, parents, teachers, and members of the non-parent community. Under these conditions there is little incentive to behave unethically; widely shared norms of ethical behaviour carry special weight; and the information required to make judgements concerning the ethical practices of administrators is readily accessible to many people” (p. 26).

There is no doubt that values and discretionary decision-making in school administration are linked. Given the evidence provided by Leithwood, I believe that an inquiry into principals’ discretion should give consideration to the values that principals’ hold, but it should not be the focus of the inquiry. I believe the focus should be on where and how principals exercise discretion in the school setting.

Discretion in Educational Administration

Almost all of the literature on discretion comes from the areas of law and management. As mentioned in the introduction, very few studies address discretion in educational administration. Can the evidence gathered from law and management literature be transferred to educational administration? I believe it can.

A school principal is a street-level bureaucrat. Bovens and Zouridis (2002) interpret Lipsky's (1980) street-level bureaucrats as "public employees who interact directly with individual citizens and have substantial discretion in allocating facilities or imposing sanctions" (p. 2). Principals definitely interact directly with individual citizens and they have significant discretion in making decisions that can affect the lives of staff and students in their schools.

Manley-Casimir (1977) contends that school governance and student discipline are discretionary justice. Davis' (1969) work around discretion, its problems and the ways in which it can be controlled is, of course, discretionary justice. This means that any discretionary decision, any problems with discretionary decisions, and the control of discretion in a school system can be directly related to the law and management literature.

Martin (1995) looked at controls of administrative discretion in public schooling in British Columbia from 1872 to 1994. Several of her conclusions parallel those from the literature. She found that "discretionary powers are conferred to serve any of the following six purposes: a) policy-making, b) rule-making, c) supervising, d) advising, e) administration, and f) adjudication" (p. 239). These are all areas that

are covered by the “problems found in discretion” and the “control of discretion” literature.

In Martin’s (1995) analysis of discretion in schools, she came to the following conclusions about its control in school administration:

...in summary, four important principles govern the exercise of discretion by administrators in public schooling. First, their decisions must be according to the dictates of the law; second, they must not fail to exercise or otherwise avoid discretion granted them; third, these powers must not be used excessively or be abused; and fourth, they must not be used for purposes other than those dictated by law. In addition, authorities are expected to render administrative justice; that is, in the exercise of administrative powers, statutory authorities must employ the rules of an actual justice and procedural fairness (p. 241).

This excerpt contains examples of confining (dictates of the law), structuring (must not fail to exercise or otherwise avoid discretion) and checking (must not be used excessively or be abused). It is clear that the use of discretion in educational administration parallels the use of discretion found in the law and management literatures.

The discretion literature is not the only literature available when considering decision-making. There are several decision-making models specific to educational administration. The next section will briefly look at these models and describe the amount of discretion in each of them.

Discretion in Decision-Making Models

Hoy and Miskel (2001) present several different models for decision-making in their book on educational administration. In searching for one model that includes discretion as part of its process, it becomes apparent that most models consider discretion, either directly or indirectly. The following section explores several of these models, indicating where discretion is in each of them.

The Classical Model

The classical model of decision-making is based on decisions that are completely rational. The goal of this model is to maximize the achievement of goals and objectives (Hoy & Miskel, 2001, p. 317). It assumes that the decision-maker has knowledge of all the possible alternatives and consequences.

This model does not leave much room for discretion. If it is implemented as presented in theory, there will only be one right answer. The chances of this happening in most administrative decisions are rare. Hoy and Miskel (2001) dismiss this as a legitimate model in the real world when they say, “decision makers virtually never have access to all the relevant information ... generating all possible alternatives and their consequences is impossible” (p. 317). In theory, there is no room for discretion, but the situation the model describes does not really exist, thereby supporting the claim that discretion exists in all models.

The Administrative Model

Simon (in Hoy & Miskel, 2001) recognized that the human brain could not process the amount of information that was needed to properly use the classical decision-making model. He “suggested a more limited rationality – bounded rationality – whereby problems are solved, not by optimization but by *satisficing*. Rather than an elaborate search for the best solution, a more realistic approach is to see the process as a search for the best acceptable solution” (as cited in Fidler, 2002, p. 635). Hennessey and Lehrer (1996) see Simon as someone “who focuses on decision-making conditions in which a number of decision makers attempt to reach a decision under conditions of uncertainty and conflict of interest” (p. 153). This uncertainty and conflict of interest mirror what real life administrators have to deal with every day. Simon approached this dilemma scientifically and proposed a five-step plan to help deal with decisions. His steps are as follows: recognize and define the problem or issue, analyze the difficulties in the situation, establish criteria for a satisfactory solution, develop a strategy for action, initiate a plan of action. These steps would be followed up by an evaluation of the outcomes.

There is definitely discretion present in this model. Hoy and Miskel (2001) refer to the use of heuristics when using this model for decision-making. Heuristics are “simple rules of thumb that guide the decision-making and enable us to make decisions in a rapid and efficient manner” (p. 328). Heuristics are not based on pure facts, but rather they are based on schemas the decision maker has already developed. For example, some people think the best way to play chess is to dominate the center of the board. Stereotyping is another example. This is clearly a case where the

decision maker uses judgement without referring to established rules and regulations. This is congruent with the definition of discretion.

The Incremental Model

Lindblom (1996) would argue that problems within organizations are too complex for the administrative theory to work. He believes that decision-making is fundamentally remedial (as cited in Hennessey & Lehrer, 1996, p. 153). He advocates the use of the Incremental Model, or problem solving by successive approximation.

Lindblom describes the process as such:

The analyst makes an incremental move in the desired direction without taking upon himself the difficulties of finding a solution. He disregards many other possible moves because they are too costly (in time, energy, and money) to examine. For the move he makes does not trouble to find out what all the consequences are. If his move fails or is attended by unanticipated adverse consequences, he assumes that one's next move will take care of resulting problems. If his policy making is remedial and serial his assumptions are usually correct (as cited in Hennessey & Lehrer, 1996, p. 153).

This model is based on the assumptions of the decision maker even more so than the administrative model. The decision maker who uses this model to make decisions will use their discretion most of the time.

The Mixed-Scanning Model

Etzioni (in Hoy & Miskel, 2001) combined the administrative and incremental models to make the mixed-scanning model. Hoy and Miskel (2001) describe the mixed-scanning model as follows:

Mixed scanning seeks to use partial information to make satisfactory decisions without either getting bogged down examining all the information or proceeding blindly with little or no information. ... Higher-order, fundamental decision-making (mission or policy decisions) is combined with lower-order, incremental decisions that work out the higher-order ones (p. 332).

In other words, decisions are still mainly discretionary, with no formal rules to guide them but the main goals of the organization are kept in mind. This will enable the decision makers to eventually get to the final organizational destination even if they are uncertain as to where they are at the time of the decision.

The Garbage Can Model

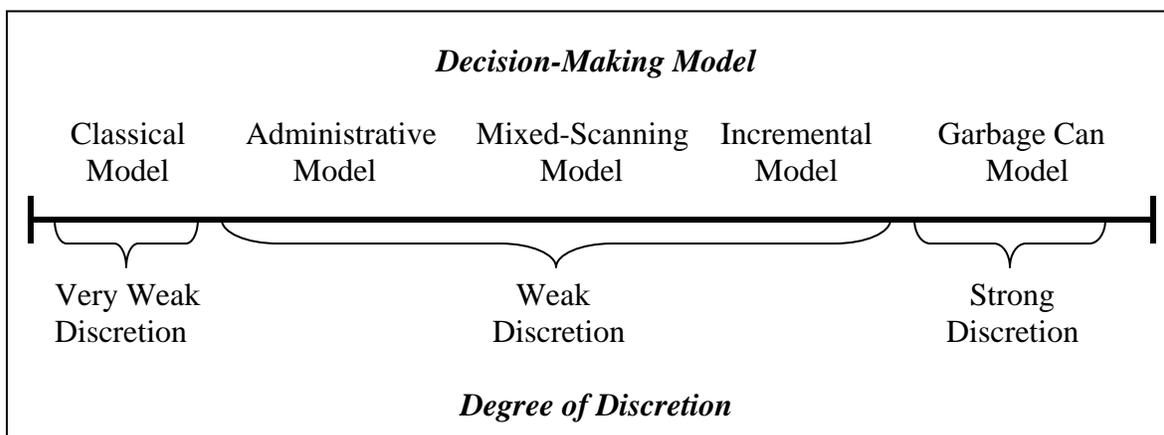
March and Olsen (in Hoy & Miskel, 2001) developed the garbage can model to help describe situations that occasionally exist within organizations. Unlike the other models, the garbage can model assumes that problems and solutions are not, as described by Slater and Boyd (1999), "straightforward and rational. In real life, solutions often precede problems, and they seldom come one at a time or in an orderly fashion. More often than not we find ourselves confronted with streams of solutions and problems. ... Solutions often get attached to problems in a serendipitous

manner” (p. 327). This model describes organized chaos. In other words goals are accomplished with little or no guidelines.

The garbage can model is a model where strong discretion can be used. Since there is no clear idea of where or how solutions will be used, there are also no standards binding decision-making.

Degree of Discretion in Five Decision-Making Models

The foregoing five decision-making models can be thought of as being on a discretionary continuum from weak discretion to strong discretion. The following graph illustrates where each model fits on this continuum. It should be noted that this is a generalization. With the exception of the classic model, strong or weak discretion can occur in any of the models.



Summary

As seen in the literature reviewed, the educational administration literature has largely ignored the concept of discretion in decision-making even though most of the major decision-making models refer to the concept. Discretion has advantages and disadvantages for individuals and organizations depending on how it is applied. There are ways of controlling discretion through confining, structuring and checking. The literature on discretion closely mirrors the literature on values, moral leadership and ethics in decision-making. A greater understanding of how discretion is used in decision-making is essential to making sound decisions, as well as making sense of decisions that have been made by others.

This literature review adds to the scholarship and understanding of discretion in decision-making across disciplines. Discretionary decision-making in educational leadership is linked to the law and management literature on discretion.

Another focus of this thesis is to investigate discretionary decisions in schools, as well as examine the factors which influence the use of discretion in decision-making. The next chapter will focus on the methods used to collect this data.

CHAPTER III

METHODS

Research Questions

This thesis focuses on principals' discretionary decisions and the factors which influence the use of discretion in their decision-making. The research questions represent the purposes of the study as well as issues derived from the literature review, which subsequently influenced the development of the interview schedule. As stated earlier, the following questions guided the research:

1. How do school principals define discretion?
2. How much discretion does each principal have in his/her job?
3. How, where and why is discretion used? What are some consequences of these uses?
4. Is there a relationship between policies and principals' discretion?
5. What influences do local school boards and school superintendents have on principals' discretion?
6. What guides principals' decision-making when difficult decisions must be made?
7. Are there forces that pose limits on school principals' discretion?
8. Does the amount of discretion principals have vary between high school and elementary school and between urban and rural schools?

In question number one I am trying to compare the principals' definitions of discretion with the *definition of discretion* section in the literature review. Question two and the first question in number three address the type of discretion each principal has. This relates to *individual vs. structural and strong vs. weak discretion*. The second question in number three flows from *the positive side of discretion* and *the problem with discretion* sections of the literature review. The *controlling discretion* section of the literature review is addressed in questions four and five. Questions six and seven are derived from three sections of the literature review: *discretion and values, values and ethics in educational administration, and discretion in educational administration*. Question eight embodies the varied group of administrators being interviewed. My personal interest influenced this question as I have worked in both urban and rural schools as well as high school and elementary school. The *discretion in decision-making models* section of the literature review applies to all of the questions.

Research Design

Qualitative Research

Qualitative research was chosen for this study. The main data gathering method was through semi-structured interviews. Qualitative research, which is classified as interpretive social science, was most appropriate for the study because of the nature of discretion. Discretion is not cut and dried. It changes with each situation

and the person using it. Interpretive social science is used to understand and describe meaningful social action. This is in contrast to quantitative data which attempts to establish mathematical correlation for the purposes of predicting and controlling events (Neuman, 1997, p. 84). Discretion in decision-making is a concept that can be described and examined but cannot be predicted and controlled. If we could predict discretionary decision-making and outcomes, they would not be discretionary.

The way in which principals use discretion is not something which can be easily found using surveys or by analyzing archived school records. "People have their own reasons for their actions, and researchers need to learn the reasons people use. Individual motives are crucial to consider even if they are irrational, carry deep emotions, and contain false facts and prejudices" (Neuman, 1997, p. 70). A quantitative approach would not allow for probing delicate issues that involved discretion, for getting to the reasons behind discretionary decisions. Using an informal interview process led to a deeper understanding of the discretion and scope of discretion used by the informants.

Qualitative research was also used in order to obtain the informants' perceptions of the world around them.

The social world is largely what people perceive it to be. Social life exists as people experience it and give it meaning. It is fluid and fragile. People maintain it by interacting with others in ongoing processes of communication and negotiation. They operate on the basis of untested assumptions and taken-for-granted knowledge about people and events around them" (Neuman, 1997, p. 69).

Semi-structured interviews allowed for spontaneous probing into the principals' perceptions and assumptions surrounding the issues that were discussed. This is something that would be nearly impossible to do with a survey or a statistical treatment of recorded decisions like suspensions or expenditures.

Role of the Researcher

I am a high school chemistry teacher pursuing my master's degree in educational administration at the University of Manitoba. I became interested in discretion by observing the positive and negative repercussions of decisions made by administrators over my eight-year teaching career. As an aspiring administrator, I believe that I need to further my understanding of the decision-making process and the role discretion plays in this process.

Ethical Issues

Ethical dimensions are extremely important in this study given the delicate nature of discretionary decision-making in school administrators' jobs. Care has been taken to mask all identifiable information to maintain anonymity. The names of the school divisions and informants have been changed. Any information that could clearly identify the school division, school, or informants has been omitted.

Identification and Recruitment of Participants

There were five participants in this study, three male and two female. All are currently school principals. I have had previous contact with the three male participants. (I worked with two of them in the past and have taught the other participant's child.) I had no previous contact with the two female participants. At the time of the study, I had no relationship or regular contact with any of the participants. There are several reasons for choosing these participants. The first revolves around trust. Given the nature of my interview questions, I believed I could obtain honest and more sincere answers from participants who knew that I intended no harm and could be trusted. The participants also provide variety in that all grade ranges (K-12) located in urban, rural and small city Manitoba are included in the study. The selection of participants also provides perspectives from both genders.

Entry into the school divisions was controlled by superintendents who granted permission to contact individual school administrators. Once contacted, the administrators were informed about the study and their potential role in it. Each administrator then signed an informed consent form. There was no deception in this study.

All five principals contacted agreed to be part of the study. Interviews took place between March and December of 2004. A sixth principal, who agreed to participate, had to withdraw a few days before her interview due to personal reasons. The following paragraphs will describe the participants and the schools in which they worked.

Principal A – Al

Principal A, whose pseudonym is Al, is the principal of a large urban high school. He has been in education for twenty-eight years and has been a vice principal or principal for the last twenty. He has been in his current principal position for four years. Al taught grade four to twelve in the classroom and has been an administrator at the elementary, middle and high school settings.

Al started teaching in 1976 in a small town Northeast of Winnipeg. He then moved back to Winnipeg and started teaching at a very high needs middle school for students who had been removed from their community schools. After working there for a number of years, he decided he was very interested in administration and wanted to expand his teaching experience to include elementary so he applied to teach at the elementary level.

Al went to elementary school and taught grade four and grade five. In 1984 he received his first administrative appointment as a teaching principal in an elementary school. He worked there for two years, and then moved back to his previous middle school as the vice-principal and the counsellor. Al has his pre-masters in counselling and his Canadian certification in counselling. He was very involved in that counselling role.

Al then moved on to another middle school as a vice-principal and counsellor. From there he became the vice-principal of two different high schools. In 1994 Al

became the principal of a high school and worked there for six years. Four years ago he moved to his current position in a large high school.

Al considers his varied background “a nice kind of mix which I think is invaluable for an administrator to have and sort of know what it is like to be in the classroom in the elementary school, and know what it is like to be in the middle school and obviously at the high school as well” Al went on to say that “it’s good to have a broad perspective and actual experience if you possibly can and I encouraged that in my career. I was the one that asked to go teach elementary school. I was the one that asked to be transferred and do this. It is really imperative that individuals take this on as part of their own individual growth plans in terms of where they want to be, what they want to do. You know, you have to make those things happen.”

Principal B – Bob

Principal B, whose pseudonym is Bob, is the principal of a rural kindergarten to grade twelve school. The school is located in a town of just over one thousand people. The town is the business and social center of this Manitoba farming area. Bob has been an administrator for a total of fifteen years with two years of teaching experience before that. Bob has taken time away from education to delve into retail and farming businesses. He has been in his current position for five years.

Bob began his teaching career as a physical education teacher and physical education coordinator at a rural high school. After two years, he was appointed to his

first principalship at a kindergarten to grade six school in a nearby town. He remained in this position for the next nine years.

At this point in his career Bob decided to leave the education profession and try his hand in the farming business. After a few years in business, which Bob described as a “stretch”, he went back into education for one year. He became the principal of a kindergarten to grade twelve school in another small town in the area.

After that year Bob went into business again. This time he opened a hardware store in the same town in which he currently worked as principal. After running the business for three years, Bob left the day to day operations of the store to his son and returned to education once more. This is when he began his current principalship.

Bob summarizes his experiences in the following statement, “I’ve been in the business a long time Mike. I’ve been in everything from easy schools to fairly tough schools. I’ve dealt with kids that would either rip your head off or kiss you, you know.”

Principal C – Carl

Principal C, who pseudonym is Carl, is the principal of a small city K-6 school. He has been an administrator for the past ten years and before that worked as a teacher in a high school, a junior high and as a counsellor in an elementary school. He has been in his current position for five years.

Educationally, Carl describes his training as a “real mixed bag”. He has an undergraduate degree in economics and a bachelor’s degree in education, as well as a specialist’s degree in special education.

Carl started his teaching career as a senior high economics/history teacher and then spent some time as a junior high English teacher. Carl says that he “hated” teaching English at the junior high level. He then became a resource teacher and spent several years in that position.

His first administrative appointment was as a vice-principal at the middle school level. His next appointment was principal of a kindergarten to grade six school in northern Manitoba. After three years there, Carl moved to southern rural Manitoba to become the principal of a kindergarten to grade twelve school. He stayed in this position for one year.

From rural Manitoba he moved to a small city to become principal of the kindergarten to grade six school he is currently in. Carl describes the school as follows, “in this city we are one of two schools that run predominantly elementary special education programs, so naturally a lot of our kids in this school are high needs. Right now just shy of 70% ... We run about 47% right now Aboriginal, so we are almost half and half. Quite a change for this community because this community that surrounds this school here used to be almost exclusively a working class neighbourhood. ... Our average transition rate right now is 33%. A lot of years we will have 50%, some years we will have more than that.”

Principal D – Dawn

Principal D, whose pseudonym is Dawn, is the principal of a rural kindergarten to grade six school. The school is located in a town of just under one hundred people. The town has been slowly losing its people and businesses. The store and church had just recently been closed and the school had a total of 39 students in it. The school consists of two staff members, including Dawn. She has been the teaching principal of this school for five years. She was a teacher in the same school for eighteen years prior to her administrative appointment.

Dawn did not want to become a principal. She describes her move into administration as follows, “I had no desire to be one (laughs). The principal here retired and they approached me and asked if I would do it. I said, ‘Oh no thank you’ (laughs) and then they said I’m afraid we’re going to appoint you. I had no aspirations to become an administrator, but I enjoy it..., it’s been a challenge, I don’t think I would want to do it at a bigger school, and I’m at the tail end of my career so had I maybe gotten started earlier, you know, it’s very hard juggling the classroom and the administration.” In addition to being the principal of this school, Dawn also teaches full time. She has a grade four, five and six split class which is a challenge for her because she is teaching grades that she has not taught in a long time. This is a result of declining enrolment and reduction of staff.

Dawn depicts the collapse of the community and declining enrolment in the following: “The community at one time was a very strong and healthy community, a farming background community. There’s a store here, at one point even gas pumps, a

church, a town hall. In the last three or four years the store has closed and the church closed this year... they have trouble finding people to work the fall supper, which is quite renowned in this area. So the whole community has taken a turn for the worst. People that live here now do not have the same loyalties... most of the farming background the kids have all gone. So along with this “school of choice”, people don’t feel the same commitment to the school. That’s one of the reasons for declining enrolment, “school of choice”. They’ve decided to go into town, and the bus comes right through here so we are really struggling. Some people can live within a block of the school and still choose to go into town. The community has really changed.”

Dawn did not know it at the time, but the next school year would be the last for the school. It is scheduled to be closed after the 2005-2006 school year.

Principal E – Edna

Principal E, whose pseudonym is Edna, is the principal of a medium sized urban high school of three hundred and forty students. She has been in education for 18 years and has been an administrator for the last ten. She has been in her current position for five years. Edna taught grades five to twelve in the classroom and has been an administrator at the elementary, middle and high school settings.

Edna maintains that she “did not get here by the straight path”. Her early encounters with the education system were not positive as she was a high school dropout. Edna worked as a lifeguard, a school bus driver, and a nurse prior to becoming a teacher.

After eight years of teaching, Edna became the vice-principal of a rural kindergarten to grade eight school. She described this position as “very good training” for an administrator. She dealt with parents who came in and “spout(ed) off that they knew better or that they went to school and knew how schools should be run.” From there she moved to an urban elementary school where she described the clientele, especially the parents, as apathetic. She said that “they loved their kids there’s no denying that but a lot of them did not know how to go about problem solving and those types of things.” From that elementary school she moved to her current position as a high school principal.

Edna describes her current school as “an academic school, it’s known for the strong academic program that we have and also for our music program. We have seventy five percent that go on to postsecondary education and in a school of this size we have over three hundred spots of music. So it has a very very strong music.” In addition to her job as principal, Edna is on the divisional personnel committee and does a lot of hiring for the division.

Limitations of the Study

There are several limitations to this study. First, the number of participants is minimal. The five principals are the only people who were interviewed. The views of vice-principals, teachers, senior administration, parents and students would have added depth, breadth, and other perspectives to the issues surrounding discretion.

Another limitation to the study is overly optimistic answers. There is a chance that the principals involved did not want to present themselves in this harsh light.

Anonymity may help to address this barrier.

Some of the principals' answers may reflect values and beliefs which they are not aware of. This is a limitation of qualitative research. It is impossible to discuss a value or belief which the informant does not recognize as influencing them.

My inexperience as a researcher may limit this study. The principals might have viewed me as a rookie interviewer with no administration experience, causing them to question my ability to understand their situations. I do not believe this concern is valid because they were willing participants in the interviews.

Another limitation is researcher bias. I am the sole researcher and interviewer. I had to be careful not to turn this study into a self-fulfilling prophecy. For example, my own experiences in rural schools left me with the impression that rural school principals used a lot more discretion than urban principals. Careful categorization and analysis of the data helped to avoid this limitation. Some of the results are the exact opposite of what I expected. Although I was careful to avoid it, I assume my own biases may have influenced the questioning during the interviews and analysis of the data.

This study has limited potential for generalizability. Some of the situations reported may have happened in other schools, however, it cannot be said that it is the same everywhere. I have tried to enhance generalizability by including schools from different areas and covering different grade ranges, as well as including principals of both genders. This only enhances the study slightly. Generalizability could be

increased by performing a much broader study using several different methods of data collection.

Data Collection

The study consisted of seven interviews in total. Semi-structured interview questions were developed and used for the first two interviews. The questions were revised in order to probe deeper into emerging themes. Following the revisions the two original informants were interviewed again. Three more informants were interviewed using the revised interview schedule.

Semi-structured interviews were used as the main data collection method in this study. This allowed for consistency in the interviews by using predetermined questions. It also gave me the flexibility to adapt my line of questioning depending on the interview circumstances. I purposefully pursued areas where the principals felt they had flexibility in their decision-making. The use of probes and requests for elaboration allowed me to explore discretionary decisions in more depth. A copy of the interview schedule can be found in Appendix A.

All interviews lasted approximately one hour with the exception of the second interview with principals A and C, which lasted approximately half an hour. All interviews were audio taped and transcribed verbatim. The participants did not read the transcripts.

Data Analysis

The interview data were analyzed using open, axial, and selective coding. This coding, combined with analytic memo writing and researcher notes provided the themes found in the final analysis.

“Open coding is performed during a first pass through recently collected data. The researcher locates themes and assigns initial codes or labels in a first attempt to condense the mass of data into categories” (Neuman, 1997, p. 422). The interview transcripts were examined and sorted into four coding categories based on prior literature and the initial interview questions. These coding categories were: a) definitions, theory and perspectives, b) areas with discretion, c) areas with no discretion and d) discretion gone wrong.

“During axial coding, a researcher asks about causes and consequences, conditions and interactions, strategies and processes, and looks for categories or concepts that cluster together” (Neuman, 1997, p. 423). A second examination of the interview data revealed several themes. The four original coding categories were reaffirmed and three more categories emerged from the data. These categories were arranged into the following themes: perceptions of others discretion, setting precedents, and self preservation (later called defensibility). These themes were captured in an analytic memo.

“Selective coding involves scanning data and previous codes. Researchers look selectively for cases that illustrate themes and make comparisons and contrasts after most or all data collection is complete. They begin after they have well

developed concepts and have started to organize their overall analysis around several core generalizations or ideas” (Neuman, 1997, p. 424). The final pass through the interview data involved searching for specific quotations which illustrated or reflected the themes that had emerged. The data were organized using Microsoft Word files. A separate document was created for each theme and quotations from each principal were copied into that document. These quotations were then analyzed for similarities and differences, and conclusions were drawn from the data. The final themes that emerged are analyzed in depth in the following chapter.

CHAPTER IV

DATA ANALYSIS

Introduction

The five principals involved in this study were introduced in the methods chapter. This chapter focuses on their perceptions and beliefs surrounding decision-making and discretion. Although each of them works in a different school, a different community, with different grade levels, there were some commonalities in their perceptions. This chapter will explore some of these commonalities which include perceptions of decision-making, definitions of discretion, areas with discretion, areas without discretion, and areas where discretion went wrong. Further analysis will show that there is a common thread that runs through principals' use of discretion in decision-making. Also, an examination of situations where principals choose to bend the rules will expose themes that are at the core of every decision they make.

Definitions

This section will examine the definitions and perceptions of discretion and decision-making which flowed from the responses to question number one of the guiding questions presented in the methods chapter. The question asked how school principals define discretion. This question is linked to the *definition of discretion*

section of the literature review. The following is my analysis of the principals' responses in relation to the literature.

Perceptions of Decision-Making

In order to understand the responses of each of the principals it is important to know how they view decision-making in general. What follows are select quotations from the principals which I believe embody the way in which they approach decision-making.

“You go with your gut feelings, you go with your instincts, you go with trying to do not only things right, like I said, but doing the right thing. That’s the guiding principle always. Is this the right thing to do?” – Al

“When I have to make a difficult decision I try and I look at it from as many of the players’ perspectives as I can. The people right here, the parents, the community... naturally I got to include the superintendent, the board people so on and so forth.” - Bob

“The needs of the kids. The needs of the kids always come first. ... under certain circumstances, and eyebrows might be raised but there are things they didn’t plan for when they made the rules ...when you ask permission first, the answer is generally no. When you ask permission afterwards the answer is ‘I would have told you no before, but go ahead and do it now.’ [laughs]” - Carl

“First of all I would check the policy. I would get the policy manual down and read it just to make sure that was there. Then I would speak with the other teachers, if

it wasn't concerning my own classroom, or the bus driver or something. Then I would just go ahead as long as I had reread the policy just to make sure that I am doing everything right." – Dawn

"I think it's about creativity. I've never been one to follow... to think outside the cliché, to think outside the box, to be different. People will say Edna can we do this? And I will say anything is possible, anything!" – Edna

These quotations were chosen based on my perception of the principals' decision-making process. In my opinion all of the principals stated, throughout the interview process, that their decisions involve doing what is best for the students in their schools. But what is evident from the above quotations is that their position on decision-making varies. At one end of the spectrum is Dawn, and to a lesser extent, Bob, who approach decisions relying heavily on policy. They worry about what others may think, especially their superiors. At the other end of the spectrum are Edna and Carl who seem to worry more about the individual circumstances and make decisions that they feel are right for that situation. Occasionally these decisions are not in line with policy and they do not worry about this. Al is in the middle of the spectrum. He keeps most of his decisions within policy guidelines but is not afraid to break from them if he feels that it is right for the student.

Decision-making implies having a choice between predefined alternatives. Discretion implies having a choice between many alternatives without rigid guidelines pointing you in one direction or the other (Pinkele, 1985). The next section will explore how the principals perceive discretion.

Perceptions of Discretion

Before examining discretion in any depth it is important to know if the principals believe that they have discretion in their jobs. Indeed, all five principals felt that they used discretion in their jobs. It seems to be an integral part of being an administrator.

“Discretion is something that I think as administrators we use daily,” – Al.

“I have to use discretion whenever I make a decision as far as I’m concerned,”
– Bob.

“We are hired to use our judgement,” – Carl.

“I think that our senior administrators give a lot of discretion to principals in this division,” – Dawn.

“I think that this division believes that they are site-based management and therefore we have all the discretionary powers,” – Edna.

As suspected, discretion is intimately intertwined with the principals’ jobs. This reflects the opinions of a majority of writers in the literature review. The exception is the classical model of decision-making which has almost no discretion in it.

Another important insight into the principals’ perception of discretion is how they view themselves as compared to others in the system. The principals really varied on this point, from having less discretion than anyone else in the system to having more than everyone else.

“Principals as a whole, Mike, have probably the most discretion of anyone in the system,” – Al.

“Teachers have a lot of discretion, really huge amount really ... I almost think that probably my hands are tied more so than staff,” – Bob.

“The superintendent has a lot of discretion but he has to be extremely cautious on his,” – Bob.

“I probably have more discretion than the superintendent and less than the teacher,” – Carl.

“Classroom teachers have a fair bit of discretion,” – Dawn.

“I think they [the school board] give a lot of discretion to senior admin,” – Dawn.

“So discretionary power ... Do I solely have it? No. I don't have this huge pot of power. People assume that, I see myself as a filter of information ... I have to say though, I do have a certain amount of power for sure because I can decide what I filter in and what I filter out,” - Edna

“I think that this Division believes that they are site-based management and therefore we [principals] have all the discretionary powers...in one way it's true and in one way it's not,” - Edna

How principals view the world around them will influence their decision-making process. Dawn and Bob see themselves as having less discretionary powers than those around them. Carl and Edna think that they have more discretion than the superintendent but less than the teachers. Al perceives his discretion as being greater than anyone else's in the system.

Definition of Discretion

With the exception of Dawn, all of the principals defined discretion as being something that they related to individual circumstances. While their vision varied from permission to use judgement to future considerations, they had the freedom to choose among options. Dawn seems to perceive discretion as following policy guidelines.

“Discretion becomes an individual, case by case, type of process... you are making a decision based on your best judgement, given the circumstances, given the information that I have,” – Al.

“Discretion - I have to base on numerous different things: the situation at hand, the area around it, the people involved, the outcomes, the future results, the picture it may paint,” – Bob.

“Discretion is that bit of latitude that school boards give you because they hired you to do a job... Discretion almost translates to permission to do what you think is the right thing,” – Carl.

“I think there is a fair bit [of discretion] I mean there are guidelines that you have to go through but I think that our senior administrators give a lot of discretion to principals in this division. Mind you (laughs) you better make the right decision I suppose where you would get [then quickly] but I honestly feel that they do give a lot of discretion and I guess they have a lot of faith in the administrators that are there and they would back to you if you had made a wrong [then quickly] done everything

according to the guidelines I really feel there's a quite a bit of discretion here," – Dawn.

"When it comes to discretionary decisions I really reflect on them a lot but I rarely, I don't think, look at the policy first. [laughs] ... I usually base everything on what is best for that child. All the time," – Edna.

Dawn's definition of discretion reflects structural discretion, where policy determines the outcome of a decision with some choices that can be made along the way. The remaining principals' definitions of discretion match the definition of individual discretion. By relying on the events of certain situations, the effects on the individuals involved, and implicitly stating that they do not look at policy, this implies that decisions are made independent of pre-established guidelines. Do these definitions of discretion translate into actual practice? In order to answer this we must first look at the areas where principals have discretion.

Scope of Discretion

This section involves the principals' responses to the following guiding questions: How much discretion does each principal have in his/her job? How, where and why is discretion used? These questions flowed from the *individual vs. structural and strong vs. weak* section of the literature review. This section will help to paint a picture of the discretion that each principal has in his/her job. The connections to strong and weak discretion are interspersed throughout the entire analysis chapter as many discretionary decisions can be classified in this way.

Areas with Discretion

Discipline

Discipline was an area where all the principals felt they had discretion. The majority of the examples they shared with me were about discipline, usually suspension issues.

“Two individuals get into a disagreement or get into an argument. Some shoving or pushing ensues ... That’s a situation where I think we do have some discretion,” – Al.

“The stuff that has a bit of grey [in reference to discipline], that’s where you use your discretion and say ‘ok buddy I’m not sure whether you are telling me the truth or not but I am going to give you a chance’. And that’s probably where most of the discretion comes in,” – Bob.

“Discipline is one area. A really smart school board is one that will provide the people in the schools with the room to make decisions based on what they see as individual circumstances,” – Carl.

“If the bus driver sends in a report that I have no alternative but to follow through with something. I have discretion as to how I want to follow through,” – Dawn.

“Like the drugs... I’d walk into the classroom and I would stand there because I knew there was one kid that was a known pot head ... and I would just stand there and I would just look at the kids, eyeballing them - every single kid in the classroom.

And then I would hit the kid that I knew I was after, and it's all theatre it's all drama, then I would call on that student, take him out and suspend him. You have discretionary power in that sense; you don't even have to have proof, you just have to suspect. Even I talked to the police; we have more discretionary power than the police do. I can search their car, I can search their locker I can do those kinds of things," – Edna.

School Budget

The school budget was an area where the principals all felt they had some discretion, but the amount that they had varied.

"You have the ability to hold on to some dollars and take a look at when is the best time to spend those," – Al.

"My discretion...well one thing I can come up with real quick and is probably all of my own discretion and that is the budget," – Bob.

"I can use my instructional budget to cover off maybe an overrun on my administration budget or vice-versa in the course of a year," – Carl.

"I would try and fit that amount into the budget... I would just set aside a small amount of money... I'd usually do that myself," - Dawn

"Discretion in my job as principal ... Well, I'll start with the managerial things. Creative budgeting - if you want to accomplish things for kids you find a way of doing it," – Edna

Certain parts of the budgeting process were also referred to when the principals were asked where they had no discretion. This will be explored in the *Areas without Discretion* section.

Discretion Passed on to Staff

Another area where the principals had discretion was the amount of discretion that they passed on to staff. While enabling staff to make decisions for the school they were able to control the amount of discretion that was used by structuring the situations in a way that suited their purposes.

“We have a committee that spearheads that and although the administration, obviously, is an important and integral part of that we are also an arms length away as that is a grass-roots committee that’s not an administrative driven type of committee. So there is some discretion there ... there is a lot of administrative discretion in terms of how does that work,” - Al

“Our staff members... huge discretionary calls. If you think about the number of decisions you make from the beginning of a course to the end you could write quite a book on discretion that you have used,” – Bob.

“Of being able to pass that [discretion] on to my staff. Giving them the latitude to develop something that they thought would work here,” – Carl.

“Certain things I would decide but probably not without consulting the other teacher. Depending upon what the decision would be sometimes it’s just easier to make it yourself. Sometimes other people have too many choices and you can’t seem

to stick to one So sometimes you just have to say “ I think we’ll do this” and do it this way,” – Dawn.

“I filter everything back to the teachers. Everything that goes on my desk goes right back. Everything from master timetable is made with teachers. I get two overhead projectors, I call a meeting, whoever wants to attend, everything,” – Edna.

Al, Carl and Edna seemed to pass more discretion to their staff than Bob or Dawn. Bob and Dawn focused on the discretion that teachers were allowed to have within their classrooms while the other three focused on larger school projects which they had involved staff in.

Interactions with Staff

Along with discussing the amount of discretion that is given to the teachers, the principals also discussed the discretion they use when interacting with the staff.

“Discretion is used in so many ways with staff,” – Al.

“I have a fair amount of discretion, and I hope I’m using this properly, discretion in hiring of staff, discretion in dealing with staff,” – Bob.

“I do go outside of the rules quite often in terms of the way I deal with my staff,” – Carl.

“When you hire people... a lot of times I am going hmmm that’s gut-feeling,” – Edna.

Dawn did not talk about using discretion when interacting with staff; instead she talked about following the rules. If an issue did come up she said that “you have

to sit down with a teacher and explain why you want it and give some scenarios of what can happen,” – Dawn.

From hiring to dealing with issues among staff members, most of the principals feel that discretion comes into play.

In this section the areas where the principals perceived they had discretion were identified. These areas included discipline, budgets, discretion given to staff and discretion used when interacting with staff. This is by no means an exhaustive list. These are areas that were common throughout the interviews. The next section will explore the areas where the five principals felt that they had little or no discretion.

Areas Ostensibly without Discretion

The areas where the principals felt that they had little or no discretion varied between schools. They were usually related to a divisional policy. These were described as untouchable or zero-tolerance situations. The first area I will draw examples from is discipline.

Discipline

“Drugs and alcohol. Drugs and alcohol is if somebody is under the influence of marijuana, or comes into the building drunk – that’s an automatic. It’s a five day suspension from school, a re-entry meeting with the central office and it’s a referral to

AFM [Addictions Foundation of Manitoba]. That's it, there is no kind of discretion,"
– Al.

"Well, some of our division policies like... any policy written from your public schools act is pretty much cut and dried – that's there. Other policies that are very much cut and dried are code of conduct, where if a student does this – this is the answer. Like you know some student decides to tell somebody to you know, sex and travel [F**k off] ...well he's going to travel, I mean that's automatic. The result is there; you can't vary away from it,"- Bob.

"We have this code of conduct [points to a booklet pinned on his bulletin board] here - suspension guidelines, alcohol and narcotic abuse, the old code of conduct. There are numerous actions and the suggested reactions and some of them are a definite," – Bob.

"I have maybe done a couple of suspensions that I did not like to do, but because they had fallen into the category of things at the division, I knew I had to do them," – Dawn.

"That one I follow [the divisional policy on drugs and alcohol] because I think it helps me. [laughs] because I had trouble, I mean there are some high profile kids in this school, with high profile parents and I've been put in situations where I've had to suspend some of these high profile kids ... and the policy in this case, I used it to my advantage. I would say this is the way it is - my hands are tied," – Edna.

School Budget

In addition to discipline school budgets were also singled out as areas where discretion was minimal. The following quotations capture this observation.

“Schools really don’t have huge discretion when it comes to their budget,” – Al.

“Think for example the textbook grant that schools get, there’s kind of a fine line there of what you can order and what you can’t. You don’t have any discretion there. That’s clear cut,” – Al.

“Grants are for the most part they are pretty much spelled out,” – Al.

“Then we have our media and professional development [budgets]. Most of that has to be, or is supposed to be, spent within its category,” – Bob.

“We are given a budget; we’re given certain amounts of money for certain types of expenditures So as long as we stay within those minimums, then we’re ok,” – Carl.

“I am allotted so many hours [for instructional assistants]. The funded students are allotted so many hours and I am allotted so many hours for assistance and that’s it... I am not given any discretion as to how many hours we get,” – Dawn.

In general, budgets and discipline were the two areas that came up most often in reference to areas without discretion. A few other areas were brought up by Dawn and Edna. They include field trip policies, school plans and coordinated professional development days.

“Policy yes, like field trip policies, I think you have to, if you have followed the guidelines, and lately there have been very specific guidelines about field trip policies and things that involve swimming or hazardous things that could create a problem. If you have read that through first then things should turn out fine,” – Dawn.

“Well I guess you don’t have any say in the school plans, you have to submit evacuation plans and stuff like that, and there’s no discretion. I mean it has to be done,” – Dawn.

“Certain things are fixed like coordinated PD days in the division. Certain things you cannot tamper with...,” – Edna.

Carl did not see many areas without discretion. He explained this in the following way, “like I said there are certain minimums you must ensure and if you don’t ensure them then you are not going to last in the job for very long,” – Carl.

Stepping back to look at the bigger picture it is apparent that most of the areas without discretion are the same as the areas with discretion. Does this mean that there are contradictions within the data? Are these principals’ discretionary decisions simply made on a whim? The answer to both these questions is ‘no’. In order to understand these contrasting data we must analyze them through the lens of controlling discretion.

Controlling Discretion

Is there a relationship between policies and principals’ discretion? What influences do local school boards and school superintendents have on principals’

discretion? These are the guiding questions which initiated discussions about discretionary controls in each principal's situation.

As mentioned in the literature review, in the *controlling discretion* section, there are several ways to control discretion. I believe the inconsistency we see in the areas with discretion versus the areas without discretion is not incongruence at all but rather differing levels of discretionary control. More specifically, Davis' (1969) concepts of confining and structuring are at play here.

If confining discretion is ensuring that decisions only take place within established boundaries (Manley-Casimir, 1977), then what are the boundaries in a school system? The data points to two areas: the Public Schools Act and school board policy. These are written documents that are available to all members of the school community to read, if they are interested. There are descriptions and expectations found in both documents for a variety of issues that may arise in the school system. Discipline expectations and budget procedures are outlined in these documents, establishing the boundaries in which principals can work.

“Certain policies, that are divisional policies, you will find that there is very little room in the policies for discretion. Those are more referred to as the zero-tolerance type of a policy. Where as an administrator, if this happens [hand movement to the right] then this is how you act [hand movement to the left]. The opportunity for discretion is, in some cases, not there. Or, in other cases, extremely limited,” – Al.

“Sometimes you get yourself in a real problem when you start bending or diversifying [departing] from policy,” – Bob.

“The discretion is the room the school boards give us to use our judgement. [pause] All of our judgement is subject to certain parameters, even the school boards, they have to live within the Public Schools Act,” – Carl.

“You have to make sure that you have submitted the forms and collected the right things from the teachers to be handed into the office and stuff like this to be kept on file in case something comes from the board,” - Dawn

“Some policy I know by heart and I do follow them like drug and alcohol those type of things they are basically, to a certain point, set in stone,” – Edna.

If the boundaries, or confinements, are provided by the documents, then the structuring is provided by the school board and superintendent’s office. Just as a principal can give a certain amount of discretionary decision-making power to their staff, a school board can do the same for a principal. Structuring is the movement allowed within the pre-established boundaries. It is clear that some of the principals interviewed had more movement within discipline and budget boundaries than others. An example of this is Bob’s response to a fight, even if he knew one of the students was an instigator. “In most cases in our school policy it’s - you fight - you go. A suspension. Now if it’s a blatant one way beginning, if one student is blatantly more aggressive than the other one that suspension may vary from a three day to a five day but basically it’s a suspension in the case of a fight. How long that suspension is that could depend on if there is a fault”. Bob still felt that a suspension was warranted, but the amount of time would be less.

In contrast Carl stated that he had had situations in his school where two people had fought and one did not get suspended because of the circumstances. He

further explained that he used this manoeuvring room in another way. “I might have one young fellow who gets in a fight...he’s never been in a fight in the school before, but we know he has been intimidating and threatening students on the weekend and after school hours out in the community and we know that maybe there is a community response that’s needed. We might have to deal with him a bit more harshly than perhaps a young fellow that gets into a fight to defend himself”. Clearly Bob and Carl feel differently about how much room they have within the “no violence” policies in their respective school divisions.

Al and Carl commented on their experiences working for school boards that were controlling. Carl stated that, “a school board can make your job a very pleasant experience or a very unpleasant experience by influencing the amount of discretion that you use within your job”. Al said that he “would much prefer to be in that situation where the board has confidence in a person whom they’ve chosen ... That idea that we are in this together and we’re going in the right direction as opposed to the other situation where you really felt that you had very little sense of autonomy, discretion - personal autonomy certainly because the board was controlling and not in a positive sense.”

At this point it would seem that discretion and the decision-making process mirror what is found in the literature. The way in which the principals defined discretion seems to match closely with Dworkin’s (1979) doughnut-hole analogy. While they do have many areas in which they can make discretionary decisions, they are bounded by school board policy and the Public Schools Act. I would argue that in general, their discretion is weak because they do not have absolute control over every

decision in their schools. Their discretion lies within the decisions and judgements they must make between alternatives that already exist and, in some areas, where there is no standard available.

I could conclude that principals' discretion is largely controlled by school boards, by confining through policy and structuring through expectations placed on the principal. Indeed, this is a theme constantly repeated in the literature. It is neat and easily categorized. There is, however, a small detail which I have yet to reveal that destroys this tidy categorization. Carl and Dawn, who seem to be on opposite sides of the amount of freedom that they have within their boundaries, work in the same school division. The same is true for Edna and Al.

While Edna considers "creative budgeting" as one of her main discretionary areas, Al sees budgets as being relatively fixed. In the other school division Carl sees almost every decision as discretionary, while Dawn relies heavily on following policies to the letter. How can this be? The two sets of principals are governed by the same school boards. In order to understand this phenomenon we must look at the areas where the principals have exceeded the established boundaries, or in short, where they have bent the rules.

Environmental Limits of Discretion

"Environmental limits of discretion" may conjure images of more controls of discretion. In a sense, this is true but this section goes beyond rules and policies. The very crux of discretionary decision-making for school principals is uncovered.

Two questions led to lengthy discussions regarding the environmental limits of discretion. They were as follows: What guides principals' decision-making when difficult decisions must be made? Are there forces that pose limits on school principals' discretion? More specifically, an in depth look at decisions that were not bound by policy (either by choice or lack of guidelines) elucidated environmental limits which affected administrative discretion in schools. As mentioned in the methods chapter the questions were derived from three sections of the literature review: *discretion and values*, *values and ethics in educational administration*, and *discretion in educational administration*. A sub-section entitled *discretion gone wrong* addresses the principals' responses to the question which asked about the consequences of using discretion. This question, which is congruent with *the problem with discretion* section found in the literature review, appeared earlier in the guiding questions. It is included here because the principals' responses to it help to inform the environmental limits of discretion.

Bending the Rules

Principals make a multitude of decisions every day. I believe that many of these decisions have weak discretion at their core. Many of them can be classified and sorted using Dworkin's (1979) donut hole analogy and Davis' (1969) description of confining, structuring and checking. As a teacher in the school system, and as an aspiring administrator, these decisions do not alarm me, even if I don't agree with them. I can look at the established policies and see that there were options for that

situation and a discretionary decision was made. My interest in this subject did not originate from these types of decisions. My interest spawned from decisions that clearly violated established rules and policies in the school. I saw some of these decisions as beneficial and some as detrimental. A key part of the interviews with the five principals was asking them about bending the rules. I was able to explore the relationship between policies and discretion through this avenue.

I asked the principals if they had ever exceeded the bounds of an established rule or procedure. This question was placed near the middle to the end of the interview, and asked only after I felt a certain comfort level had been met. The reaction to this question varied. In order to probe further if a principal did not want to discuss the issue I had a scenario prepared that I asked them to respond to. In most cases, this scenario led to a discretionary decision that bent the rules, thereby opening up the conversation. The scenario is as follows:

You have a school rule that states that a student must be passing all their courses in order to participate in extracurricular sport activities. A student named Adam is on the school hockey team and failing three out of four courses. His teachers are demanding that you remove him from the team so he can concentrate on his studies. The school counsellor informs you that if he is taken off the team he is likely to drop out of school. What will you do?

After I asked Al if he had ever exceeded the bound of an established rule or procedure he said, “Yeah, I’m not sure Mike, I, I’m not sure ... we’re going to have to re-phrase that one again. Let’s talk a little. I’m not really sure what you’re after there”. I made the following note on the transcript: O.C. I think he knows what I am

asking; he is just avoiding the question, maybe deciding what to tell.... I then gave him the scenario and this started our conversation on the bending of rules.

When the same question was posed to Bob he laughed and said, “What you’re talking about is bending the rules”. He avoided the question by referring to policies that had a “may” clause in them. For example, a principal may suspend for five days. I also gave Bob the scenario to start our conversation. His first response, with laughter, was that he would resign. He then became serious and we had a conversation about bending the rules.

Carl responded with a long pause and a sigh. He said, “I can’t say that I have ever had to go outside of our school policy. I don’t think I ever have...”. He then, after talking about it for 15 seconds, said, “um, I guess I actually do, I do go outside of the rules quite often in terms of the way I deal with my staff and deal with my students, probably every single day”. Carl responded to the scenario I presented, but it was not needed to initiate a conversation about bending the rules.

Dawn responded to the question with a long pause and then said, “I can’t recall anywhere I would have bent the rules. I guess I am quite strict and quite firm”. She then responded to the scenario by stating that she would not let Adam play sports. She stated, “I guess to bend the rules to allow him to go I guess he would have to be special needs or adapted program or something. If it was just for no reason, then no I would not”. At this point I took the interview in another direction, and then after discussing the zero-tolerance on weapons policy, presented her with this scenario:

A student who brings a very sharp knife to school to cut an apple, say it’s one of your grades six students, and they are in the hall or in the lunchroom and

they're using this massive knife to cut an apple. What do you do in that situation?

Dawn responded to this by saying, "well I would take it right away, immediately, and explain to the student... well I guess I said I wouldn't bend the rules but...ummm...".

This was as close as I came to a discussion about bending rules with Dawn. She stated that this had happened in her school with a grade one student and that it was "a very innocent little thing". She then turned the scenario around and stated "by grade six I don't know if it would be that innocent, so, no I think I would have to send them home because again that message has to get through".

Edna responded to the question by stating, "yeah, I've done it". She then went into several examples for me. This did not surprise me as this was consistent with what she had stated prior to the interview began. I also gave her the scenario about Adam and she came up with a couple of very "creative" ways around the problem. These, as well as the other principals' responses and examples, will be presented in the following paragraphs.

How the principals responded to the question about bending the rules is important because clearly highlights some of the limitations of this kind of research, which is highly dependent on trust. At this point, I felt that some principals may have held back in their responses. I have no way of knowing, but their responses may be presumptuous. I believe that of the five principals, Bob was holding back the most. Al was reluctant at first, but he did provide some concrete examples later on. I am still unsure about how much he was holding back. I honestly believe that Dawn did not bend the rules very much. I also believe that Carl and Edna were not holding back. I

felt that they had a sense of pride about what they had “gotten away with” and what it had done to benefit the students in their schools. The following paragraphs will examine these situations, starting with the principals’ responses to the hockey scenario I presented.

Al first responded by saying “I wouldn’t have a school policy that would handcuff me”. He spoke about the importance of having leeway built into policies and the problems with zero-tolerance policies. In the end he stated, “the student would be in school, and the student would be in school because this is the best thing we can do for this individual at this time. And yeah, maybe it doesn’t meet what we’ve set down here and you know what we need to just set that aside”. This established that Al would deviate from policy if he thought it was the right thing to do.

Bob’s response to the question is here in its entirety:

I guess that’s one of those ones where you have to be extremely careful and cautious because if you do not follow through with the request of your staff all of the sudden you’re going to get that tag on you “he doesn’t follow through” so on and so forth. I guess what I would do is I would try and if this student is going to follow through, we are almost certain that it’s going to happen and he is going to take a flip. Then I am thinking that what I would try and do is set up or mediate a situation where maybe could work up a situation between staff and the student, the counsellor or whatever. Try and come down with maybe...is there a timeline we can set here for this person to prove himself. If the fact that he is in this situation is just because he is being a lazy butt, then I would say let’s try and do that. If the fact that by even doing that then he’s not

going to do it then I would have to work with the student, his parents, and the counsellor and say “hey maybe this student should drop this course and cut the load down”. But if he can achieve in both areas I would try and work something somehow between staff, student and everybody, maybe even parents, everybody. And try and keep this kid up here [holds his left arm high] and bring him up here [raises his right arm]. That’s the way I would first of all look at it. There is likely lots of circumstances involved that maybe that wouldn’t work maybe that’s not the way to go. With a quick answer I think that’s the way I would start looking at it.

It is clear that this response is unclear. Bob wants to do what is best for the student, but he is very careful to not actually state that he would break the rules. After another probe from me he states, “I think that the welfare of that student is extremely important. If he or she is one that if by doing this they are going to go, to the wrong side of the street. Then I am going to look long and hard for some way to keep them in the sports, or keep them wherever they are achieving because it seems to me as though that achievement could turn him around”. Again, this statement implies that rules could be bent, but Bob does not specifically say what he would do.

Carl responded to the situation by stating, “I think the first thing I’m going to do is pull those two staff together. Well actually, I would have three staff involved in this – the coach, the classroom teacher and the guidance counsellor. We’re going to have to meet somewhere in the middle. We can’t have the student getting away with whatever they want to do whenever they want to do it. But at the same time we don’t

want them tarred and feathered either, the student”. It is clear that Carl will not remove Adam from the hockey team. Carl would bend the rules in this situation.

Edna had two solutions for the problem presented in the scenario. In her first response she said “I would talk to Adam and I would remove him for a short time frame. I would not remove him completely. It could be inside of a week.” Edna then went on to state, “I was just thinking of something else you can do completely [laughs] I’d have to bring him down to resource, I would have to take a look at his timetable, I would have to see where it’s at, see what is going on in the course that he is failing. Why is he failing that course? And if it all fails, if all else fails [giggling] and it didn’t work I would just take him out of the course that he was failing and he’s passing everything else and he would be right back in the sport. [laughs]”. Clearly Edna is willing to bend the rules in this scenario.

The principals’ responses to this scenario (with the exception of Dawn) established that they would bend the rules in certain situations. After this, other examples of bending the rules were presented. Discipline seemed to be the area that garnered the most responses about bending the rules. Perhaps this is because there is more opportunity or more need to do so. It may also be because the scenario about Adam had to do with discipline.

Al provided the following example where he went outside the bounds of the divisional policy on drugs and alcohol, which stated that a suspension must be the consequence for being drunk at school.

We had a situation once where one of our students came back to a school dance extremely intoxicated - they were very drunk. As it turned out

there was obviously some different kind of situation happening at home and there was a fairly abusive situation going on at home and there was a CFS [Child and Family Services] investigation type of thing. And although that student was dealt with at the school level, it was not the type of automatic suspension that we had usually seen. She was brought back into the school, there was a writing component piece to the suspension, but she was not taken out of school for that particular action because there was some real – real stuff going on that- that really contributed to... She had never touched alcohol before. This was truly one of these situations where this kid just lost it, shot back the mickey and appeared, and it was just a really tough situation. But, I think we handled it correctly. This wasn't at this school, but I think we handled it correctly.

Al bent the rules, but he had what he considered a very good reason for doing so.

Carl indicated two areas where he bent the established rules, discipline and budgets. In reference to discipline he says, "I've had circumstances where I've chosen not to suspend kids for certain things that they have done because I thought it would work against their better interests, work against changing them for the better". In reference to budgets he admits,

I've sort of been trying to skirt around it but the truth of the matter is that just about every principal, and myself included, we buy things sometimes under school budgets that they don't want us to buy ... under certain circumstances, and eyebrows might be raised but there are things they didn't plan for when

they made the rules about how we would spend our school budgets and if we don't buy them by using our discretion, then they won't get bought.

Both of these situations are in stark contrast to Dawn's approach on the same subjects, yet they are in the same school division.

Edna, who works in the same school division as Al, also bends the rules around discipline. She goes a step further than Al and says, as stated earlier, that she uses "creative budgeting" whereas Al states that this is almost impossible. In terms of discipline Edna's example is also based on the suspension policy. She states:

I had to suspend a kid for five days and the kid was already at risk of failing everything. So I am going how do I get around this? So do I believe in suspensions? So I needed the kid in school So I said that day five would be an in-school suspension so he could go to resource and get caught up to put him back into the school. Well, they [the board office] found out about it and... so now I would just write it up as if he was... see I wrote it up fair and square that he was four days out and one day in. Now what I would do is I would just write to five days out and bring the kid in on day five and do it [Edna makes a hand motion that indicates she is going around something].

This is the boldest statement I received about bending the rules. Edna would say one thing to appease the division office and do another.

In this section three of the principals- Al, Carl, and Edna, have established that they would bend the rules in order to accomplish certain goals within their schools. This is edging away from weak discretion towards strong discretion, where there are no boundaries on decisions. Bob implied that he would bend the rules although he

never said what he would do. Dawn said that she would not bend the rules. She stayed within policy for all of the issues in her school. Dawn remained completely within Dworkin's (1979) donut, or on the weak side of discretion.

In each case where the rules were bent, a logical and understandable reason for bending them was given. Why then do people feel differently as to how far, or even whether or not, they are allowed to bend the rules? Why is there such a contrast between Carl and Dawn? Why do Al and Edna differ in their approaches to budgeting? I believe that there are two answers to this question. First, principals bend the rules because they think that it is in the best interests of the students. Second, they think that they can get away with it. By "get away with it" I mean avoid serious consequences from their superiors for their actions. In Davis' (1969) terms, they are able to avoid the checking control on discretion. In order to understand the principals' perceptions of the consequences for them or for the students they are trying to help we will look at two areas, setting precedents and discretion gone wrong.

Setting Precedents

It seems that with the exception of Al, all of the principals worry about setting precedents. Al stated that "in those cases the very sense that you are using discretion must mean that there are some circumstances that are somewhat unique to that particular situation. So I am never concerned about if I do this that's going to set a precedent and everything else afterwards is going to have to follow along. No, that's

never entered [laughs] into my mind when we've made those decisions". Al is very confident in his own judgement.

Bob on the other hand is the most concerned about setting precedents in the group. "Every time that you say yes or no remember that there is a dirty old word out there called precedents. And it will come back and kick your butt so many times that...[laughs] You got to watch because there are some people you would like to say yes to, but if you do somebody else is going to jump all over it, all because you made that decision, that it was ok for that person to do it," – Bob.

Carl also seems to worry about setting precedents. He states, "if I make a decision about something, whether I'm stretching the rules or not stretching the rules, one of the first things that is on my mind is what kind of a precedent am I setting? That can have a very distinctive effect on a lot of people".

Dawn states that while she does worry about it, it is not a major concern. "Yes, it's not a big worry because I don't think we have any major decisions at this school. Yes I do. I think that we have to think things through carefully because once you bend the rules then they keep bending more," - Dawn.

Edna uses an example of a student who comes just shy of graduating to show that she worries about setting precedents. "Johnny lands up getting up 46% in math and he can't graduate and maybe Johnny could have gotten a 55 or a 60 but he would never be a shooting star. What do you do? ... So you think this is precedent setting. My answer is always no. With certain situations it's always no, I'm sorry. Johnny could have gotten a 60 but he didn't. Every year this happens, every single year. If I was to change that decision then I would be changing teachers marks," - Edna.

If all but one of the principals worry about setting precedents, then why do they bend the rules, which is in itself a precedent setting activity? The answer lies beyond precedents. It is partially found in the principals' perceptions of discretion gone wrong.

Discretion Gone Wrong

If there are places where some of the principals feel that they can use their discretion to circumvent policies and rules, then a look at their perceptions of discretion gone wrong may lead to an understanding of where they draw the line for discretionary decisions. What, in their minds, constitutes a poor decision?

Al summarizes his views on poor discretionary decisions in the following statement:

The downside of discretion is it's only as good as the person that's dealing it out and you can get some situations where people are doing things that they feel may be discretionary – they're just misguided. They're on the wrong track all together. I've seen many examples of that from teachers to administrators to you know... Lots of examples where... yeah, you may think that discretion is a great thing but it has to be based on something. It can't be "you know what; I am always a lot easier on the girls because that's just the way I am ... I'm tougher on the boys." That's not a proper use of discretion.

From this statement we can see that Al bases his assessment of discretion gone wrong on the reasons an individual uses to explain the discretionary decision.

This is consistent with his own view that he is “doing the right thing” when making discretionary decisions. When pressed for a more specific example Al said, “I can think of a couple of situations where there has been some discretion to allow a student to come back into the building and that has not worked out very well. [Mike: And that discretion was on an administrator’s part or senior administration’s part?] Senior administration [smiles & laughs nervously] and it hasn’t worked out very well”. I believe that Al sees this as discretion gone wrong because it affected his school in a negative way.

Bob provides two examples where he has seen discretion gone wrong. Both of them are decisions that he made. He declares, “one case I can think of I used discretion I guess I’ll have to admit and it was in the hiring of a teacher, and it was not a good... it ended up not what I thought...the discretions I used and so on... or choice - I guess we’ll call it a discretionary choice was not good. Some other times I have used discretion which I thought was being fair or what I thought was being fair and judicial to some students backfired on me because of the fact that unbeknownst to me some other student had received a different result for a similar action ...”. The second situation which Bob speaks of may be the reason why he is so hesitant to say that he will treat anyone differently. Bob’s concern with discretion seems to be a concern that it may lead to people being treated unequally and setting precedents.

Carl’s version of discretion gone wrong seems to focus on repercussions from people in the school community. He conveys this in the following, “unfortunately some people just should not be let out their doors in the morning to make decisions about anything. Now I have seen a number of circumstances over the years where ...

maybe some principals were using some deeds and methods that weren't exactly welcome in their school, whether it was by the students, the parents or the other administrators". Carl also feels that discretion can go wrong if it is used "where somebody has the power to absolutely and completely enact that policy right by the letter of the law to the maximum punishment". In this case the student may be treated unfairly because the punishment is too severe. Carl's concern with discretion involves what it is best for the student as well as what will keep the administrator out of hot water.

Dawn reveals a situation where a decision got her into trouble:

We signed a petition once. Kids brought up a petition when they were thinking about moving the junior highs out of here or something. So the kids made a petition and asked the teachers to sign it, this was a long time ago... well we got into a lot of hot water over that one. [laughs] [Mike: Was that from the division or from the community?] Division. [laughs] You know we didn't think it through, the kids came around and they had written this letter supporting their cause. It was good for them to write a letter but I guess maybe we shouldn't have signed; we just kind of signed it. Anyway that was not a good decision to make.

Just as with Bob, this situation may help to explain Dawn's reluctance to waiver from policy. For Dawn, a discretionary decision gone wrong would mean getting reprimanded for that decision by your superiors.

Edna's example of discretion gone wrong focuses on an injustice done to a student by another administrator. I am going to include the entire story here because it also shows Edna's use of discretion in this situation.

One of the students was involved in what turned out to be very aggressive sexual advances to a girl, not from the school. This girl, supposedly, that was supposedly the deal, this is what the girl was saying. All of the sudden I get a phone call from another school saying that one of my students was involved in this type of behaviour and that the cops were coming. And I'm going, the cops are coming? He goes yup. I didn't have time to dig and find out what is going on all I had time to do was bring the kid in and I spoke to him with the vice-principal, realized that there might be some truth in it but to what extent it was I'm not to sure. So I called the mother and said you better get down here. This is the story, this is what I've got, the police might be coming. So I end up putting them in a small room on the side here. And I insisted, you see this is where there is discretionary power again, I could have had the police walk in, which I do sometimes just to show that they are around... or because I wasn't too sure about this story. So when the police called I told them to come by the north door and I'll let you in. So I snuck them in, you don't even go into the hallway just through one door into a closed up room with no windows. And the boy was there with his mother, and they charged him right then and there. The mother, a single mom, had to get a lawyer and yada, yada, yada. I got them to leave and made sure the hallways were clear. To this day nobody knows what happened. A week later the

administrator who called me and said “well you know I may have jumped the gun...” I’m going, you think you may have jumped the gun? He goes well yeah. I said you know he’s charged and the single mom had to hire a lawyer. “Well it looks like this girl is not stable and she’s been saying this about other guys.” The kid got charged; he had to go through the whole system. He had to go to court. The mother had to pay for everything.

Her concern with this situation is the fact that the student and his mother had to endure hardship because of another administrator’s decision. In the end Edna found out that the accusations were not true. While the situation was happening she used her discretion to be as discreet as possible, even though she was unsure of the student’s innocence.

I believe that these insights into discretion gone wrong reveal what each principal fears most when making decisions. For Dawn and Bob it is the fear of reprimand from others. For Al, Carl and Edna it is injustice done to students. This is not to say that Dawn and Bob do not care about what happens to students. My discussions with them showed quite the opposite. Nor am I saying that Al, Carl and Edna have no fear of repercussions. What this shows is their bottom lines in making discretionary decisions. In other words, how far will they go in their decisions? It is clear that some are able to “stick their necks out” farther than others. What enables them to do this? I believe it is the most important part of discretionary decisions, the thing that goes to the core of every decision that is made - defensibility, or as Bob put it “covering your butt”.

Defensibility

In my interview with Bob he brought up the point that the most important thing you can do as a principal when making decisions is “cover your butt”. This parallels Manley-Casimir’s (1977) concept of defensibility. After hearing this I specifically asked each of the other principals about it. What follows are their responses to this question.

Al does not see it as a purposeful activity but rather an outcome of good decision-making.

I think maybe you want to make sure that you are at least within the letter of the law. You want to make sure that the decision you are making kind of fits with what’s happening here. I don’t think you think about that necessarily as covering your butt when your in it ... but I think that once you go through all the steps along the way and you do a thorough job of that, what in effect you have done, is covered your butt. I don’t think you ever go into it thinking “oh man, I’ve got to cover my butt here; I’ve got to make sure”...at least I don’t think that way. I think that if you work through it and follow the stages and the steps for these kinds of things is what indeed happens is that of course you have left nothing uncovered and you have followed the procedure or policy or whatever it may be.

As already stated Bob considers defensibility as the most important thing you can do when making a decision. He states, “the most important thing about using

discretion is making sure you cover your butt. Covering it up high with the superintendent and also with the teachers, parents and community”.

Carl seems to be very calculating about how far he can go with his decisions. He uses a balance between knowing policy and knowing the people he has to work with in order to achieve defensibility. He describes it as political sensitivity.

The biggest step that you can take to make sure that you’re covering your butt is gaining as much knowledge as you can. Covering your butt basically means, when you’re talking about the political sensitivity that I just mentioned, it means being familiar with the parameters that you have to work within. Public Schools Act, Public School Administrators Act, school board policy, your own school policies... all of those things. If you have a knowledge of those and you know what the boundaries are that you are able to work within and then you have a knowledge for the people with whom you work and what they will tolerate in terms of how far you stretch those boundaries then you develop that sensitivity. That’s the kind of thing that keeps you from going too far. Yeah, we’ll break the rules, will stretch the rules, but we know how far we can do it before it’s time to say we’ve broken them far enough and now it’s time to have a look at a different way to approach the situation.

Dawn sees defensibility as making sure that the paperwork is in place if the central office checks on something that she has done. Her response to the question is as follows:

I guess there are certain things that you [pause] well you have to make sure that you have submitted the forms and collected the right things from the teachers to be handed into the office and stuff like this to be kept on file in case something comes from the board. So they're there. Planning and that really doesn't necessarily mean a lot but it is paperwork that has to be handed in any way. As long as it's in place and you've submitted the copies of it, you know

Edna states that she worries about defensibility all the time. She looks at in terms of politics and public relations. Her thought process is exposed in the following example:

Oh yeah all the time, all the time. I think about all aspects of it all - the whole scenario. I always start out with what are the consequences for this child or the student? If I do this, or if the student does this, or if I don't find help for that student what is the likelihood of the students quitting, running away from home, going deeper into drugs... all that. So you are looking at that. And then I look at the impact on teachers. If I don't intervene on certain situations with a student, what is the impact on that classroom? What is the impact on the teacher teaching in the classroom? Sometimes I've had to change schedules for the betterment of the teacher and the student. But then you start thinking what is the consequence for the general policy? Is a parent going to come in and say I don't want that teacher? Am I going to change for everybody? You have to have darn good reasons for doing something. I am a very aware of the political PR, the PR thing I do that all the time. I am here to

promote the school. I will never say anything bad about the school. ... You have to show your values. So all of these decisions are based on how am I promoting the values of what we believe in? How are the kids getting these values? And how are the parents getting these values? Are they supporting us? Oh yeah, so I think all of these decisions, oh yeah. What are they saying about the school, what are they saying about me, the staff, and the kids.

It seems that when you come right down to it, all decisions that principals make are tempered by defensibility. In other words, they always act with self-interest. Bob seems to do it in a very purposeful manner while Al sees it as an outcome of careful decision-making. Carl sees defensibility as a political activity that changes depending on the people involved and the situation at hand. Dawn sees it as ensuring her paperwork is in order and Edna sees it as a public relations issue.

I believe defensibility touches on the morals and ethics of the decision-making process. There will be a balance between what is right for the people involved and the self-preservation of the principal making the decision. As the literature on ethics in school leadership states, almost all school leaders operate in an ethical manner (Leithwood, 1999, Harris and Chapman, 2002). This is not an issue with this group; I believe that they all want to do what is best for their students, schools and communities. What is evident is that this is counterbalanced with defensibility, yet another control on discretion, only this time it is self-imposed. It seems that the individual decision maker decides how far they can go in terms of their discretionary decisions. They will push the limits until their self preservation instinct kicks in.

This may have described the mechanics of discretionary decision-making but it still has not answered the question that has been there since the beginning. How can people who make discretionary decisions have such different views on how far they can go with their decisions? What is the key difference between principals like Dawn, who almost never ventures outside of policy and Carl, who bends the rules “almost every day”? The answer lies in the principals’ political connectedness, or as Carl puts it, their “political sensitivity”.

Politics and Discretionary Decision-Making

If somebody were to ask me why principals make discretionary decisions that clearly bend or break the established rules and policies, I would reply, “because they have a right and responsibility to think they can”. And in the cases that were described to me in the interviews, they were right. I do not mean that they are full of bravado, daring anyone to oppose the decision they had made. What I mean is that they have calculated the risks involved with every decision and determined that they will come out of it relatively unscathed. In short, politics played an important role in discretionary decision-making. Politics, in these cases, is how the principals kept their positions and power, where they stood in relation to teachers and superiors, and the judgements they made to determine loss or gain in each situation.

At one point in all of the interviews I asked the principals if they could be fired for a decision that they made. Their responses were very telling. A clear picture began to form about how each of them viewed themselves within their school

division. Their answers seem to be in direct correlation with the amount of discretion they used in their decisions, and how much they thought they could bend the rules.

Their answers to this question are found in the following paragraphs.

Al was certain that he could not be fired. He said “I don’t think you can be fired. I think you can be reprimanded certainly. Certainly you could be reprimanded”. This seems to fit well with Al’s balanced approach to decision-making. He stays within policy unless there are special circumstances that he can validate without worrying about losing his job.

Bob’s response shows that he seems to have flirted with a heavy consequence before. He warns against doing this.

So sometimes that’s when you get into discretion you’ve got to some how or other try to make those decisions so that you can consistently do them. And not all of the sudden put your feet into the hot box because oh damn I did that there and then I do this over here and...to me, I’ve had that happen. You do some back peddling and a little bit of kissing and uh... you get yourself out of it,” – Bob.

Again, he refers to consistency in dealing with decisions.

Carl’s answer typifies his approach throughout the interviews. He gives the politically correct answer first and then reveals where he can manoeuvre within the situation.

Oh absolutely. Oh yeah. If I blatantly disregard board policy and do something... Board policy is written in black and white and if I out and out break board policy, that’s the same as my employer giving me an order and

my disobeying it. It's even more so that way. It is the spoken word of the board in writing to me and that's why they develop that policy book. The same goes for the superintendent for the assistant superintendent. If they give me an order, and I don't do it or I don't carry it out or I refuse to or if I carry out of something that is contravening to their orders, then yeah they have good reason to let me go.

It depends on what rule you've broken. If there's a pattern of me perhaps not chasing down attendance concerns in the way that the policy book outlines, it would have to be a long standing pattern over the course of several months or a few years and it would have to create a concern or a situation for the board that cause them some pain. In something that is as watered down as that usually it would have to be the fact that I did it without any real good reason other than just to be stubborn. ... So it depends on the policy that I've broken and whether I've broken it or just stretched it. There are all kinds of mitigating factors, all kinds of them.

This answer reflects Carl's style of decision-making. He weighs his options within policies and the political effects of his actions or what may "cause the board some pain".

Dawn's reply shows that she does think that you can be fired. She says, "oh I think you could be... I think you could if you made a decision that was hurtful to a child like misplacing the child or leaving them stuck somewhere [laughs]... I guess basically the principal is responsible for the school. So if somebody was hurt because of neglect to send a report in or something like that...". If Dawn believes that she

could be fired for not sending a report in then it is no surprise that she is so cautious with her decisions.

Edna's response to this question is quite telling. She states the following:

No. NO. NO! No way because I've woven myself into the organization so well that uhh they would... it would be laughable because I am on tons of committees, I'm involved in leadership committees ... For them to fire me, it would be just outrageous. But for a decision that I made... because I spread leadership very wide, like I was describing when hiring teachers, ultimately maybe the end decision might be mine... but you know. I know some administrators that will interview alone. I mean why would you do that? First of all you might be totally off the mark... So the decisions I spread it. I wouldn't put myself in... even discipline decisions I always consult with the vice-principal, he consults with me, I will go consult with the guidance counsellor, the resource, the situation in the school. I will even say what do you want? What is the message you want me to give to this kid? We even decide OK you will be playing this role and I will be playing this role. So decisions and fired – no.

Edna shares most of her decisions, ensuring that she does not have sole ownership of the problem, if it arises. She also sees herself as an important person within the division; she believes this protects her from being fired.

All of the principals calculate their risks in making decisions. From Dawn who thought that she could be fired to Edna who thought that she could never be fired, the principals all placed themselves along this continuum. Their perceptions

here match the types of decisions they were making quite closely. What did Al, Carl, and Edna do to position themselves so that they could make discretionary decisions without worry?

Al, for the most part, works within the policies that are set out by the school division. As for his in-school policies, he designs them so that he has enough leeway to make discretionary decisions.

Basically I wouldn't have a school policy that would handcuff me. [he holds up his hands like they were handcuffed]. Ok. Now that's the first thing you want to look at. You want to look at your school policies. Take a look at – is this really what we are saying, is this really what we want to say? If it's not, get rid of it. Get rid of it because you don't want to put yourself in that kind of situation and that's the whole problem with zero-tolerance type of policies. That's the whole mindset behind them, they give you no discretion, they give you no leeway. So as a school administrator I would want to take a look at the way we do things here and say is that what we really want to say? So it's much more for a preventative kind of situation where you don't get yourself in that bind because that's a lose-lose, you know, because you're always going to...you know staff are looking at you to make a kind of decision to uphold what that policy is and there's other people saying "hey you have to look at the human side, like this kid needs this break". You're never going to please all of the people. You're going to have some people support you for sticking by the school, "this is what we do here". Maybe you're going to have another ½ dozen or so more people, like, "hey we're in this – this is about people".

This isn't about rules and regulations and clearly what's best here is not to do things right but to do the right thing. Right?

If AI does run into a situation where he has to bend the rules a little bit then he relies on his personal values which include doing what is best for the student. He states this in his response to the Adam scenario. While discussing why he went around the rule he said, "but that's where, Mike, your personal values, that's where the ethical kinds of questions come into play. That's where you have to wager, what is this all about"?

Carl also uses policy to his advantage but he also reads his superiors and determines the best way to get his decisions by them. When I asked him why there was a difference in the use of grant monies between schools he responded with the following:

Oh yeah. There are differences between schools. Some schools will say, "How did you get the money to buy that?" – Well, we used this money. – Well, we were told we couldn't do that. - Well, we didn't ask! [laughs] And often times the people who get to do it are the ones who don't bother asking, they just go out and do it. [Mike: Ask for forgiveness and not permission?] That's right. And you really do have to learn a lesson that way. There are lots of little streetwise lessons that you learn in this job and one of the most important ones is that when you ask permission first, the answer is generally no. When you ask permission afterwards the answer is "I would have told you no before, but go ahead and do it now." [laughs] Because if they find out that you did it and I didn't have control of it - I'm in trouble.

Carl restated this in another way during his second interview. Again, he was answering a question regarding grant monies.

I find that a lot of the people who administer grants will give you some room to play if you call them up and say, “this is what I want to do, what do you think and can you give us a chance here to give this a try?” They don’t want to stand in the way of innovation. So as long as you have the courtesy to call them up and do that, then you can go and do it - very often. And then you have to play it a little bit instinctively because sometimes maybe there’s a chance that you don’t want to call them [emphasis on don’t] and just do it and then call them and say, “ this is what I’ve done - here’s how it worked out for me.” [laughs].

Carl also stated that he pays close attention to the political side of his decisions. It is clear from the following excerpt that he believes politics play a very important role in principles’ decision-making.

A school administrator’s training is a wonderful, wonderful training ground for people to learn how to handle crises. Probably one of the best training grounds you could find. I can’t imagine any other job having the ... maybe some cases of emergency medicine, some forms of police work but not all, where you have to learn to make snap decisions that affect lives but unlike those others there’s a political component to them. [Mike: It’s not just technical.] That’s right. Doctors have to make snap decisions that affect people’s lives but there’s nowhere near the political parameters in the back of their minds that there is in ours. Same with the police officers, they have to

make snap decisions, and those snap decisions are... They have to work within certain parameters but there is not the political impact again. I'm not saying that there is not politics in those jobs, like there is in a school administrator's job, there is. But there's more direct contact in a school administrators job with the politics that affect your position.

Edna takes the politics discussion even further by explaining how she works on the board members and superintendent in order to have their support.

They're politicians eh. They want to be re-elected. This school makes them look good. It is a jewel in their cap, the school. There is no denying it. I mean in just a small little school like this always garners positive... but even... yeah it garners a lot of positive PR. But it is also my personality, I am very outgoing and nothing intimidates me and I don't care if you are the CEO or... I've got something that I need for kids, and they see that. I've got that going for me. I'm also very funny [laughs] so with humour I can disarm people and that helps. And I do a lot of that networking; I'm very political in that sense. If I am at a conference I will give them the amount of attention that they want. I'll give them whatever they need, I will stroke their egos. I know it sounds... but I will tell them. This is the way I talk, "I am here to stroke your ego ". [laughs] Or I am here to brown nose. I am very transparent, they know I want something. So then they laugh and say ok what do you want? So it is very upfront.

In case it wasn't apparent before, Edna really does feel that she has freedom to exercise a full range of discretion.

I would link what we see in this section to Davis' (1969) concept of checking discretion. Dawn and Bob feel that checks are in place that limits their decisions to a fairly narrow range of alternatives. Al also feels that there are checks in place, but he can rise above them if his reasoning is ethical and sound. I see Toews (1980) concept of justice in Al's answers more so than the others. He seems to base his decisions on what is just and fair, relying on his values for support.

Carl and Edna see their political sensitivity as a way to manipulate the checks that may be in place for other administrators. In a sense, they are controlling the controls on their discretionary decisions.

This was the main criticism of checking discretion in the literature review. Obviously the principals who bend the rules are staying within the boundaries of the legal checks. I believe that Edna and Carl are manipulating the democratic principle and public checking checks that are in place. They are forming their own network within the organization, which includes some and not others. This violates the democratic principle check. It also explains why they can "get away" with more than Al and Dawn, who are respectively in the same divisions.

Edna and Carl both influence the public checking as well by ensuring that only positive PR makes it to the communities and board members. I would assume that this is a goal for every school in the province, but they pursue it with a purpose in mind. That purpose is to ensure that their schools, and the job they are doing, are seen as invaluable within the division.

I would not say that these attempts to control the controls on discretion are done in order to be unruly or immoral. Quite the opposite, Edna and Carl are also

pursuing Toews' (1980) concept of justice. They are just taking a different path than Al to get there.

Location

Does the amount of discretion principals have vary between high school and elementary school and between urban and rural schools? This was a question which I hoped to answer. As it turns out, I did not find enough information in the data to draw conclusions about school location or type of school and the affect they had on discretionary decision-making. While the participants increased the generalizability of the study, they did not provide any insights about how their location might affect discretion. I reached a point of data saturation with nothing to report in this area.

Summary

It seems, in looking at the areas in which the principals have discretion, that there is no definite type of discretion or model of decision-making that they use. I would describe their discretion as being on a continuum. There are situations where the principals have very weak discretion all the way to fairly strong discretion. Some principals use only weak discretion, while others use both strong and weak. A number of discretionary decision-making situations are easily defined and classified using Dworkin's (1979) donut hole analogy and Davis' (1969) ways of confining

discretion. Other situations exist where the decision maker manipulates the controls placed on their discretion. These are examples of strong discretion.

Principals' discretionary decisions can be based on policy, setting precedents, school community perceptions and their perception of how much they can bend the rules. At the core of every decision, especially those which involve bending rules, is a balance between doing what is best for the students, or justice, and defensibility. Dawn and Bob place defensibility over justice in some situations. Al places justice over defensibility. Edna and Carl politically manipulate the checks in place on them in order to assure defensibility and achieve justice. The next chapter will present conclusions and implications of the study.

CHAPTER V

CONCLUSIONS & IMPLICATIONS

Discretion is an integral part of all decisions. All of the major decision-making models contain a form of weak or strong discretion, with the exception of the classical model, which assumes that there is one right answer. Understanding what discretion is, how it is controlled, and how those controls can be manipulated is essential if we are to maximize justice and minimize injustice in discretionary decisions.

A review of the literature shows that while there has been some work done in defining and examining discretion in educational administration, it is by no means exhaustive. The work of Manley-Casimir (1977) and Toews (1981) provide a very broad look at discretion in educational administration. Hall (1999) provides a very in-depth look at youth violence and how it relates to educational administrative discretion. This study brings the discretion in educational administration to the forefront without being too broad or too narrowly focused. The literature from law and management are connected to educational administration through the street level bureaucrat. This important parallel broadens the literature base for educational administration.

Most of the principals involved in this study defined discretion as an individual, or case by case, type of decision that they had to make. These

discretionary decisions did not follow pre-established guidelines. There was freedom to make a choice.

My analysis demonstrates that there is a wide range of discretion used by school principals in their jobs. Minimal discretion was evident in decisions based mainly on policy, and weak discretion was present in situations where policy gave the principals options for implementation. Strong discretion was evident in situations that were not bound by policy, and very strong discretion was present in situations where principals exceeded the bounds of policy.

Discretion was evident in areas involving discipline, budgets, discretion given to staff and in interactions with staff. The perception of why discretion was needed in these situations seemed to come back to doing what was best for the individual, school and community. Situations where discretion was perceived to have gone wrong resulted in negative outcomes for students or disciplinary actions imposed on the principal involved.

Areas ostensibly without discretion included discipline and budget situations found in 'zero-tolerance' policies set by the school board. Policies seemed to influence the principals' decisions by confining them within certain boundaries. Principals' discretion was further controlled, or structured, by school boards and superintendents who set expectations. This fits nicely with Davis' (1969) controls on discretion.

In examining the controls placed on principals' discretion it became clear that some principals exercised more discretion than others, even if they worked under the same set of policies in the same school division. In order to understand this

phenomenon, a deeper look at the controls on discretion revealed other forces which pose limits on principals' discretion.

After following policy, principals' decisions were tempered by maintaining a balance between two main influences: doing what was best for the students and defensibility. Decisions which used stronger discretion were made by those who perceived themselves to be secure in their positions. For some, this security came from careful manipulation of the controls around them.

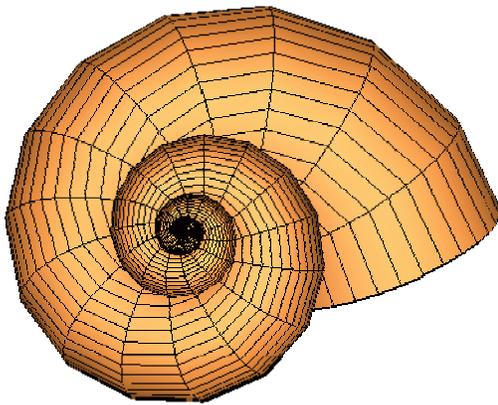
I did not find answers to whether school location or school type played any role in discretionary decision-making.

Conceptual Implications

This study has shown that discretion is used in many areas of public school administration. A majority of these decisions fall within the established definitions of discretion. The decision maker has a variety of options to choose from and they are free to choose the option that best suits their situation. These situations are accurately described by Dworkin's (1979) donut hole analogy, where the surrounding belt of restrictions matches the controls on discretion found in the literature. Decisions are based on morals and ethics or, in other words, on doing what it is right for the students, teachers and community.

An area which is not covered well in the literature and does not fit with Dworkin's (1979) donut hole analogy is the principals' ability to bend or break the rules without repercussions. In these cases, discretion is not neatly surrounded by a

belt of restriction; rather it seems to be a belt that can be adjusted by the decision maker, depending on their political sensitivity. I would therefore propose another conceptual model for the use of discretion; a nautilus seashell, or mathematically, a logarithmic spiral appears to be more appropriate.



Logarithmic Spiral



Nautilus Seashell

Logarithmic Spiral source:

http://carp.rutgers.edu/gtoth/Glimpses/Picture_17_23.gif

Nautilus Seashell source:

<http://commons.wikimedia.org/wiki/Image:NautilusCutawayLogarithmicSpiral.jpg>

Like the donut hole analogy, discretion is at the center surrounded by restrictions (the shell). The key difference is that the discretion becomes greater as we spiral outwards. In this model discretion is not just available at the center. The discretion is actually quite limited if you stay in the center. In order to attain more discretion (room within the shell) the decision maker must take conscious mental steps along the spiral.

I believe this model more accurately reflects what was presented in the data.

Discretion is not just available or not available. The amount of discretion is limited by

outside factors (policy, rules, and established procedures) yet there is room to go beyond and widen the discretion if one chooses. The amount of discretion that is used varies among people, even if they are in the same situation (or shell). The difference is how far each one purposefully chooses to travel through the discretionary spiral.

Policy Implications

Policies guide decisions that must be made in organizations, thus controlling individual discretion in decision-making. Policies within school divisions can range from zero tolerance policies to more open ended policies that allow the decision maker to have some discretion. Is there a type of policy that is best suited for principals and their decisions? This question goes to the core of the debate surrounding discretion. Should discretionary decision-making be acknowledged in written policy? I believe the answer is yes, simply because there is no way to avoid it. If policy could dictate every move for the decision maker, he/she could still use his/her discretion and decide not to act. Furthermore, policies that have no room within them may lead to situations where decisions are made based on what is written and not necessarily on what is best for the school, community or students. Zero-tolerance policies for example, do not allow for the use of discretion. Al describes his perception of zero-tolerance policies in the following statement:

Well it does this to you [he holds up his hands like they were handcuffed] it handcuffs you. It handcuffs you. I don't know anyone that wants to be in any kind of position where they are just rote – I just follow this,

I just follow this. I mean, what type of job satisfaction is there in that. There is no thinking in that, you're just following and so to me that seems like who would want to be in that situation.

One disadvantage of including discretion in the design and implementation of policy is that it can affect the original intent of the policy. This type of situation lead writers to tighten their policies to order to avoid misinterpretation. Once again, Al describes what this tightening of policy looks like from his perspective:

Clearly some leaders are better at leading than others. Why is that?

Well I want, clearly, the leader above the others to be using discretion as opposed to someone who is maybe misguided about it. And that's why I think systems, and that's why I think board people, and that's why I think trustees go towards a standard approach. Because they hear all the kind of differences from around the various schools in their division, they get the feedback from the parents. "Well in this school, when this happened, it was dealt with this way...Well in this school when it happened it was dealt with this way." Now they haven't gone into the nuances about the individual experiences, or the particulars or the circumstances. All they're hearing is "somebody over there does it like this...same thing happened" –it's not the same thing but-"same thing happened over here ... oh, this was the result ... oh and over there, this was the result". And so there is this movement to, "you know what, we can't have this...we can't have everybody doing their own thing. So we're going to bring in a policy and it's going to be this type of policy". And I think in the States I think really that's how it came about. And that's how those zero-

tolerance policies got started – you know what, we’re taking the discretion right out because everybody was doing their own thing and it’s going to be this way. And if it’s this way we can’t make any mistakes... whether it’s happening in that school, or that school, or that school... it’s all going to be dealt with the same way.

Of course that’s a misguided thinking because each individual circumstance is going to be unique, and it’s going to be different! But again I think that’s where some of the thinking about these zero-tolerance policies got started- because of the backlash to people doing things differently.

If this tightening of policies in order to remove discretion is indeed misguided thinking then discretion must have a place in policies. When discretion is allowed into policy, it brings another problem – control.

If discretion is allowed in policy, then how can it be controlled? It is clear from this sample of principals that even with written policy, the practices in place vary greatly between schools in the same division. Is it feasible to even try to control it? I believe the answer is yes, for two reasons. First, discretion needs to be controlled in order to prevent bedlam within the organization. If uncontrolled discretion were allowed for all decisions, the organization would fall into the “organized chaos” described in the garbage can model of decision-making. Secondly, discretion requires an element of control because some people need it. I don’t believe that Dawn or Bob would be very comfortable being principals without policy guidelines to follow. It gives them the backing they need in order to make decisions. The question now is what type of policies will support principals such as Dawn and Bob, yet give

principals such as Al, Carl and Edna the flexibility they need in order to run their schools.

Discretion implies choice among several options. Policy, therefore, must provide choices for school principals. It is unrealistic to assume that policymakers will know specific options for every situation so discretion must weave through the policy. Inserting discretion into policies can be accomplished in most cases by using one simple word – may. If a policy states that a principal “may” do something it also gives them the option to not do it as well. Carl expands on this point in his description of good policy making:

A really smart school board uses the word “may” a lot in developing policy. A principal MAY suspend for three days in this circumstance. A principal MAY contact the parents in this case. A principal MAY suspend bus privileges for a week. And then it’s up to the principal to decide what’s the right decision to make in this circumstance.

The use of the word “may” allows principals flexibility, while at the same time contributing to a defensible position for principals who need it.

Carl also said that his school division had zero tolerance policies but they did not ‘handcuff’ school principals as described by Al. He describes these policies as follows:

Ours basically gives us the room to say that zero-tolerance simply means that it will be dealt with. That doesn’t mean that that child will be suspended. And a smart school division does it that way. I’ve worked in many school divisions clear across the country and the best ones are the ones where

you get a chance to do things that way. Just simply because of the fact that not every circumstance is the same and not every person is the same. And you may be suspending a child who wants to be suspended. Whereas that child does an in-school suspension or a long term detention here at the school...that has far greater effect on him than if you send him home for two days.

With this kind of approach, policies can be written as “zero tolerance” for the behaviour, but they still have flexibility built into them.

Will policymakers be able to fully control the course their policies take? It is not likely. However, by providing policies that have a balance of structure and flexibility, policymakers can control the direction of the policy. Principals will be less likely to ignore policy that allows them some room to do what is best for their individual circumstances.

Practice Implications

Decision-making is central to being an administrator. Discretion is central to all decisions. If administrators want to ensure that justice prevails with every decision they make, then they need to be aware of discretion. If administrators are aware of the discretion they have, then they will also realize that they are making decisions based on what they think and feel, requiring another level of awareness as compared to rote managerial decisions. All of the principals in the study commented on how they get caught up in the day to day decisions and rarely get a chance to reflect on the

decisions they make. It appears that their intuition often guides them through discretionary decisions.

Does this feel right? Yeah, it feels right... it is very very infrequent that gut feeling, that sense of doing the right thing would lead you astray. And that comes from your own personal values, and what you believe in and if you believe in kids and you believe in their opportunity and their potential then I think that is the guiding principle for me, always has been,” – Al.

Principals need to reflect on the decision-making process and articulate what guides them through it. This should also be taught to educational administration students.

While teaching the different models of decision-making at the university is important, I believe there must be more emphasis on discretion. It is a common thread that runs through all the models, yet it is rarely mentioned except to say that it is done. Students in educational administration need to be exposed to discretion theories so that they can get a deeper understanding of the decision-making process. If decision-making is truly the central part of educational administration, then we need to make sure we learn as much about it as possible.

In the hiring of administrators, school division superintendents should get a sense of how potential applicants make judgements. Questions about the use of discretion in past situations should be an integral part of the interview process. Scenarios which require discretionary decisions could also be presented for the applicant to respond to. These observations will provide insight to one of the most common tasks of administrators – making discretionary decisions.

Those of us who are subject to discretionary decisions should be told why the decisions were made, if possible. This practice would eliminate frustration for those affected by the decision and prevent erroneous speculation on their part. Public checking would occur in these situations. This does not guarantee just results, but it would help to explain or prevent decisions that are perceived to be poor.

No matter how much we learn about or prepare for decision-making, poor decisions will still occur, decisions which are detrimental to the school or community or students.

The downside of discretion is it's only as good as the person that's dealing it out and you can get some situations where people are doing things that they feel may be discretionary – they're just misguided. They're on the wrong track all together, – Al.

For this reason, decisions cannot go unchecked. Checking decisions would help to minimize some of those ill effects. All of the principals stated that they turned to others for advice on particularly hard decisions. As Hall (1999) suggested, consultations with colleagues are a quick and easy way to check discretionary decisions in practice.

Another problem with discretion is that it can cause a rift between policymakers and the decision makers because policy and rules are reinterpreted several times by different levels in the organization before the decision is made. Carl provides a scenario involving grant monies to illustrate this point:

You receive grants – part of your budget is grant monies to do certain things which the government decides. Now, the government tells the person at

the regional level that that grant is meant to do certain things. The person at the regional level tells the person at the divisional level that that grant is meant to do certain things. Well that person at the regional level who interprets what the government tells them somewhat... usually, will loosely interpret a bit. The person at the school division level will even more loosely interpret and then the person at the school level will even more loosely interpret what that money is meant to do. So by the time that you come down, for example, a grant that is used to facilitate the learning of poor attenders in your school division - you might be able to actually use that money as it's interpreted – to perhaps buy computers for the whole school that are used in an after school program for kids that aren't attending school well [laughs]. Ok so it all ... smart governments and smart school divisions ... really do give some room to the people down below them who are on the front lines to make some interpretations of what it is that they give them to do their jobs with. If they don't then they're on the hook. I have had budgetary decisions that I've had to make where I've bought things that perhaps the person who was administering that budget, and had given me the money, wasn't very happy with what I had bought. That was something that I needed purchased in my school.

The problem in this scenario is that the policy maker does not see their original intent reflected in the purchases that Carl made. Carl does not see the policy or rules as being relevant in his situation. I would suggest a feedback mechanism in order to alleviate the discord that exists between the parties involved. A feedback mechanism would only work if there was trust between the parties involved. This may be hard to

achieve within large organizations such as school divisions. For example, in Carl's situation, he would have calculated the political sensitivity surrounding the issue and then acquired as much as he could while maintaining his good standing within the school division.

This brings us to the most contentious issue in practice, the politics. In short it seems that the more connected you are and the more political protection you put up around yourself, the more discretion you can use. Controlling the controls on discretion through politics can be beneficial for the students if decisions are made for their benefit. However this is also the area where I believe that most abuse of discretion can occur. If administrators manipulate the controls around themselves such that they feel that they can not be reprimanded for the decisions they make, then almost anything goes. Decisions go unchecked and the decision maker may lose perspective on what is just. The potential for the abuse of power is greatest in this situation. I believe that an awareness of discretionary decision-making, its controls, and their possible manipulation by administrators will help to maintain just decisions.

Research Implications

As mentioned in the introduction, research on discretion has been sporadic over the past 80 years. Research on discretion in educational administration has included the conceptual (Manley-Casimir, 1977 and Toews, 1981) and an in depth look at discretion and youth violence in schools (Hall, 1999). The literature on discretion from law can be transposed to the school administrator, but more work is

needed. In particular, research needs to focus on how the decision maker has the ability to influence the controls on their discretion.

This study has contributed to the research literature by explaining why and how school principals make their discretionary decisions. The analysis I provided needs to be supported or refuted by a more extensive study of principals and others in the system, namely teachers, students, superintendents, community members and other principals working in the same system. Such a study is needed in order to see the impact of discretionary decisions and compare it to the principals' perspective. I would be interested to see how school superintendents, school board members, and the community perceive those principals who manipulate the controls on them by using politics and public relations. Naturally the principals perceived their decisions as being right and just. Alternate perspectives would determine whether justice was done.

Summary

Discretion is essential to educational administrative decision-making. I believe that an understanding of discretion and its controls will lead to better decisions. There will always be a range of discretion available to administrators as illustrated by the discretionary spiral. What determines how far one goes in the spiral is based on political sensitivity and the concept of justice.

Discretion is essential and so are the controls on it. To have one without the other in educational administration would make the work of principals impossible.

APPENDIX

Interview Schedule

- I am interviewing you because I am interested in the way principals use discretion when making decisions.
- Tell me about yourself and your position.

How long have you been a principal?

Have you been a principal at any other schools?

- How do you perceive discretion?
- Where do you have discretion in your job?

What opportunities do you have to use discretion in your school?
- Can you give me specific examples of where you used discretion in making a decision?
- Tell me about a time where you had to ignore an established rule or procedure when making a decision.
- I am going to present a scenario that I would like you to respond to. Please treat it as if it were happening in your school.

Scenario:

You have a school rule that states that a student must be passing all their courses in order to participate in extracurricular sport activities. A student named Adam is on the school hockey team and failing three out of four courses. His teachers are demanding that you remove him from the team so he can concentrate on his studies. The school counsellor informs you that if he is taken off the team he is likely to drop out of school. What will you do?

CONSENT FORMS

Principal's Discretion
A study conducted by Michael Heilmann

Dear (Principal):

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

The focus of this study is principal's discretion. It aims to find out what type of discretion principals can exert in their schools and whether or not this discretion varies between urban and rural schools.

As an informant, you will be interviewed for a length of approximately one hour. At least one other hour-long interview will follow.

There will be minimum risk to you by being involved in this study. (I.e. The potential harm is no greater than that which one might experience in the normal conduct of one's everyday life).

A tape recorder will be used during the interview sessions in order to aid in transcription of the interviews.

Confidentiality will be maintained by using a pseudonym for you in all written work and during the actual interviews. Transcripts of interviews will be destroyed and audiotapes will be erased upon completion of the study.

My thesis advisors and classmates in 129.784-Qualitative Research Methods for Education may read transcripts of the interviews for feedback purposes.

If you would like information about the results of my study when it is completed, I would be happy to discuss it with you or give you a written report.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

Researcher:	Michael Heilmann	(204) 255-2938
Supervisor:	Dr. Zana Lutfiyya	(204) 474-9009
Supervisor:	Dr. John Wiens	(204) 474-9004

This research has been approved by the Education Nursing Research and Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122, or e-mail margaret_bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

Participant's Signature: _____

Date: _____

Researcher's Signature: _____

Date: _____

Principal's Discretion
A study conducted by Michael Heilmann

Dear (Superintendent):

I am a student at the University of Manitoba and a teacher in the Louis Riel School Division. I am currently working on my M.Ed in administration. I am writing you to ask for permission to do research in your school division. The information obtained from this research will be used for a course which I am enrolled in as well as for my thesis.

I have selected a principal in your division and would like to ask them to participate in a set of interviews for my study.

The focus of this study is principal's discretion: their ability to exercise individual choice or judgement when making decisions in their day to day work. It aims to find out what type of discretion principals can exert in their schools and whether or not this discretion varies between urban and rural schools.

The informants will be interviewed for a length of approximately one hour. At least one other hour-long interview will follow.

There will be minimum risk to the informants involved in the study.

A tape recorder will be used during the interview sessions in order to aid in transcription of the interviews.

Confidentiality will be maintained by using pseudonyms in all written work and during the actual interviews. Transcripts of interviews will be destroyed and audiotapes will be erased upon completion of the study.

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Please sign below if you agree to let me contact a principal in your division, ask them for permission to interview them and interview them with their consent. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities.

Participant's Signature: _____

Date: _____

Researcher's Signature: _____

Date: _____

WORKS CITED

- Ball, Howard, Krane, Dale, & Lauth, Thomas (1985). Discretionary justice at DOJ: Implementing Section 5 of the Voting Rights Act. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 102-114). Ames, Iowa: The Iowa State University Press.
- Begley, Paul T. (1988). *The influence of personal beliefs and values on principals' adoption and use of computers in school*. Toronto: University of Toronto Press
- Begley, Paul T. (1999a). Introduction to Part I. In P. Begley (Ed.), *Values and educational leadership* (p. 3-7). Albany, NY: State University of New York Press.
- Begley, Paul T. (1999b). Introduction to Part III. In P. Begley (Ed.), *Values and educational leadership* (p. 211-216). Albany, NY: State University of New York Press.
- Bovens, Mark & Zouridis, Stavros (2002). From street-level to system-level bureaucracies: How information and communication technology is transforming administrative discretion and constitutional control. *Public Administration Review*, Vol. 62, Issue 2 (p. 174-185). Washington: American Society for Public Administration.
- Bryner, Gary C. (1987). *Bureaucratic discretion: Law and policy in federal regulatory agencies*. Elmsford, NY: Pergamon Press.
- Burke, Edmund (1901). *The writings and speeches of the right honourable Edmund Burke*. Beaconsfield ed., Vol. 1. Boston: Little Brown & Co.
- Burke, John P. (1996). Administrative Discretion and Responsibility: Another Look at Moral Agency and Democratic Politics. Paper presented at the American Political Science Association annual meeting. (August 29, 1996).
- Calabresi, Guido and Bobbitt, Phillip (1978). *Tragic choices*. New York: Norton.
- Campbell, Elizabeth (1999). Ethical school leadership: Problems of an elusive role. In P. Begley (Ed.), *Values and educational leadership* (p. 151-163). Albany, NY: State University of New York Press.
- Chapman, Richard A. (2000). Ethics in public service for the new millennium. In *Ethics in public service for the new millennium* (p. 217-231). Aldershot: Ashgate.

- Davis, Kenneth C. (1969). *Discretionary justice*. Baton Rouge, LA: Louisiana State University Press.
- Dillman, David L. (2002) The paradox of discretion and the case of Elian Gonzalez. *Public Organization Review: A global journal*, Vol. 2, Issue 2 (p. 165-185). Netherlands: Kluwer Academic Publishers.
- Dworkin, R.M. (1979). Is law a system of rules? In R.M. Dworkin (Ed.), *The philosophy of law* (p. 38-65). Oxford: Oxford University Press.
- Feiman-Nemser, S. and Floden, R. (1986). The cultures of teaching. In M. Wittrock (Ed.), *Handbook of research on teaching* (p. 505-527). New York: Macmillan.
- Fidler, B. (2002). Strategic leadership and cognition. In K. Leithwood and P. Hallinger (Eds.), *Second international handbook of educational leadership and administration* (p. 613-652). Dordrecht: Kluwer.
- Finer, Herman (1941). Administrative responsibility in democratic government. *Public Administration Review*, Vol. 1, No. 4 (p. 335-350). Washington: American Society for Public Administration.
- Fox, C., & Miller, H. (1995). *Postmodern public administration*. Thousand Oaks, CA: Sage Publications.
- Friedrich, C. J. (1940). Public policy and the nature of administrative responsibility. In C.J. Friedrich & E. S. Mason (Eds.), *Public policy* (p. 3-23). Cambridge, MA: Harvard University Press.
- Friedrich, C.J. (1958). Authority, reason and discretion. In Friedrich, C.J (Ed.), *Authority* (p. 28-48). Cambridge, MA: Harvard University Press.
- Gottfredson, Michael R. & Gottfredson, Don M. (1988). *Decision-making in criminal justice: Toward the rational exercise of discretion*. 2nd Edition. New York: Plenum Press.
- Greenfield, W. (1995). Toward a theory of school administration: The centrality of leadership. *Educational Administration Quarterly*, Vol. 31, Iss. 1 (p. 61-85). Beverly Hills: Sage Publications.
- Greenfield, T.B. (1986). The decline and fall of science in educational administration. *Interchange*, Vol. 17 (p. 57-80). Toronto: Ontario Institute for Studies in Education.

- Habermas, J. (1996a). *Between facts and norms* (W. Rehg, Trans.). Cambridge, MA: The MIT Press.
- Habermas, J. (1996b). Popular sovereignty as procedure. In *Between facts and norms* (W. Rehg, Trans.; appendix). Boston: Beacon Press.
- Hall, Mary T. (1999). *Administrative discretion and youth violence in schools: An analysis*. Vancouver: Simon Fraser University.
- Handler, Joel F. (1986). *The conditions of discretion*. New York: Russell Sage Foundation.
- Handler, Joel F. (1992). Discretion: Power, quiescence and trust. In K. Hawkins (Ed.), *The uses of discretion* (p. 331-360). Oxford: Clarendon Press.
- Harris, Alma and Chapman, Christopher (2002). Democratic leadership for school improvement in challenging contexts. In *International Electronic Journal for Leadership in Learning*, Vol. 6, No. 9. Calgary: University of Calgary Press.
- Hawkins, Keith (1992). The use of legal discretion: perspectives from law and social science. In the *Uses of discretion* (p. 11-46). Oxford: Clarendon Press.
- Haque, Akhlaque (2004). Ethics and administrative discretion in a unified administration: A Burkean perspective. In *Administration & Society*, Vol. 35, Iss. 6 (p. 701-716). Beverly Hills: Sage Publications.
- Hayek, Friedrich A. (1944). *The road to serfdom*. London: Routledge.
- Hennessey, T. and Lehrer, J. (1996). Ethics, values and “muddling through”: Strategic behavior of agency leaders. In L. Pasquerella, A.G. Killilea and M. Vocino (Eds.), *Ethical dilemmas in public administration* (p. 149-157). Westport, CT: Praeger.
- Hodgkinson, C. (1978). *Towards a philosophy of administration*. Oxford: Basil Blackwill.
- Hodgkinson, C. (1988). The value bases of administrative action. *Journal of Educational Administration and Foundations*. Vol. 3 (p. 20 – 30).
- Hoy, W.K. and Miskel, C.G. (2001). *Educational administration: Theory, research, and practice*. 6th Edition. Toronto: McGraw-Hill.
- Johansson, Olof and Bredeson, Paul V. (1999). Value orchestration by the policy community for the learning community: Reality or myth. In P. Begley (Ed.), *Values and educational leadership* (p. 51-72). Albany, NY: State University of New York Press.

- Joseph, E.A. (1975). *The predecisional process in educational administration (A philosophical analysis)*. Homewood, IL: ETC Publications.
- Kalinch, David (1985). Discretion in the sentencing and parole processes. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 13-18). Ames, Iowa: The Iowa State University Press.
- Kelly, Terrence (2004). Unlocking the iron cage: Public administration in the deliberative democratic theory of Jurgen Habermas. *Administration & Society*, Vol. 36, Issue 1 (p. 38 – 62). Beverly Hills: Sage Publications.
- Leithwood, Kenneth (1999). An organizational perspective on values for leaders of future schools. In P. Begley (Ed.), *Values and educational leadership* (p. 25-50). Albany, NY: State University of New York Press.
- Lezak, S. and Leonard, M. (1985). The prosecutor's discretion: Out of the closet, not out of control. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 44-53). Ames, Iowa: The Iowa State University Press.
- Lipsky, Michael (1980). *Street-level bureaucracy: Dilemmas of the individual in public services*. New York: Russell Sage Foundation.
- Lortie, D. (1975). *Schoolteacher: A sociological study*. Chicago: University of Chicago Press.
- Louthan, William C. (1985). The politics of discretionary justice among criminal Justice agencies. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 13-18). Ames, Iowa: The Iowa State University Press.
- Lowi, Theodore J. (1969). *The end of liberalism: Ideology, policy and the crisis of public authority*. New York: W.W. Norton & Company Inc.
- Manley-Casimir, Michael (1977). Discretion in school discipline. *Interchange*, Vol. 8 (p. 84-100). Toronto: Ontario Institute for Studies in Education.
- Martin, Yvonne (1995). Controls of administrative discretion in public schooling in British Columbia: 1872-1994. *Education and Law Journal*, Vol. 6 (p. 233-255). Toronto: Carswell Thomson Professional Publishing.
- Mazmanian, Daniel A., & Sabatier, Paul A. (1989). *Implementation and public policy*. Lanham, MD: University Press of America.
- Mosher, Frederick C. (1982). *Democracy and the public service*. 2nd ed. New York: Oxford University Press.

- Neuman, W. Lawrence (1997) *Social research methods: Qualitative and Quantitative approaches*. 3rd ed. Boston: Allyn & Bacon.
- Pinkele, Carl F. (1985) Introduction. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. ix-xii). Ames, Iowa: The Iowa State University Press.
- Pinkele, Carl F. (1985) Discretion fits democracy: An advocate's argument. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. ix-xii). Ames, Iowa: The Iowa State University Press.
- Popper, Karl (1945). *The open society and its enemies, vol. I and II*. London: Routledge.
- Pratchett, Lawrence (2000). The inherently unethical nature of public service ethics. In R. Chapman (Ed.), *Ethics in public service for the new millennium* (p. 111-126). Aldershot: Ashgate.
- Prottas, Jeffrey M. (1979). *People-processing: The street-level bureaucrat in public service bureaucracies*. Lexington, MA: Lexington Books.
- Rawls, J. (1969). Justice as fairness. In P. Laslett and W.G. Runciman (Eds.), *Philosophy, politics and society* (p. 132-157). Oxford: Blackwell.
- Raun, T. and Leithwood, K. (1993). Pragmatism, participation, and duty: Value themes in superintendents problem solving. In P. Hallinger, K. Liethwood and J. Murphy (Eds.), *Cognitive perspectives on educational leadership* (p. 54-74). New York: Teachers College Press.
- Rhynhart, Fred (1985). Judicial discretion in pretrial release. In C. Pinkele and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 31-43). Ames, Iowa: The Iowa State University Press.
- Roche, Kevin (1999). Moral and ethical dilemmas in catholic schools settings. In P. Begley (Ed.), *Values and educational leadership* (p. 211-216). Albany, NY: State University of New York Press.
- Rourke, Francis E. (1984). *Bureaucracy, politics, and public policy*. 3rd ed. Boston, MA: Little, Brown.
- Schuck, Peter H. (1994). Controlling administrative discretion. *Foundations of administrative law*. New York: Oxford University Press.

- Scott, Patrick G. (1997). Assessing determinants of bureaucratic discretion: An experiment in street-level decision-making. *Journal of Public Administration Research and Theory*, Vol. 7, No. 1 (p. 35-58) Oxford: Oxford University Press.
- Slater, R.O. and Boyd, W.L (1999). Schools as politics. In J. Murray and K. Seashore Louis (Eds.), *Handbook of research on educational administration*. 2nd Edition (p. 323-335). San Francisco: Jossey-Bass.
- Sowa, Jessica E. & Selden, Sally C. (2003). Administrative discretion and active representation: An expansion of the theory of representative bureaucracy. *Public Administration Review*, Vol. 63, Issue 6 (p. 700-710). Washington: American Society for Public Administration.
- Thatcher, Virginia S. (1984). *The new webster encyclopedic dictionary of the English language*. New York: Avenel Books.
- Toews, Otto B. (1981). *Discretion and justice in educational administration: Towards a normative conceptual framework*. Winnipeg: University of Manitoba.
- Vorenberg, James (1976). Narrowing the discretion of criminal justice officials. In *Duke law journal* (p. 651- 698). Durham, North Carolina: Duke University School of Law.
- Walker, K. D. (1995). Perceptions of ethical problems among senior educational leaders. *Journal of School Leadership*, Vol. 5, Iss. 6 (p. 532-64). Lanham, MD: Rowman and Littlefield Publishing Group.
- Weber, Max (1922). *Wirtschaft and gesellschaft (economy and society)*. Tübingen: J.C.B. Mohr.
- Williams, Gregory H. (1985). The politics of police discretion. In C. Pinkle and W. Louthan (Eds.), *Discretion, justice, and democracy* (p. 19-30). Ames, Iowa: The Iowa State University Press.
- Willower, D.J. and Licata, J.W (1997). *Values and valuation in the practice of educational administration*. Thousand Oaks, CA: Corwin Press Inc.
- Woller, G. M. (1998). Toward a reconciliation of the bureaucratic and democratic ethos. *Administration & Society*, Vol. 30, Iss. 1 (p. 85-110). Beverly Hills: Sage Publications.