Teachership As Leadership

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A TEACHER who strives to develop professional skills finds it profitable to examine and evaluate the social forces which are active within the class situation. Periodic observations and evaluations of how students respond to the teaching method and content, what reactions express their feelings, and why these reactions are forthcoming can improve the quality of instruction, integrate teaching and learning, and provide a more democratic atmosphere in which to resolve the problems of both teacher and students. When followed cooperatively by students and teacher, these procedures should also improve the quality and extent of learning in every experience.

The above premise and the discussion which follows are based on observations and evaluations made by one teacher and sixty graduate students engaged in a study of interperson and intergroup relationships. In this study an attempt was made to practice the principles of democratic interactive and integrative education. The class established as one central objective the definition of those factors which facilitate learning in a study of group work. As a need was met or a problem was solved, the group evaluated the process in terms of these factors. Factors judged by the group to be most frequently important were described as follows.

One factor was the degree of their awareness and understanding of the factual knowledge relevant to their personal educational needs and objectives.

Apparently it was equally important to have had experience in reality practice, that is, participation in action which has real meaning in one's own life and time. Nearly all of the students had had some meaningful experience relevant to group work. Experience in some instances was unlimited, while in others it was restricted to certain forms. Some control of the form of experience in the class was at first desirable. Ultimately it was considered valuable to have had related experiences in several areas and forms of group discussion and action.

Experiences in and outside the class resulted in all sorts of impressions of details and procedures, and in an awareness of the unitary quality of an educational experience. At first, attempts were made to arrange the sequential developments of an experience into an orderly whole. Later, the relative importance of the parts and processes was evaluated. In the latter stages of this process of growth the details or parts became related to the whole and to the process utilized in determining positive action. The action was then traced to and from the motivating needs.

In dealing with acute needs, intellectual and emotional readiness and stability were especially significant in successful learning. When the awareness of needs was inadequate, an attitude of healthy curiosity toward the investigation of obscure needs was desirable. Some students found that introspective observations revealed attitudes and opinions which tended to fluctuate. Experience in deliberation and reality practice led to a more discriminative approach to the delineation of the causal bases of most attitudes. Once attitudes were related to causes, the student seemed to be able to examine his opinions and the available evidence with greater objectivity.

One group of students in particular was very much impressed by the influence of emotional security in learning. When they were irritable or ill at ease in a classroom situation, learning was handicapped. This group of students described their feelings and their personal sense of growth as directly related to this feeling of insecurity which seemed to be experienced to some extent in nearly every class. As educational growth increased there were changes in the responsiveness of each member. After the initial discomfort was overcome, they learned to tolerate the situation in a matter-of-fact manner. Frequently some students, though reticent in expressing their feelings, enjoyed the work. The more purposeful and satisfying an educational experience was for these students individually, the more they felt that they belonged to the group and to its process and purpose. The most satisfying growth experiences were more frequently identified with friendly, spontaneous, and sympathetic feelings of acceptance.

All of the students agreed that when the objectives and purposes of the class were not related to their own needs they were bored, and frequently only simulated interest. When there was a direct relationship between their need and the activity, they entered into it spontaneously, with interest, energy, and spirit. It was then only a matter of time before their interest in and application of the learning extended beyond immediate areas of experience.

Personal integration was an apparently important counterpart of effective learning and experiencing. This also was related to the objectives and needs. In the absence of a direct relationship between conscious need and action, it was discovered that the personal organization of time, energy, and resources was poor and the resulting action was purposeless, often wasted, and usually uninteresting. This lack of integration was also associated with the practice of becoming involved in too many activities with only occasional achievement. Improvement in purposefulness, and thought-action-time integration made it possible to complete a task, evaluate the achievement, and determine the real nature of the progress with greater ease and satisfaction.

Thought and action were directly related to motivation. An acute sense of need increased the strength of the motivation. Unless the student was forced to participate, mild interest seldom motivated him to act. When the sense of need was keen, the student voluntarily engaged in reality practice.

The development of relationships between felt needs and needs of which the student was at first unaware followed certain patterns. Exploration and achievement were related to feelings of adequacy. If the need was acute, the student became more keenly aware of the necessity for meaningful and responsible action. When a personal need had been satisfied, through responsible action, this blocking by feelings of inadequacy was reduced.

The values inherent in such teaching are not always immediately apparent. However, several groups of students reported their evaluations of this method of class leadership and action as they had experienced it. One of the reports stressed the following values in the method.

This method of education allows the best there is in a person to develop without creating the feeling of having the will of others imposed upon unwilling recipients. We know that if we are to have democracy we must do more than teach the principles of democratic living. We must provide an environment wherein it may be practiced. We have defined democratic leadership in the light of what it has meant to us here. It has meant helping people to find themselves. It means permanent education in contrast to quick but transient results. It means freedom of thought and action. It frees the individual from feelings of inadequacy, and creates a sense of personal worth and security. It means a way of life and not a way of unscrupulous nihilism. We were not able to set a goal until each individual was willing and eager to take an active part in the process. And here, unlike some other situations, we seemed to have our interest nurtured. Although our interests may have continued for a time in different directions, we were able to find a common ground where all could participate freely and with a sense of contribution to the good of all members of the. group. We emerged from this experience as a more spontaneous, willing group with common interest and purpose, ready and able to act.

Another group in the class had studied community council patterns as a means of focusing the attention of the community on more or less acute problems. The subject of discussion in this group was somewhat less closely related to the common core of interest in the class, and yet the group reported:

Our participation in the class had an amazing effect. Although we were not conscious of learning much about the original topic or problem we had agreed upon, through our experience we really learned a great deal. Individual members of the group have stated that they have constantly related this work to their personal needs through additional independent study. In this action-discussion and discussion-action our group experienced many meaningful difficulties which we could relate to the difficulties encountered in community council work. These difficulties were evident in some of the following problems which arose in the group experience: diverse interests, a lack of a natural leader, a variety of needs, personality differences, a lack of a common purpose or goal when the group was initiated, and, in the beginning, a lack of cooperation.

The general growth of the group has been great. Specifically, we have identified ourselves with a genuine need, agreed upon an area of study, and developed a plan or program of study and experience. The greatest growth took place in the experience of seeing democratic education in action within our own class and in the discussion groups. Most impressive was the realization that the development of group dynamics could be traced within the group, and by the group, without impairing the solution of the particular problems of each member and the objectives of the various groups. That we could make such observations without previous experience in group analysis was surprising.

We also realized that many factors were of great significance in group work and through actually practicing our theories we seemed naturally and without resistance to find common goals related to our needs and interests, facilitate personality adjustments to other members of the class and staff, learn to be individually responsible for cooperative group action, identify ourselves with what the group stood for, and with it to develop an understanding of the total group process. One enduring impression will be that of knowing that a democratic learning process will work. It may require more time than some other methods, but it leads to the heart of understanding and there is a likelihood that through it there will be a greater continuity of progressive action toward any chosen goal.

The above reports illustrate the depth of understanding and integration which was achieved within and between the discussion groups in their action research. The instructor also found it helpful to evaluate his role and the effects of his leadership behavior on the groups.

The teacher is most effective when he tries to discover the needs of the student. To succeed in this attempt he must, of course, know and understand the student. Personal interviews, autobiographies, personality inventories, and group discussions assist in the definition of some of the more significant needs in the lives of students.

Students need to be assured that the teacher respects their individual worth, their intellects, and their capacity for self-determination. Respect is best expressed through the provision of opportunities to accept responsibility. Paternalism and the clinical approach should be carefully avoided. Breeding confidence in one's own ability to discriminate and explore without conforming to a prescribed range or outline of material is probably one of the most important responsibilities of education if it is to fortify men against the threat of despotism.

The teacher's attempts to assist students to discover, define, and explore their personal needs have a greater chance of succeeding when individual initiative in the pursuit of personal objectives is encouraged. The curriculum, program, or educational objectives will emerge from the persistent problems, expressions of interest, and needs of the students. In this method of planning, the students have the assurance that the teacher is working with and for them. One manner of achieving this mutual cooperation is to give students an opportunity to plan the course of study. The teacher then becomes an active participant in the group and rapport among the students and between the teacher and the students may be enhanced. When the teacher relies upon his own judgment alone, the course of study becomes somewhat disoriented to the reality of the student community and to the world in which the student must live.

The teacher must be more than a well-informed authority. He must assist the student to express his own needs. Frequently this more difficult role requires the teacher to become a passive listener. He must refrain from hypothesizing in respect to what is needed and from projecting himself between the student and his need. He must assist the student, while permitting him to discover for himself the problems involved and the means of satisfying his needs. Everything the student says or does can then be related to his total development. This procedure stimulates and enriches both teacher and student.

Human needs are of two general types. There are those of which the individual is aware—needs which produce feelings of inadequacy and distress. Then there are those of which the person is not aware, but which nevertheless influence and often even dominate him. It would be difficult indeed to anticipate or to recognize all of the actual or potential needs in the lives of students. However, the teacher as a leader can assist the students to search for and to define their own felt needs. Moreover, he can assist them to define some of the needs of which they are not conscious or which they are ready to confront. Vigorous discussions give the students opportunity to learn the needs of their fellow students and cooperatively to discover future needs. The teacher can play a part in this discovery by participating as a member of the class rather than as a transcendent and remote intellect. Students seem to be ready and eager for this experience, especially when they are assured that their own peculiar needs are important, and when they are not expected to be so strongly motivated by the needs of others as they are by their own. Students as a group in society must be led to respect and appreciate the needs of others and to assist in their satisfaction; otherwise anarchy may result. The therapeutic role of responsible identification with others, their needs, and the larger purposes of the group merits more consideration than it has received.

The teacher is also a surrogate of the wider community outside the classroom. This wider community has a coordinate system of values which cannot be ignored. As an interpreter of the established culture, the teacher need not necessarily approve or disapprove of the status quo, and in his consideration and evaluations of the world community he may well play a more or less prophetic role.

In addition to his responsibilities as surrogate of the larger community and a passive listener, the teacher must assume those of a leader. A group or class will not immediately respond when democracy is thrust upon them. Consequently, the teacher needs to stimulate and stabilize the emerging structure of intellectual and emotional experience in the classroom. When the students wish to learn, their action is purposeful and motivated by their needs. The teacher as a leader provides, when it is appropriate, some of the guidance the situation demands.

If action is to be sustained, it must be motivated by purpose on the part of the person initiating it. Consequently, it is well to have the goals clearly defined and always considered in the translation of decision into action. Students who realize and express their own needs seem to be better able to initiate meaningful action. It may be necessary (depending upon the complexity and size of the group) to create subgroups, each with its own definite purposes and objectives, however closely related to a general area or persistent problem, so that there is a unifying relationship in the total experience.

Teaching and learning seem to be best nurtured when there is a warm, friendly, spontaneous, and sympathetic cooperative understanding of the participants by one another, and when all have a sense of belonging to one another and to something greater than any one individual.

Cooperative action is apparently a natural process of such understanding. Participants are strengthened by an interdependent, cooperative acceptance of one another and respect for the rights of others. In such an intellectual and emotional environment the members feel secure and have a sense of achievement and growth; but greater than this is the sensitivity to growth which stimulates enthusiasm and results in energetic participation.

There are many methods of gauging the effect of an educational experience. The purpose of the measure will determine the nature of the "rule." Some of the most significant measures of personal growth are more or less difficult to quantify. The participants in an experience best appreciate what occurs, how it evolves, and why it takes place. Therefore, the individual student may have a personal appreciation of growth that is often obscure to the teacher or to other observers.

The teacher who innovates an integrative dynamic form of education based upon the principles of democratic action experiences personal inner conflicts which are as difficult to handle as are the challenges and necessities of this form of education. Somewhat naturally the teacher feels that he must be an "authority" on something. There is the constant struggle to keep up to date, to find new secrets, and to solve old and new problems as a means of maintaining status. Frequently the results of such research have a limited value for the student, who has needs which are often unrelated to those of the teacher but nevertheless demand satisfaction in the process of education. Required participation by students should be critically examined in the light of what the student learns, to see the extent to which these activities will help to satisfy his own needs and the needs of the society he will serve.

When the teacher attempts to practice a democratic form of leadership in the classroom, the results are not always promptly realized and he feels that he must become more directive. A submissive, uncreative class may emotionally accept his authority, intellectual power, and guidance. This type of acceptance is of questionable value. When the teacher uses his status as an authoritarian lever upon students who want to learn to think for themselves, the power he uses to control and the fulfillment of his requirements create more problems, resistance, and withdrawal on the part of the members of the class or group, even though they may tolerate the situation and do what is required. If the measure of teaching is growth, then there may be some need to evaluate these practices very carefully.

Students and teachers alike easily become dependent upon an authoritarian structure of discipline, and consequently lose much of the desire to develop intellectual autonomy. Some of the more common reactions of resistance to such an innovation of democratic educational leadership have been exemplified in verbal condemnations of the method, withdrawal in the form of refusal to participate, either by staying away from class or by inaction in the class, or by the interjection of distractions which complicated the situation or annoyed the other members of the class and the teacher.

The teacher, social worker, or voluntary leader employed for educational purposes by an organization wherein the control is more or less centralized realizes that the use of this method of education and leadership may threaten his status. Such loss of face impairs his opportunities for economic and social advancement in particular and his total security as well. It is difficult to envision security resulting from this method of teaching and learning. It is not easy to trust it, and he who would lead others into this type of educational leadership must have patience, must be able and willing to recognize and resolve the feelings of insecurity in himself as well as within his students as they attempt to evaluate their experiences objectively.

There is great strength in a class of students which seeks a common objective. The teacher as a leader serves a vital purpose in a mutually helpful relationship with his students. The teacher assists students in improving the definition of their purposes, in discovering new objectives, in initiating and improving their methods of inquiry and critical analysis, as well as in appraising the consequences of anticipated action and the techniques and results of cooperative management in a common enterprise.

The human mind and spirit are infinitely complicated. Education is on the threshold of an era in which rational, value-centered behavior is the sole defense against complete annihilation. The intellectual power of the human mind and spirit can be released and man can attain his full potential creativity. Through objective analysis and the discovery of more effective and consistent methods of teaching and learning, by means of observations such as are herein described, it may be possible to approach this goal.

COURT UPHOLDS CLOSING OF HORACE MANN-LINCOLN SCHOOL[1]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TEACHERS COLLEGE,
Plaintiff,

vs.

NATHANIEL L. GOLDSTEIN, as Attorney-General of the State of New York, and GENERAL EDUCATION BOARD,

Defendants,

and

DONALD ELLIOTT and JEAN ELLIOTT, infants, by their guardian, HARRISON S. ELLIOTT; ELINOR S. GIMBEL, individually and as president of the Horace Mann-Lincoln School Parent-Teacher Association, and WALTER M. WECHSLER, on behalf of themselves and all others similarly situated,

Intervening Defendants.

OPINION OF MR. JUSTICE BOTEIN
March 20, 1947.

I

THE General Education Board is a corporation organized for "the promotion of education within the United States." Teachers College, as its name implies, prepares its students for the teaching profession. If not the leading, it is one of the leading institutions of its kind in the United States.

In 1916 the Board resolved to finance a proposed Modern School for the experimental study of problems and methods in elementary and secondary education. In looking about for an institution of standing which would be sympathetic with such objectives to conduct this experimentation, the Board approached Teachers College.

Teachers College agreed to undertake the enterprise and The Lincoln School of Teachers College was launched in 1917. By an agreement between the College and the Board, the Board provided the funds required to balance the budget after income from tuition fees and other sources had been applied. Subsequently, in the 1920*5, the Board made a series of grants to Teachers College aggregating $3,000,000, a principal sum calculated to produce the income necessary to insure permanence of the desired experimentation. Land previously acquired and a school built by the Board, both valued at about $1,500,000, were deeded to Teachers College by the Board.

In 1941 Teachers College decided to merge The Lincoln School with the Horace Mann School, which was also connected with the College. This merger was effected after objections, based upon a contention that the grants were made to perpetuate The Lincoln School only, were litigated unsuccessfully through the Court of Appeals.

In June, 1946, the Board of Trustees of Teachers College resolved to discontinue operation of Horace Mann-Lincoln School after a date in 1948, to sell the school premises, and to use the income from the Board grants and the proceeds of the sale for other experimental work in the field of elementary and secondary education. The reasons animating this decision are set forth in the report of the Special Committee of the Board of Trustees which explored this problem:

Whatever our personal reluctances and however strong the pull of old loyalties, we have been forced to the conviction that Horace Mann-Lincoln School is no longer an effective instrument for experimentation. What future circumstances may dictate we do not know; but under the conditions which now obtain, it seems to us that the operation of a school of this character is unlikely to result in significant contributions to education for all American youth. . . .

The immediate use to which Teachers College proposes to put the income from the grants and from the proceeds of the sale of the school building is to promote experimentation, in cooperation with a number of public and other schools, through the medium of the Horace Mann-Lincoln Institute of School Experimentation.

In the present action Teachers College seeks a declaratory judgment determining its right under the terms of the grants to put into effect these resolutions of its Board of Trustees. The plantiff's prayer asks, in brief, (1) that the instruments in question be construed and their effect determined and (2) that the proposed course of action be adjudged to be within the terms of the relevant instruments; or that, as an alternative, if the grants be construed in a manner adverse to the plaintiff's contention, the court direct administration of the funds in the manner proposed, under its cy pres powers, upon the ground that further operation of the School is impracticable because incompatible with the accomplishment of the purpose to which the Board directed that the funds be devoted.

The plaintiff has named as defendants in this action the Attorney-General and the General Education Board. The former submitted the rights and interests of "the unknown beneficiaries of the grants"—i. e., the public—to the determination and protection of this court. The latter, the donor of the grants, has, in accordance with its apparent approval of the proposed course of the College, submitted the issues of fact and law to this Court and "consents to the entry of an order or judgment in accordance with the prayer of the plaintiff herein, provided the Court determines such an order or judgment to be just and proper. . . ."

Only the intervening defendants, who are students, parents of students, and a contributor to one of the School's special funds, take issue with the proposals of the College as to the construction and proposed use of the grants. They will therefore be hereinafter referred to as the "defendants." They contend that the grants may be administered only for the maintenance of an education experimental laboratory such as they conceive The Lincoln School or its successor to be; that the proceeds of such grants must be applied permanently to the support of such a school.

Teachers College asserts that the purpose of the grants was to further and make permanent experimentation in the field of elementary and secondary education throughout the country; and that the School was merely one current method of experimentation and an implementation of the over-all program which the College could in its discretion discard in favor of other means and methods should conditions justify such action.

It is now settled law that although the College, which is the donee of these grants, may be a charitable corporation, it is not relieved of its obligation to administer the grants according to their terms and not to deviate therefrom (St. Joseph's Hospital v. Bennett, 281 N. Y. 115). It must therefore be determined first, whether the grants by their terms preclude their administration for any purpose other than the maintenance of the School and then whether the proposed utilization of the grants for the maintenance of the Horace Mann-Lincoln Institute of School Experimentation is permissible.

II

In its early years The Lincoln School fulfilled abundantly the expectations of its founders. It was young and not set in the mold of tradition; it was flexible in its conception and execution of educational experiments. Curricula and teaching reforms demonstrated by the School found their way into current educational theory and practice, although the principle of experimentation was still not accepted generally.

Then, in order "to assure the permanence of such work as the School is now doing and similar work in the same and other fields, such as will naturally arise in the course of . . . experience," arrangements were undertaken in 1925 for the "permanent financing" of that work. For that purpose and at the request of the Board, a letter dated April 30, 1925, was written by the then Dean James E. Russell of Teachers College to the Board. That letter is the keynote to the construction of the subsequent grants.

The letter contained the immediately preceding quoted phrases which were prefaced, in the letter, by the Dean's observation that "The one greatest need in education today is guidance in ways and means of deciding what to teach." The method of satisfying this need was indicated sagaciously:

Lacking omniscient leadership, I know of no better way than to proceed by commonly accepted scientific methods—formulation of hypotheses, experimentation under controlled conditions, and trial under direction leading to pragmatic judgment. (Italics supplied.)

The Dean then proceeded to solicit the Board's assistance in establishing the scientific method in the field of education:

It is my judgment that steps can and should be taken to assure the permanence of such work as the School is now doing and similar work in the same and other fields, such as will naturally arise in the course of our educational experience. The Trustees of Teachers College are prepared to accept funds which will make it possible for them for some years to come to carry on the types of activity now characteristic of The Lincoln School. As far as we can now see, there will never be a time when work of this kind will not be important, but it would seem to us wise that the terms of any gift made for this purpose now should be sufficiently broad and elastic to permit the necessary adjustments to social and educational conditions as they change in the course of time. (Italics supplied.)

The foregoing document, written by an educator for educators, contains unmistakable language to evidence that the primary concern of its author was educational experimentation and not some one experimental laboratory school. The letter of Dean Russell, which was incorporated by reference into each of the subsequent grants, did not urge steps to assure the permanence of the School but "to assure the permanence of such work as the School is now doing and similar work in the same and other fields, such as will naturally arise in the course of our educational experience." He did not ask for funds to carry on the School, but to make it possible for the College "to carry on the types of activity now characteristic of the Lincoln School." And his specific concluding reservation, above quoted, reflects the improbability that he—or the Board—ever considered welding the funds irrevocably to The Lincoln School.

Dean Russell's letter was followed by an application, dated October 13, 1925, by Dr. Otis W. Caldwell, the then Director of the School, to the Board for principal funds which would yield an income equal to the annual allowances theretofore granted by the Board to the College. The application described the objectives of the requested grants:

This should be accomplished in such a way as to give secure financial foundation for educational work now under way, and to support sound and progressive contributions to educacation in the future years, whose particular problems we cannot now anticipate. To these ends, it is requested that principal funds be granted to The Lincoln School of Teachers College, the income from which shall be used by the Trustees of Teachers College, to maintain the experimental school and the educational investigations associated with it. It is understood that the purposes and endeavors of the School are to be continued in general as at present; but that as the past eight years have often shown it wise to change ways and personnel in the work, nothing in the documents regarding the proposed grant should be interpreted as restraining the institution after full consideration from changing plans and methods or from undertaking added types of educational experimentation or the investigations essential thereto, as in later years may seem wise to the Trustees. (Italics supplied.)

Pursuant to these requests the College was granted $500,000 in 1926, $500,000 in 1927, and $2,000,000 in 1928 by the Board.

The first of these grants was in the form •of an agreement between the College and the Board. It set out in full Dr. Caldwells application, and the Board pledged $500,000 "to Teachers College for general endowment, the income to be used for the support of The Lincoln School of Teachers College" so that "experimental work in the field of elementary and secondary education" would be permanently insured in accordance with the letter of Dean Russell and the application of Dr. Caldwell. It was understood that the College would conduct the School "in general conformity with the present policy and with the spirit of the said letter of Dean Russell . . . and of the said letter of application." But it was further expressly stated, by qualifying language lifted verbatim from the letter of Dr. Caldwell, that "nothing "herein contained shall be interpreted as restraining the College, after full consideration, from changing plans and methods, or from undertaking added types of educational experimentation or the investigations essential thereto, as in later years may seem wise to the Trustees."

The 1927 grant assumed the form of a resolution adopted by the Board on February 24, 1927, wherein $500,000 was to be appropriated "for general endowment of the Lincoln School, the income from said fund to be used so long as necessary for the support of said school in order to insure the permanence of experimental work in the field of elementary and secondary education," in general conformity with the preceding agreement of 1926. Receipt of this fund upon the foregoing terms was acknowledged by the College on April 21, 1927.

The final grant was by means of an agreement similar in terms and conditions to the agreement of 1926.

The application of Dr. Caldwell, as well as the grants by the Board, avowedly and actually carried forward Dean Russell's conception of the purposes for which the grants were to be made. The language used in the application and grants is uniform to the point of repetition in its reference to the need for experimentation in education; to the inability to anticipate the precise problems in education which would require investigation or the precise techniques which would be employed in such investigation or experimentation; and to the previously quoted caveat that nothing in the documents "shall be interpreted as restraining the College, . . . from changing plans and methods, or from undertaking added types of educational experimentation . . ." It will be noted that this language, as contained in the grants, authorized the College not merely to revise the methods of experimentation in the School; the College was empowered to change "plans and methods."

Thus, all indicia of language and circumstances surrounding the making of the grants point to the construction, for which Teachers College contends, that the purpose of the grants was insuring the permanence of experimental work in the field of elementary and secondary education. It was experimentation by an institution with the prestige and authority commanded by Teachers College that motivated the Board's grants. In return for lending its auspices to the proposed daring innovations in educational experimentation, the Board patently had to accord the College the latitude and discretion necessary for successful experimentation.

It was experimentation by Teachers College that impelled the grants. The subordinate importance of the School appears from the fact that the grants were made to the College, not to the School. Indeed, The Lincoln School was never reified and always remained a medium rather than the concretized objective of the Board's grants. As was observed by Justice Walter in the course of the opinion he rendered in the action brought to enjoin the merger of the Lincoln School and the Horace Mann School, ". . . when we inquire what Lincoln School is we are at once confronted with the fact that there is no entity of that name, nothing which owns property, employs teachers, receives tuition fees or imparts instructions through its own agents. . . . (It) has neither charter, nor property, and is not even an invisible or intangible being, and has no existence even in contemplation of law. From all the evidence I can find it to be nothing more than convenient nomenclature for an activity by which Teachers College attempts to put into execution the necessarily elastic ideas which General Education Board had in mind in making these grants" (Elliott v. Teachers College, 177 Misc., at p. 751). The fact that The Lincoln School has always remained thus an institution devoid of legal protoplasm sustains the conclusion of Justice Walter "that, if something more than a committal of the ideas to the discretion of Teachers College had been intended, the grants would have been made, not to Teachers College, but to a separate entity created for the purpose of receiving the grants."

If any one feature emerges predominant from the evidence, it is that the project financed by the Board and conducted by the College was devoted to experimentation in education. The project is a direct derivative of that philosophy which would dedicate the social sciences to experimentation—to the adaptation of the scientific method to problems arising out of man living in society. The social sciences, according to that philosophy, should provide more than the learning of the past which once characterized the cultured and erudite man. Instead, these sciences are conceived to be disciplines whereby different aspects of human life are to be studied scientifically by the laboratory experimental techniques associated with the physical sciences.

It was in this philosophical context that the Board granted funds to the College for "educational experimentation." And in such a dynamic context it would be a gross distortion of the Board's endeavors to limit that experimentation to the single static medium of one private school. Men transplanting the use of the scientific method into the field of education were obviously concerned with obtaining the most effective mode of experimentation, not with perpetuating some one such mode. Indeed, the efforts of the Board and the College to utilize the scientific method in education exclude any possibility that it was intended' to experiment only through The Lincoln School, for the scientific method imports not only experimentation in the sub jeer matter under examination, but also experimentation in the methods of experimentation.

It is inconceivable that the men who-planned this thrilling adventure on the frontiers of educational experimentation with1 the passionate deliberation of scientists would confine its potentiality for a productive future to one particular medium which might grow sterile. To analogize the unreality of such a position we need think only in terms of the present. The plaintiff seems quite sanguine about the promise which the Institute holds forth for fruitful experimentation. But no educator would dare present it as an immutable medium for perpetual productivity in experimentation.

This reasoning parallels the appraisal of the purport of the grants upon which the decision of Justice Walter, previously mentioned, is premised. His opinion is very influential, not because of legal principles of stare decisis or the law of the case, but because of its striking insight.

The words of the grants which illuminate their purpose and intent thus are, not the words "the support of The Lincoln School of Teachers College," but the words "in order to insure the permanence of experimental work in the field of elementary and secondary education." The content and connotation of those words find illustration, but not limitation, in the formal application of October 13, 1925, the letter of Dean Russell of April 30, 1925, and the papers of President Eliot and Dr. Flexner. Immediate but unformulated changes in existing courses of study and methods of teaching were recognized as necessary, and the running of a school was recognized as an appropriate method of finding out what the changes should be; but men who had lived to see long-used material and methods become obsolete, and to realize the necessity for permanent experimentation with new material and new methods, certainly never intended to cast into unbreakable form the pattern which the experimentation should follow.

Experimentation was their purpose; Lincoln School, as known to its students past and present, was a mere incident or means.

Accordingly, I conclude that in the use of the income from the grants for educational experimentation purposes, Teachers College is not confined to the maintenance and operation of the Horace Mann-Lincoln School.

III

The power of Teachers College to discontinue the operation of the Horace Mann-Lincoln School is plainly established under the grants. Correlatively, so is the power of the College to change "plans and methods" and to permit use of the funds released by the discontinuance of the School for another "type of educational experimentation." So much for that branch of the action which asks that the instruments be construed. The remaining issue posed by the pleadings and proof is whether the plaintiff's proposed course of action falls within the terms of those instruments. My inquiry progresses, therefore, to this next question: Do the facts warrant the proposed exercise of the foregoing powers, namely, the discontinuance of the School, and the establishment and maintenance of the Horace Mann-Lincoln Institute of School Experimentation?

This issue cannot be resolved merely by an appraisal of the past experience of the School and the Institute. As all parties presented the proof, the propriety of the judgment of Teachers College in deciding to discontinue the School in favor of the Institute depends, likewise, upon the relative potentialities and future promise of the School and the Institute as media for educational experimentation. Moreover, the conclusiveness of the past experience of the School as an indication of the School's experimental potentialities has been put in issue by the defendants; they have challenged, albeit somewhat tentatively, the College's interest in or understanding of the problems and objectives of an experimental school. Accordingly, the pleadings, proof and argument herein impel a somewhat diffident but necessary attempt at a critique of methods of educational experimentation. I shall outline the arguments of the two schools of thought represented by the parties to this action as to the most challenging problems which confront modern educators, and as to the most likely means of solving those problems; but only as they bear upon the question of whether the proposed action of Teachers College is reasonably calculated to further and insure the permanence of experimentation in primary and secondary education. This is the remaining issue in the case, and if decided affirmatively, the judgment sought by the plaintiff must be granted.

At the outset it is well to bear in mind that it is undisputed that experimentation in education increases in value in direct proportion to the increase in the number of students it affects. These students are largely in the public schools. Therefore, to fulfill the intention of the donor, the influence and benefits of experimentation must be widespread. No matter how gratifying an experiment may be from the technical viewpoint, the results are valueless if confined to the school. Experimentation for experimentation's sake is not what was contemplated in the grants.

What then is the program of the Institute which is advanced by the plaintiff as better calculated to achieve the purposes of the grants than is the School?

The Institute presently works in cooperation with about a dozen associate schools or school systems in diversified communities throughout the country. The associate schools are selected as resembling most closely large groups of typical schools in American education. To give greater scope to experimentation, it is contemplated that the composition of the associated schools will be changed at intervals. The members of the Institute's staff visit the schools, work with their staffs to identify their problems, to plan and define their experiments. Then they grapple with the problems in the field situation itself, in conjunction with the staffs of the various associate schools. There is always a small group of schools working currently on the same general problem area. They exchange their experiences and findings through the medium of the Institute.

It is more difficult to mark out the program and purposes of an experimental school. The witnesses were not of one opinion on the characteristics of a true laboratory school. I gleaned from their testimony that there are three types of schools with functions which overlap. First is the school established for the training of teachers by providing opportunities for practical teaching and observation. Second, the so-called demonstration school, which affords opportunity to put into practice and demonstrate new developments in education. Third, there is the so-called laboratory school which, according to the defendants, is exemplified by the Horace Mann-Lincoln School. In the same way that a science laboratory is a means employed by the scientist for the study of science, the laboratory school is conceived by its proponents as a means of study of education for the educator. It seeks to study significant problems in education and to develop definitive answers that will serve as principles. According to the defendants, Horace Mann School was a demonstration school and Lincoln School was a laboratory school before the merger. The merged school is a laboratory school, and the estimates of the witnesses as to the number of such schools in the country ranged from five to two hundred.

A score of the leading professional educators of the country testified during the trial. It was reassuring to observe that the all-important education process in this country is being administered so scrupulously by men of talents, courage and integrity. Never have I heard so many men speak from so little conscious self-interest. There were large areas in which they were in complete agreement; others in which the difference of opinion was a matter of emphasis. And there was reasoned, intellectual disagreement in the testimony verging most closely upon the issues of this case. Only the concessions freely made by men who maintained opinions but were not opinionated built up sufficient firm ground in the quagmire of conflicting expert testimony to permit a jurist to tread with some assurance.

The issues to which these educators addressed themselves arise from the fact that education in its objectives and processes reflects the society in which it functions. In the past twenty years there have been great changes in economic and social conditions in the United States which have vitally affected education. Twenty years ago there were about 2,000,000 students enrolled in the secondary schools of this country. This number has now become swollen to 7,000,000. In 1890, less than 4 per cent of the youth of high school age were attending high school. In 1940, 60 per cent were in public high schools and another estimated 10 per cent in other secondary schools. Great impetus was given to high school enrollment in the depression period of the 1930’s, when it was very difficult for youths of high school age to secure employment.

When there was a small percentage of the youngsters of high school age in high school, a great many of them were preparing definitely to go on to college. So, for many years high school programs of education were primarily college preparatory programs for a selected group of youths.

Then, as the base broadened and an increasingly large percentage entered high school, a proportionately smaller percentage of those who finished high school went on to college. Today, the secondary school does not serve the highly selected student population of a generation ago; it serves young people of high and low ability, from all economic levels, of all races and creeds.

For the great majority of our youth today, the high school represents their terminal education program, and educators are agreed that it can no longer prepare its students vertically for college, but must prepare them horizontally for life itself. The average high school curriculum is not adapted to the needs of those students who do not go on to college.

In the light of these facts, what are the major problems in elementary and secondary education today? It is most important that these problems be defined, so that the success and potentialities of the School and of the Institute in furnishing the answers to the problems may be evaluated.

For the purposes of this opinion there is required only the barest recital of three fields of inquiry which all of the experts agreed were serious and challenging, and which the majority held were the ones crying most urgently for solution.

Education for economic competence, posed under a variety of labels, seemed to be the major concern of the witnesses as a group. It may be defined as the problem of how to bridge the gap between school and actual induction into productive adult work. This may be attempted by seeking to integrate actual work experience in outside industry with a reorganized curriculum, so that in addition to learning basic principles the student is enabled to observe how they operate in economic life.

A second major area of inquiry is the relation of the school to the community in which it is located. Schools must function as an integral part of their communities and the students must be fitted for a place in those communities. The average youth upon completing his schooling (and only half the young people of high school age even graduate from high school), returns to live and work in the community of which the school is part. The educators seemed to entertain a wide variety of notions as to the scope of this field. I gather that what is contemplated is that the student serve a form of internship in community living and community service.

The third problem is health education, which comprehends a measure of cooperation among home, community and school, in personal and community health.

These and many other problems appear to be components of an over-all responsibility which must be shouldered by the schools—a concern with the total lives, and not alone the academic lives, of the young people whom they service. A generation ago the emphasis was more on the teaching of subject matter to students. Now, there is a correlated endeavor to better fit the students to take their places in society, earn a living and perform adequately the functions of citizenship. To these and many other problems the educators admit they do not possess final answers. It is also generally admitted that if and when the answers are found, to be fruitful for elementary and secondary education, they must ultimately be applied and found workable in the public schools.

The defendants' witnesses differed, as honest men will do, on certain points. A composite of their viewpoints would argue the superiority of experimentation in the School (a private laboratory school) to the public school for many reasons. The School, it is claimed, has greater control, in a dual sense; it can carry on experimentation without outside interference (from parents or others) and can establish control in the scientific sense by using groups of whatever makeup is desired for a particular experiment; or by using two groups—the one experimented upon and the control group. These groups can presumably be set up by granting scholarships so as to import the desired types of pupils. The public schools, it is asserted, unlike the laboratory school, cannot provide a complement of specially trained staff members to carry the bulk of the initial experimentation. Public school systems will not approve programs if basic principles and concrete results have not been tested and proven. There is greater stability of tenure of supervisory and teaching personnel and less turnover of pupils in the school. The private laboratory school protagonists claim that it breaks the trail for the public school, provides new ideas and blue prints them for adaptation into the public school.

The proponents of the private laboratory school also argue that there is teacher and parent resistance to the introduction of experimentation in the public schools; that there is generally nobody to accept responsibility for planning, conducting and evaluating experimentation, and that there are no controls and too many variables, from the scientific viewpoint. They therefore advance as a dominant factor in their case that only the laboratory schools can be said to engage in what they term "basic" or "fundamental" research in education, as distinguished from applied research or adaptation by the public schools; as one witness put it, the public schools cannot generate new ideas or isolate problems for experimentation, and without laboratory schools to cut new edges, would engage in variations of the status quo. In other words, they assert that only experimentation in a private laboratory school can develop basic hypotheses, and that the carrying over of the work of a private experimental school into the public schools throughout the country involves adaptation, interpretation and application, but not fundamental experimentation.

This concept of basic experimentation in education is vigorously disputed by the plaintiff. The term was used rather loosely by most of the experts on both sides.

Experimentation in education, it is generally agreed, involves the setting up of a definite problem, from that problem developing hypotheses, testing those hypotheses in the classroom situation, keeping appropriate recordings, evaluating results and ending up with conclusions or generalizations with respect to the hypotheses which are warranted by the materials.

Dr. Hubert M. Evans, on behalf of the plaintiff, maintained that the basic research from which ideas are obtained and problems are defined for research in the educative process, basic research akin to that in the physical sciences, is not carried on in the classrooms, but by psychologists, anthropologists, psychiatrists and the like in laboratories and special clinics. They produce, he stated, the fundamental principles, the basic research patterns, from which ideas are obtained to test out in the educative process. He foresaw that with the growing stress on sociological experimentation a great deal of research involving groups will be undertaken. He stated that such basic educational research can be done with groups of children in or out of school.

The experts called by the plaintiff do not hold with the defendants' contention that the private laboratory school is the spring from which bubbles forth every worthwhile idea for educational research. They contend that the sources outside the classrooms, as above mentioned, furnish fertile ideas, whether born of basic experimentation or not, and for ideas of lesser stature, such as adaptations of curriculum, research associates can draw on the public schools where certain problems lie exposed on the surface.

The argument which evoked the greatest volume of testimony by the experts was the defendants' contention that only in a privately endowed laboratory school could adequate controls of an experiment be established. To this the plaintiff's experts countered with the assertion that die controls are meaningless because of the unrepresentative character of the student body of the laboratory school. They state that while the latter type of school is shackled by lack of a representative school population, the public schools present in their actual realities the problems which must ultimately be faced in public education. These realities, it is urged, cannot be dealt with by armchair theorizing, and a cross section of American youth of school age is a vital, important factor in worth-while experimentation on the problems confronting educators. Otherwise, the plaintiff claims, the results obtained in a private experimental school will be distorted by variables not present in its student population, and a blueprint of a successful private school experiment would be of little value in charting a similar one in a public school.

It is not contended that the student population of any one school, public or private, represents more than a cross section of the community served by that school. But the public school, it is claimed, is related to a much broader community base than the private school, because it represents a better cross section of society, economically and socially. The best medium for experimentation is presented as a group of public schools varying in type as do the associated schools of the Institute; in rural areas, small communities, large urban communities, industrial cities and the like. It is argued that in the aggregate these public schools represent a true cross section of the student population of the country, while the private laboratory school, because of selected students, does not contain even a cross section of its own community.

The plaintiff stresses that in probing the three problems which most of the educators agreed were of greatest significance, working with a cross section of the community is exceedingly important. The children attending the School possess intelligence quotients averaging 115; they are members of families in the upper middle class income levels, and over 80 per cent go on to college. All the factors being equal, argues the plaintiff, an experiment in work integration in such a setting would be less productive of valid conclusions for introduction into schools throughout the country than would an experiment in a school which marked the terminal of education for most of the students and which in its pupil population possessed a wide range of abilities and family income levels. Therefore, it asserts, the highly selected student body of the School is not a fruitful medium for research in education for economic competence.

Experimentation in a school which mirrors its community would obviously be more productive, continues the plaintiff, in treating with the second problem—the relation of the school to the community in which it is located. And as to the third problem, education for health, it points out, that there are many homes, not typical of those in which private school children live, in which the school must educate the parents as well as the children.

Also, the plaintiff scouts the defendants' proposition that a cross section for general research or a group of students for a single experiment can be introduced artificially into the student body of the School. This must be done through use of free scholarships, which, it is urged, of itself implies a measure of selected absorption by human decision.

I can find definitively that fiscal considerations, if nothing else, prevent the insinuation of a representative cross section into the School student population. A certain sum must be realized annually from tuition fees to maintain Horace Mann-Lincoln School in a solvent condition, and this would preclude the granting of total scholarships to more than a very small minority of the students. A fair cross section in the non-tuition group would still be overbalanced and the School's character determined by the large core of tuition-paying students. This conclusion does not necessarily extend to other private laboratory schools which, by reason of considerations not present in the instant situation, may be able to implant an effective cross section for experimental purposes. But on the facts and figures introduced on this trial, Horace Mann-Lincoln School simply cannot acquire such a cross section.

However, counter the defendants, even if these deficiencies be present, they do not abort significant experimentation in many important areas of elementary and secondary education. They argue that there are certain constants in the education of all or most children, so that the cross section is not an essential factor in most experimentation in education. In some fields the spread between the problem as isolated in the private experimental school and the needs and conditions of the public schools may be too great to be spanned. In others, urged the defendants, the superior facilities of the private laboratory schools, the stability of tenure of the staffs, the know-how and specialized experience of their staffs, the tighter scientific control of experimentation work jointly to produce results of great value to elementary and secondary education throughout the country; results beyond the reach of research divisions of public schools in their present stage of development. As several of the witnesses called by both sides stated in substance, the ideal situation would encompass extensive research in both private experimental schools and the public schools.

In addition to its introduction of proof that public schools are capable of conducting valuable educational research, the plaintiff indicated that a number of public school systems are willing and able to undertake such research. Thus, it presented testimony from several administrators of public school systems associated with the Institute, ranging from the Atlantic to the Pacific coast, refuting the contention that there is lack of receptivity on the part of supervisors and teachers to experimentation. This staff cooperation is attributed to the fact that the minimal educational and training standards for teachers in the public school have been raised considerably, that a number are skilled in progressive pedagogic techniques, and some few in the techniques of research. Indeed, one significant contribution of the laboratory and demonstration schools lies in their dissemination through the public schools of this country of a sizeable band of teachers, trained in their image, who accept and espouse research as an ingredient of the educative process. Witnesses from the staffs of public schools also denied that experimentation is frustrated by parent or political resistance. They cited facts and figures to indicate that many public school systems recognize the need for continuous research and have set up departments for that purpose.

A very important and fundamental deficiency of the laboratory school, asserts the plaintiff, is that even if it is responsible for productive experimentation, it cannot or does not carry over the results into the public schools of the country. It is not enough that the private laboratory school study the significant problems of education and develop the answers that will serve as: principles to guide the attack upon these problems by other schools. The answers: will be largely wasted, certainly for the purposes of the grants with which we are here concerned, if they are not transmitted to the public schools. To have value, the ultimate results of the experimentation must be reflected in public education.

The laboratory schools, singly or as a group, have never established any organized pattern for the transferring of experimentation or its results into the public schools. The results of their experimentation flow over into the public schools through publications (pamphlets and articles in educational journals), visits of public school teachers to the laboratory schools and summer seminars, and the infrequent visits of laboratory school teachers to public schools. These are characterized by the plaintiff as haphazard and ineffectual channels of communication, which it claims partially accounts for the fact that no witness could point to any specific contribution of any consequence in recent years from the private laboratory schools to the public schools in the areas defined as containing the most important current problems. The program evolved by the Institute, on the other hand, is submitted as holding forth real promise of infusing elementary and secondary educational institutions in this country with the techniques and results of significant experimentation.

As explanatory of the absence of the carry-over of any significant experimentation into the public schools, the defendants introduced testimony to the effect that fifteen to twenty years is required before the results of such experimentation can gain a foothold in the public schools. This lag itself furnishes a challenging field for experimentation, and it is, in fact, on the agenda of the Institute for inquiry.

Happily, the opposing contentions of the parties on the relative merits of the two types of schools as experimental media need not be resolved into a stark finding of the superiority of one, in the necessarily circumscribed laboratory of litigation, even after so expertly conducted and comprehensive a trial as was had herein.

It must only be determined whether the action of the Board in discontinuing the School and maintaining and enlarging the scope of the Institute's activities is reasonably calculated to further and insure the permanence of experimentation in primary and secondary education. The evidence presented before me, viewed in a light most favorable to the defendants' contentions, at the least amply demonstrates that the Board's action is reasonably calculated to achieve such an objective. Certainly the position taken by the plaintiff's experts has emerged robust enough from the trial to justify abundantly the exercise of discretion by its Board of Trustees.

Furthermore, I find, without evaluating the productivity of private laboratory schools as a group, that the Lincoln School and the Horace Mann-Lincoln School have contributed little to the broad field of public education in the past fifteen years. The School is probably the peer of any in the country in teaching and preparing its students and has functioned superbly in that respect. However, the purpose which it must implement under the grants is not to educate well a few hundred pupils each year, but to conduct significant experimentation for ultimate application in the education of 25,000,000 children throughout the country. The Board is warranted in its conclusion that the School has failed in this commission. This conclusion is not affected by the defendants' contention that the administrative officers of the plaintiff have evinced little interest in or understanding of the problems and objectives of an experimental school, so that for lack of real leadership in recent years the School has not functioned to the full extent of its potentialities as a medium for experimentation. Despite full opportunity to substantiate these charges of maladministration, there was a complete failure of direct or any other form of acceptable proof of indifferent or incompetent administration of the School by Teachers College.

On the other hand, the Institute program, since its inception, has stimulated an enthusiastic and cooperative response in the associated schools. Skilled and proficient personnel have been assigned by the school supervisors to the research projects. The plaintiff has demonstrated that this research process is a two-way one. The schools in the field give as much as they receive. They present a realistic situation, not an artificial test tube type of problem. Further, the cooperating schools are already staffed and equipped, at no expense to the Institute, and the latter's funds may be utilized for research exclusively. Also of importance, the Institute can leave any situation when it ceases to be fruitful for experimentation, but it leaves a nucleus of teachers who have acquired an experimental approach.

The record indicates that extended, intelligent and unprejudiced consideration was given by the plaintiff's Board of Trustees to the proposal that the operation of the School be discontinued, and that a comprehensive study was conducted of the program, achievements and potentialities of the Institute. I conclude, therefore, that the plaintiff was warranted in its conclusion that the School "is no longer an effective instrument for experimentation" and that the Institute bids fair to become a productive medium for the experimentation contemplated by the General Education Board in making the grants.

IV

Finally, the defendants raise additional objections to the proposed sale by the College of the land and buildings housing the School and the utilization of the income from the proceeds for the Institute. These objections raise few novel problems in view of the foregoing conclusions as to the grants of personalty.

By a deed dated September 28, 1921, the Board made an outright conveyance to the College of the land and improvements thereon. Then, by an agreement in 1922 between the College and the Board, it was specified that the conveyance was made upon "the distinct understanding . . . that said property . . . is to be used for said Lincoln School of Teachers College," and in the event that it was not so used, the Board could compel the College to reconvey the property. The College promised to hold the property "for the purposes of said Lincoln School of Teachers College during the existence of said school" and to reconvey the property to the Board, upon request, "in case said Lincoln School of Teachers College ceases to exist."

Subsequently, in the agreement of 1928 whereunder the Board made its final grant of principal funds to the College, this 1922 agreement was canceled, ostensibly yielding the result that the College obtained complete ownership of the property free of any limitations upon the College's use or disposition thereof.

If, as the intervening defendants contend, that cancellation did not relieve the College of the obligation to use the property in accordance with the purpose for which the property was granted to the College, the previous discussion as to the College's authority to discontinue operation of the School applies to this branch of the case. It requires no elaborate demonstration to indicate that the realty was granted by the Board to the College for the same general purposes as were the grants of personalty, and that the College is as free to liquidate the realty and use the proceeds for the Institute as it is to discontinue operation of the School for the same reason. On the other hand, if the defendants rely upon the 1922 agreement as constitutive of an obligation that the College hold the realty for some purpose other than that for which the personalty was held, then they are concluded by the language of that agreement, which permitted the College to sell the property with the consent of the Board and the further provision that "in case said Lincoln School of Teachers College ceases to exist" the College need reconvey the property only upon a written request by the Board. Thus, regardless of the view taken of the effect of the cancellation of the 1922 agreement, the College may properly sell the realty as proposed.

There is no need to discuss any of the other issues raised in this case, since the foregoing indicates that the plaintiff is entitled to all of the relief which it seeks in this action. Judgment may be entered herein construing the grants as above stated. The judgment should declare that the plaintiff may cease operation of the School after June 30, 1948; pay the expenses of ceasing such operation; sell, lease or otherwise dispose of the School premises; and use the income from the grants and from the property and its proceeds for experimentation by the Institute. This constitutes the decision of the court. If any further findings or conclusions are deemed necessary or proper, consideration will be given to requests therefor upon settlement of the judgment to be entered herein. Settle judgment.

BERNARD BOTEIN,
Justice of the Supreme Court

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1 Because this case is of general interest, we present in full the decision of the Court.