

Policy Studies for Educational Leaders *An Introduction*

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Chapter 6 – Focus Questions

Who are the major participants in the policy process at the state level?

Which ones wield the most influence?

How can education leaders identify the major players in their own states and obtain information about them?

How can education leaders follow state level education policy making?

Over the last twenty-five years, states have taken back much of their constitutional authority over education policy. In education, state policy actors are considerably more important than federal or local ones. Because both political science textbooks and the mass media emphasize policy making at the federal level, the state level is often poorly known and understood.

Government Actors

The Legislative Branch

51 legislatures exist in the US: the US Congress and the 50 state legislatures

They exercise similar functions and are organized in similar ways.

Major Functions:

- the development and passage of statutes, one type of law
- holding hearing where experts provide testimony on public issues
- review existing laws to determine continuance, amendment, or repeal
- approve government budget
- establishing task forces to study policy issues
- establishing committees to oversee the implementation of new legislation
- investigatory function

US Congress and 49 states are bicameral – two chambers – Senate and House. Both chambers have officers. The leader of the Senate is the President – in 28 states the Lt. Governor is the president of the state senate. The leader of the House is the Speaker. Both chambers have numerous committees.

State legislatures are modern and professional due to the following:

- In 1962 the US Supreme court handed down the Baker v. Carr one-man-one-vote decision. This ruling forced states to redraw electoral districts for their legislatures, weakening the power of rural areas and leading to more representative legislatures.
- In the early 1970s groups such as the Citizens' Conference on State Legislatures recommended reforms to make state legislatures more modern and efficient.
- President Reagan's New Federalism gave the states more responsibility for initiating and implementing policy.

Marshal (1989) – although the legislature as a whole was quite influential in relation to education policy, individual legislators are the most important actors in the education policy process.

Usually the most influential individual legislators are members of an **education committee**. Every state legislature has at least one education committee. Four states have one, thirty states have two, sixteen states have 3-4. These committees:

- develop education laws
- review existing legislation
- hold hearings on education policy issues

Because education is a major budget item, the members of the finance committee – again, especially the chair – are also influential.

Legislative office staff members ranked higher than the state board of education, school boards', administrative associations, and the federal government in policy influence.

The Executive Branch

Marshal (1989)

Governors have considerably less influence on education policy than the legislature, their influence is substantial. Activist governors who place education high on their policy agendas can have a great impact on their own state and nationally – Clinton and Bush.

The National Governors' Association helps governors implement policy – education is one of the top five priorities of this organization.

State Boards of Education

1. Develop, approve, or develop and approve rules and regulations used in implementing education laws enacted by the legislature.
2. Develop certification requirements for K-12 teachers and administrator
3. Approve and monitor educational assessment programs, including state tests
4. Decide on minimum high-school graduation requirements
5. Determine accreditation standards
6. Serve as final step in the appeals process for administrative redress cases

Chief State School Officers

Since 1900 all states have had a chief state school officer (CSSO) – a public official charged with the supervision of public education. Marshal found that they ranked just below the legislature in importance – depending on how they are appointed – by the governor, SBE, or popularly elected.

State Departments of Education

Marshal combined with CSSO and ranked it immediately below the legislature in influence.

1. While new legislation is under consideration, SDE legislative liaisons provide the education committees with data and assessments of the probable impact of a proposed policy.

2. After the passage of a new law, it develops the detailed rules and regulations to use during implementation.
3. As the new law goes into effect, the SDE provides assistance to districts and oversees and monitors their degree of compliance.

The Judicial Branch

50 State Court Systems

- 11 two-tiered systems – trial courts and supreme courts
- 39 three-tiered systems – trial, appellate, and supreme

Despite their low profile, judges are political figures who can exercise considerable influence over education policy. Ultimately, judges interpret the statutes enacted by legislatures and can overturn them.

Local Government Actors

Local school boards plan an important role in 49 states; Hawaii is the exception. Legally, local boards are agencies of state government; their make-up, how they are selected, and what powers they may exert are spelled out in state law.

Superintendents

Cooper, Fusarelli, and Corella (2000)

1. 64.2% have doctorates
2. Slightly more than 2/3 are over 50
3. 12.2% are women
4. % African American, Hispanic, or Asian extremely low (Kowalski 1999)

Carter and Cunningham (1997)

Thus, increasingly superintendents not only implement state policies, but they try – both as individuals and through their professional organizations – to offer substantive input throughout the policy-making process.

Nongovernmental Policy Actors

Interest Groups: What They Are and What They Do

An interest group is “an association of individuals or organizations, usually formally organized, that attempts to influence public policy” (Thomas & Hrebenar 1996).

Interest groups utilize lobbyists – lobbyists main source of power is their specialized knowledge about a specific policy issue.

Education Interest Groups

Found in most states:

- Teachers’ Unions – the most powerful education interest group
 - NEA most powerful 2.7 million members
 - AFT 1 million members

National School Boards Association (NSBA) – 100,000 members

American Association of School Administrators (AASA) – 15,000 members

PTA – 6.5 million members – disparate membership – parents, teachers, administrators, and students often cannot reach consensus on a policy agenda – make it weak (Questionable Clout, 1994, Toch 1996)

1967 Iannaccone developed a typology of state educational governance patterns
1984 McGivney revised it

Four Stages

1. Stage One - Disparate Structure, education interest groups are unimportant; rather school districts represent their own interests in the state capital.
2. Stage Two – Monolithic Structure, statewide interest groups become more important than the local districts in state education policy making.
3. Stage Three – Competitive Structure, this consensus breaks down; the passage of a collective bargaining law is often the precipitating factor. Statewide education interest groups are still important and active, but instead of cooperating they compete - often in an atmosphere of great distrust.
4. State Four, Statewide Bureaucratized, at this stage, collaboration begins again, and it is formalized by the establishment of a state-level umbrella organization that coordinates the activities of all the education interest groups. Possibly achieved by Hawaii – McGivney, 1984

Noneducation Interest Groups

Business lobby – Thomas and Hrebenar ranked business as the most influential interest group at the state level, closely followed by teachers' unions.

Grady (1991) found several types of business groups active in state politics:

1. Trade Associations
2. Chambers of Commerce
3. Manufacturing Associations
4. Business roundtables

Grady found they all agreed on one goal – keeping taxes low.

Other types of noneducation interest groups that at times can be powerful:

1. ethnic
2. religious based
3. single-issue ideological groups – anti abortion organizations

Policy Networks – loose national organizations which coordinate a wide range of efforts to influence policy. The most important education policy network is the Education Commission of the States (NCS), founded in 1966 by the National Governors' Conference. 49 states, the District of Columbia, and three territories belong. It is based in Denver and funded by the government and private foundations.

National Alliance of Business – the business voice of excellence in education – influences large corporations.

Policy Planning Organizations

Think Tanks Defined – play a crucial role in defining policy issues – decide what problems to study. Think tanks are the most important actors in the policy process – political scientist Schattschneider (1960) “The definition of the alternatives is the supreme instrument of power.”

Policy Entrepreneurs – outspoken individual advocates of a specific policy proposal – vouchers, site-based management. Mintrom (1997) – Policy entrepreneurs play an important role in articulating innovative ideas onto government agendas. They work hard at developing close ties with people through whom they can realize their policy goals and they seek to develop convincing arguments for selling their policy ideas.

The Media – should never be considered a neutral presentation of the facts. All communications result from an important process of selection and recontextualization that reflects, consciously or unconsciously, a stance on questions. Media helps set agendas. They set media agendas which often move to policy agendas.

The Organization of the Media – National and local news provide a dual focus that is rarely organized at the state level. This aspect of the structure of the US mass media leads to what Doris Graber (1994) calls *Swiss Cheese Journalism*: news coverage that omits numerous important public events and issues. Many of the holes in the cheese relate to state-level policy making, including education policy making.

Finally, some states are dominated by the media market of one large city in the state, such as Denver, Atlanta, and Boston. In this situation, state capital affairs will probably be amply reported if the dominant city is also the state capital. Where this is not the case, state politics may take a back seat to the politics of the dominant metropolitan area.

Identifying and Learning about Policy Actors

Overall Approach – Effective interaction with policy actors requires knowing who they are, where they can be reached, and who should be contacted about specific issues.

- Locate Government officials
 - o The district office
 - o The telephone book
 - o Public library
 - o Internet
 - o League of Women voters
 - o Politicians’ Offices
 - o Newspapers

Identify Appointed Officials and Groups

- SDE Directory
- Telephone Book for State Capital
- Organizational Headquarters

Identifying Policy Planning and Related Organizations

- Recent Policy Reports

- Newspapers
- Education Week

Counteracting “Swiss-Cheese Journalism”

School leaders who wish to follow state education policy making should:

- first assess the quality of the coverage by media outlets in their geographic area
- identify the interest groups that publish newsletters containing legislative updates
 - o NSBA state affiliate
 - o NEA
 - o AFT
- identify web pages and hot lines
- identify and systematically use alternative sources of information

CHAPTER 7 SETTING THE STAGE AND GETTING ON IT; ISSUE DEFINITION AND AGENDA SETTING

Focus Questions:

- How are policy issues defined?
- Why is the definition of an issue important?
- What is a policy agenda and how do policy issues get on it?
- How can education leaders follow and influence these stages of the policy process?

PERCEPTION AND REALITY IN THE POLICY PROCESS

Human beings have a powerful desire to perceive the reality we think we should perceive. Breaking free of a definition of reality that those around us accept and expect us to accept also is extremely difficult for us.

If a policy issue is not well defined, it will not be perceived as important. If it is not perceived as important by a large number of people, it will never attract enough attention to reach the policy agenda. If it never reaches the policy agenda, it will certainly never become formal policy.

Chapter 7, then, describes the issue-definition and agenda-setting phases of the policy process. The final section of this chapter presents ways that school leaders can monitor and influence these processes.

ISSUE DEFINITION: SETTING THE STAGE

Defining Issue Definition – Defining a policy issue is a political process that involves transforming a problem into an issue that the government can address. It involves developing an attractive image of the issue and associating appealing symbols with it in order to attract public support. In thinking about issue definition, **distinguishing problems from policy issues is important (Best, 1989; Stone, 1989).**

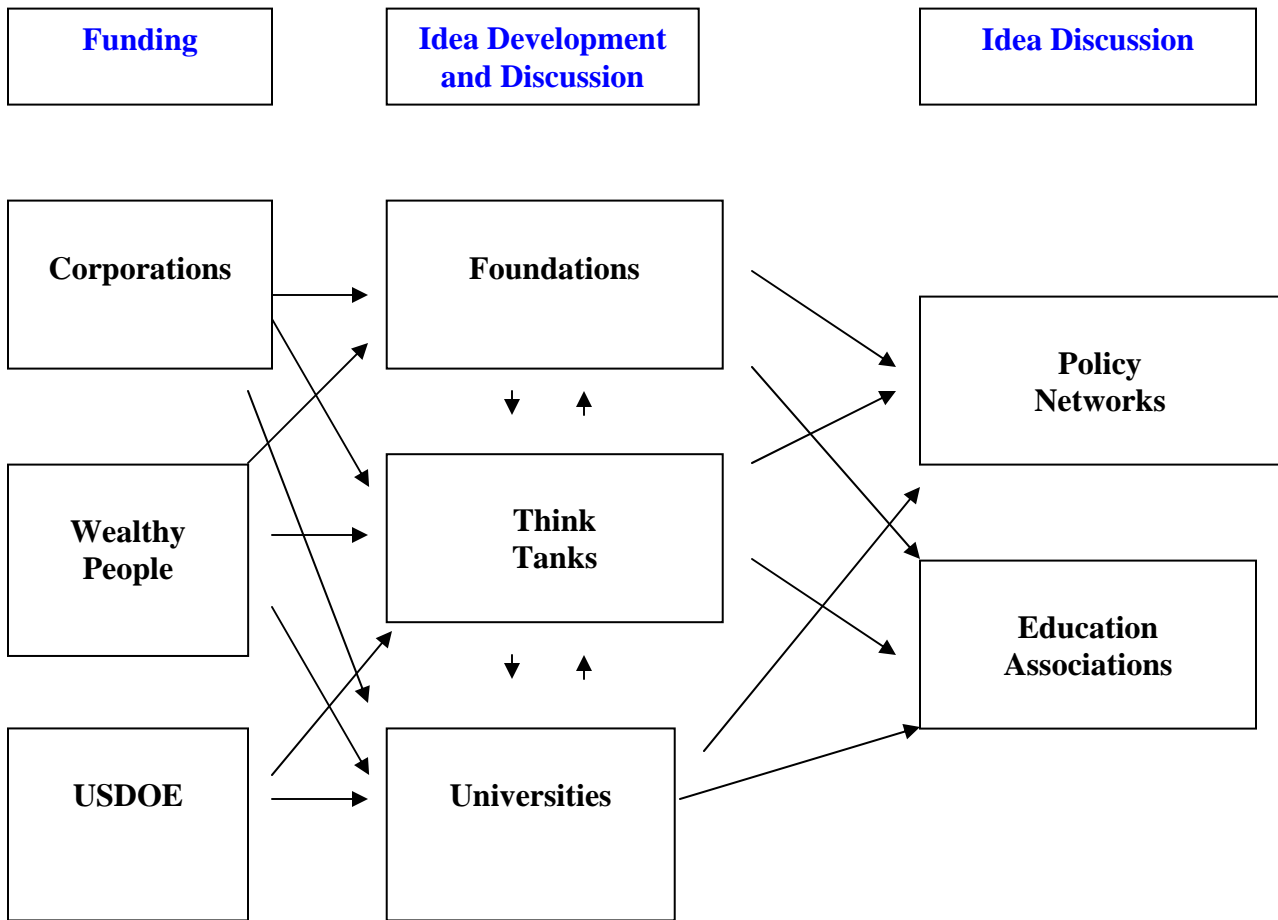
Example:

- Problem: Many teachers and principals suffer from low morale
- Policy Issue: Because low morale results from a lack of control over major professional decisions, teachers and principals ought to be empowered through site-based decision making

- Problem: Students are often hard to motivate
- Policy Issue: If students had to maintain a C or higher average in order to obtain a driver's license, their motivation in school would increase.

In the United States almost all education policy issues are defined within a loosely linked set of institutions that **some call the education policy planning and research community (EPPRC).**

The education policy planning and research community (EPPRC):



Foundations that sponsor educational policy research and initiatives:

- Annie Casey Foundation
- Carnegie Corporation
- Ford Foundation
- Dewitt Wallace – Reader’s Digest Fund
- Rockefeller Foundation

Highly political organizations that compete against each other to have their definitions of education problems accepted by other participants in the issue-definition process.

Policy Research Organizations (Think Tanks)

- American Enterprise Institute
- Brookings Institution
- Committee for Economic Development
- Heritage Foundation
- Manhattan Institute

University members of the Consortium for Policy Research in Education

- Harvard University
- Stanford University
- University of Michigan
- University of Pennsylvania
- University of Wisconsin-Madison

New Ideas From Research:

Basic Research – the most theoretical and the least practical. Learning theory came from basic research. Curriculums formally designed to support Skinner have changed to support today's cognitive psychology dominant approach emphasizing the social nature of learning. That human beings construct their own knowledge as they learn (Ravitch 1995). Cognitive theory suggests that children and adults learn better by solving open-ended problems with several possible answers than by memorizing facts. Cognitive theory has had considerable impact on curriculum policy; portfolio assessment and the return of essay-type examinations.

Applied Research – tests theory in real-life settings. A basic researcher usually works in a carefully controlled laboratory-like environment; an applied researcher may study a school or a classroom to see if a curriculum based on cognitive theory leads to improved learning. A special type of applied research is **Evaluation Research** – which seeks to assess how well a new education policy or program is working.

Integrative Research – draws on a wide range of past research studies on a single topic, integrating them into a single work that seeks to describe what the research as a whole says. Examples of integrative research include textbooks, literature reviews, and general overviews of a subject.

Diane Ravitch (1995) wrote *National Standards in American Education: A Citizen's Guide*. Working under the Brookings Institution – she provides a history of curriculum and testing in the US, a history of the development of the movement for national standards, and a description of the political conflicts surrounding national standards.

New Ideas From Ideology:

Ideology shapes issue definition at least as much as research does. Most think tanks and foundations adhere to a specific ideological position, and so do many university policy researchers.

- First, their basic beliefs predispose them to analyze policy problems in some ways rather than in others (Sabatier & Jenkins-Smith, 1993).
- Second, ideology helps determine the type of research that is done and the questions that guide it.

Forums for Discussion/Disseminating New Ideas:

Universities and think tanks provide a work environment that not only supports research and writing but also stimulates it. They also are rewarded for disseminating new knowledge. They communicate ideas. The Spread of Site-based management can be traced to a basic SBM idea from a group of individuals who had worked at the National Institute of Education in the 1970's, several of whom had ties to Harvard.

Elements of Skillful Issue Definition:

Claims: Claims must be made about a problem in order to transform it into a policy issue. A claim is an assertion that grows out of a broader interpretation of the problem, its nature, and its causes. At least one of the claims made should indicate a cause (Best 1989a, 1989b).

Evidence: Descriptive material should be presented as evidence to support at least some of the most important claims made about a problem. The best forms of evidence are dramatic anecdotes, atrocity stories, and statistics – especially big statistics drawn from official sources (Baumann, 1989; Best, 1989c).

Solution: A good issue definition includes a realistic solution for the problem it has identified and described. A realistic solution is both politically feasible and financially affordable (Portz, 1994).

Discourse: A good issue definition is expressed in powerful language that links the issue to deeply held values, hopes, fears, and aspirations. Emotional words and expressions, including assertions that the issue has a bearing on key national priorities such as military security and economic growth can further strengthen a definition.

Broad Appeal: A skillfully defined issue is potentially appealing to a wide audience. Issues have broad appeal when they are relatively vague rather than narrowly specific, important to a high percentage of citizens, significant for the future as well as the present, and defined in laymen's terms rather than in technical jargon (Baumann, 1989; Cobb & Elder, 1972).

Constraints on Issue Definition: Ideas, values, and ideologies are important in issue definition; they shape and restrict the interpretations that people are able – or willing – to give problems, as well as the solutions they are willing to offer. Another constraint of issue definition in the US is constitutionality. There is always a fear the defining an issue may cause it to be ruled unconstitutional. Issue areas of this sort include, religious activity in schools, race, gender, and censorship. Issue definition is also constrained by the cyclical movement of popular values and policy mechanisms.

THE POLICY AGENDA:

In order to have a chance to become actual policy, an issue must reach the policy agenda, and this occurs neither automatically nor easily.

Defining Policy Agenda: A policy agenda comprises all those issues under serious discussion in relation to a specific policy domain. In the broadest sense, the education policy agenda includes all issues under discussion at professional conferences, in education journals, among well-informed educators, in the mass media, among the general public, and among government officials (Kingdon, 1995).

If an issue is to become official policy, it must reach the governmental policy agenda.

Types of Policy Agendas:

The Systemic Agenda: is broad, consisting of all the issues people outside government are currently discussing.

Three subagendas within the systemic agenda:

- Professional agenda – consists of those issues under discussion within various interest groups, education policy networks, education associations, and well-informed professional educators.
- Media agenda – consists of those education issues that editors and other decision makers in the communications industry decide to emphasize (Mead, 1994).
- Public agenda – includes those education issues to which the general public are actually paying attention (Mead, 1994). Normally shorter than the other two, and greatly influenced by the media agenda.

The Government Agenda – consists of “the lists of subjects or problems to which governmental officials...are paying some serious attention at any given time” (Kingdon, 1995).

*** The carrying capacity for each agenda is severely limited. This creates a large obstacle for issues to overcome in order to reach the government policy agenda.**

School choice was first introduced in 1962 by Milton Friedman. After languishing on various agendas for 30 years, school choice rapidly moved onto governmental agendas and into official policy during the last decade of the twentieth century (Morken & Formicola, 1999; Viteritte, 1999).

Public officials can call attention to an issue and keep attention focused on it through press conferences, speeches, and public appearances.

*One of the best ways to draw attention to an issue is to associate it with a real or perceived crisis (Hogwood & Gunn, 1984; Rochefort & Cobb, 1994). *A Nation at Risk* – education in crisis – school choice - cheap but effective.

Triggering events – an event that clarifies or dramatizes an issue that has previously received little or no attention (Baumgartner & Jones, 1993).

Interest groups will attempt to attract media attention in order to move to the government agenda. Jane Hirschman, NY State group Parents’ Coalition To Stop High Stakes Testing, brought 1500 parents in 27 buses to the capital (Manzo, 2001, May 16).

Staying on the Policy Agenda is extremely difficult.

Nondecisions – failure to act – locating where the nondecision occurred is informative.

SCHOOL LEADERS AND THE EARLY STAGES OF THE POLICY PROCESS

Following the Early Stages:

Leading journals published by educational associations:

- American School Administrator
- American School Boards Journal
- Educational Leadership
- NASSP Bulletin
- The Phi Delta Kappan
- Principal

Influencing the Early Stages:

- School leaders must respond in writing
- Challenge national definitions locally
- Stay informed
- Work together with peer educators
- Attract attention to the issue
 - o Sequence of events
 - Invite an expert
 - Sponsor a workshop
 - Host a mini-conference
 - Put out a press-release
 - Invite PTA participation/Discussion
- Reducing attention/ best way prohibitive expense

Edward St John (1992) argues that one of the most effective things school leaders can do to influence agenda setting is to develop exemplary programs to address education problems at the local level. Government officials look for “examples of successful practice, then (develop) policy proposals.”

Well-informed school leaders who are attuned to the emerging policy agenda can often advance the new issues they support.

**GETTING THE WORDS AND THE MONEY:
POLICY FORMULATION AND POLICY ADOPTION**

Focus Questions:

In what government arenas are policies expressed in words and adopted?

Why are some policies mandated but not funded?

How can school leaders influence policy formulation and adoption?

THE HIGH VISIBILITY STAGES OF THE POLICY PROCESS

During policy formulation and adoption, three major processes occur.

1. The policy is expressed in written language,
2. Funding or the lack of funding is established
3. A policy as formulated must be adopted

In this chapter, the policy formulation and adoption processes in three arenas – legislatures, administrative agencies, and courts – are presented in detail. After the process in each arena is described, ways that school leaders can follow and influence the process are discussed.

POLICY FORMULATION AND ADOPTION IN LEGISLATURES

A Conservative Process – deliberately constructed to make the passing of laws difficult. The Founding Fathers feared governments that could change policies speedily; they created a slow and cumbersome system (Ohio State University, 1991). In the 105th Congress (in session from 1997 to 1999) 7,732 bills were introduced, 1,296 (18%) were reported out of committee, and only 394 (5%) were eventually enacted into law (Oleszek, 2001).

Legislative Proposals and Where They Come From

The policy ideas developed and discussed in the first two stages of the policy process usually become legislative proposals before they become bills, then statutes, and finally official policy.

- Legislators develop proposals
- Chief executives and their staffs develop proposals
- Interest groups develop proposals

Legislators can develop a proposal, get it drafted as a bill, and introduce it directly into her house of legislature. Chief executives and interest groups can develop a proposal, get it drafted as a bill, but cannot directly introduce it into the legislature. They must persuade two legislators – one in each house – to “sponsor” their bill.

Usually proposals are developed by a coalition of actors.

How Bills are Drafted

The second stage in policy formulation is the transformation of a legislative proposal into a bill, or proposed law. Legislative proposals are originally composed in lay terms and must be expressed in legal discourse.

Major components of a correctly drafted bill:

- Title
- Text that enacts the legislation
- Definitions of key terms
- Effective date
- List of portions of existing legal code potentially affected

How Bills Move Through a Legislature

ASSEMBLY	SENATE
Member introduces bill; Legislative Counsel drafts bill; First reading occurs	Member introduces bill; Legislative Counsel drafts bill; First reading occurs
Referred to Standing Committee by Rules Committee	Referred to Standing Committee by Rules Committee
Standing Policy Committee Action	Standing Policy Committee Action
Ways and Means Committee Action*	Budget and Fiscal Review Committee Action
Second Reading Engrossment and enrollment Third Reading	Second Reading Engrossment and enrollment Third Reading
Third Reading Floor consideration and vote	Third Reading Floor consideration and vote
Conference Committee**	
Assembly votes	Senate votes
Governor signs or vetoes	
* Bill sent to this committee if it has financial implications	
**If disagreement between Senate and assembly occurs	

The Politics of Getting a Policy Adopted

The informal process of policy adoption involves negotiating with a succession of policy actors in order to get them to vote to adopt a bill, and those negotiations usually to the way the policy is formulated.

Sponsorship: The ideal sponsor is a member of the majority party and of the standing committee to which the bill is most likely to be assigned.

Reference Committee: After introduction, a bill is always sent to a committee or to a leader of the house who decides to which standing committee it will be assigned. This is an important decision because bills undergo their most important revisions in committee; in fact, most die there. If the leaders strongly oppose a bill, they will send it to a committee known as “killer” or “death,” not to be heard of again. A lesser degree of opposition may be expressed by keeping a bill in Reference Committee for an unusually long time.

Standing Committee:

Possible bill fates:

- Unlucky bills may be “laid on the table” i.e. delayed, amended beyond recognition, indefinitely postponed, or sent to another committee.
- Bills with a brighter future are scheduled for hearings and must receive a majority vote to move on

Rules Committee: The traffic cop of the legislature, it regulates the flow of legislation to the floor for debate and voting (Oleszek, 2001). Decides on a rule for each bill, determining its priority among other bills scheduled to go to the floor of the full legislature.

Conference Committee: Composed of members from both houses, the Conference Committee tries to negotiate a version of the bill that will be acceptable to both houses.

Obtaining Funding: *Advocates of a new policy must simultaneously work for the wording they want and fight to see that money will be available for the project.*

The Budget Process: At a deeper level, a government budget is a statement of the overall policy direction of the government, revealing the policy choices it has made and its true policy priorities. Legislators often pass laws but fail to fund them.

Important Deadlines in the Federal Budget Process

Date	Deadline to Meet
First Monday in February	President sends budget proposal to congress
February 25 th	House and Senate committees send estimated costs of their bills to budget committees
April 1-15	Budget committees must submit budget resolution
June 10-15	Appropriations Committee must report out all appropriations bills and Congress must pass reconciliation bill
June 30	Appropriations bills must be adopted
October 1	Fiscal year is supposed to begin

Differences State/Federal budgets:

- State budgets cannot engage in deficit spending; the revenue and expenditure sides of their budgets must balance
- Some states have biennial budgets
- Most governors have the legal power to use a line-item veto to eliminate spending approved by the legislatures. Presidents cannot do this (Gargan, 1994; Rosenthal, 1981; Rubin, 2000; Wildavsky, 1988).

In the state capitals, obtaining money for new education ideas is difficult. This means that advocates for policy changes must always incorporate into their strategies not only plans for getting the wording that they want but also detailed plans for getting adequate funding approved.

POLICY FORMULATION AND ADOPTION IN ADMINISTRATIVE AGENCIES**Rule Making:****Why Rules Are Needed.**

Administrative rules serve three different functions:

1. They fill in gaps in the law that lawmakers either did not recognize or left to the experts working in government agencies.
2. They define key terms in a law or in the body of laws governing a specific domain.
3. They write the rules that define their own internal procedures, including procedures for writing rules (Anderson, 1984; Kerwin, 1994).

Educational leadership is the process of enlisting and guiding the talents and energies of teachers, pupils, and parents toward achieving common educational aims. This term is often used synonymously with School leadership in the United States and has supplanted educational management in the United Kingdom. Several universities in the United States offer graduate degrees in educational leadership.