

# Testimony on Education Governance

## Presented to the Little Hoover Commission

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by

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Good morning. My name is Charles A. Ratliff. Thank you for your invitation to share my thoughts about education governance in California. My thoughts have been formed over 34 years of service in education, with the last two positions being most relevant to this topic. I previously served as the Chief Deputy Director for the California Postsecondary Education Commission (CPEC) where I had the opportunity to observe and comment on governance issues at the postsecondary level. I left CPEC to join the staff of the Joint Committee to Develop a Master Plan for Education, K-12 through Postsecondary Education. As part of the development of that Master Plan, I had occasion to engage in a fairly detailed analysis of the strengths and weaknesses of K-12 governance and how its current structure contributes to or detracts from the evolution of our public school system to a more coherent and accountable system.

Among the hundreds of people with whom we spoke about education governance over a two year period, numerous problems were identified but little consensus was derived about how to “fix” these problems. From my own perspective the two fundamental problems of our current education governance arrangement are primarily structural and cultural. Their continued existence has fostered a variety of creative responses and cults of personality that enable the system to function adequately despite its weaknesses. But they do little to foster increased accountability for learner outcomes. Before sharing a summary of the two major flaws in education governance that I have identified, let me first assert the governance goals we endorsed in the development of the Master Plan for Education (2002).

### Governance Goals

- Provide accountability to students and parents by state, intermediate, and local agencies for meeting their respective obligations to provide high quality education – so that more students graduate from high school and college, that those students better reflect the diversity of California, and that those students are able to transition from high school or college with practical skills as well as academic knowledge, including skills to be a lifelong learner.
- Clearly define state, intermediate, and local agency roles in a way that can be readily understood by all interested members of the public, and eliminate redundancy and conflict.
- Better coordinate governance entities within all sectors of education.
- Collect pre-K through university data thoroughly and consistently in a centralized system.

These goals were adopted with the recognition that California’s commitment to high quality public schools as a fundamental state interest is embedded in the state constitution. Article IX, Section 5 of California’s Constitution promises a free public school system: “The Legislature shall provide for a system of common schools by which a free school shall be kept up and

supported in each district...” In addition, the Legislature has adopted compulsory attendance laws requiring children age 5 and older to attend public schools, or an approved alternative (e.g.; private or home schooling options).

Given the priority assigned to public education, it is no wonder that when adults grow dissatisfied with public schools, they often blame the way they are governed because “... *governance is intimately involved with the how and why as well as the what of public schooling.*”<sup>1</sup>

## Structural Problems

California’s governance system is complicated and buffeted by the multiple layers of agencies and offices that often compete with and blame each other when less than desired outcomes are experienced. Many have argued that the best decisions for improving educational outcomes are made at the local level. However, recent litigation has clearly demonstrated that the State cannot avoid ultimate responsibility for its public school system.<sup>2</sup> California maintains three levels of education governance, each with its own distinct components. Briefly, these levels and components can be described as follows:

### State level

- **Governor** – elected by the general electorate with responsibility for all levels of state government, including education. Plays a key role in education through introduction and ultimate approval of state budget. He also is required to sign any legislation to modify education policy and/or practices that reaches the governor’s desk.
- **Secretary for Education** – appointed by the Governor to provide guidance and advice on education policy priorities. The Legislature has refused to provide any statutory authorization for this position. The incumbent in this position and the office for which the Secretary is responsible for managing comes from the Governor’s fiscal resources.
- **State Board of Education** – appointed by the Governor, with Senate approval. The Board is responsible for setting statewide policy and priorities for public schools. It maintains an executive director and nominal staff within the Department of Education.
- **Superintendent of Public Instruction (SPI)** – elected by the general electorate and is considered a non-partisan statewide office. The SPI serves as the secretary and executive officer of the State Board of Education (SBE) but is often considered accountable to voters rather than SBE. The SPI is responsible for managing a large staff within the Department of Education, excluding those assigned to the SBE.
- **Legislature** – elected by voters within designated districts throughout the state and collectively are responsible for promulgating legislation that define parameters for the

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<sup>1</sup> Christina Gibson, *Emerging Strategies for Private Sector Governance*, January 1999.

<sup>2</sup> See *Daniel v. State of California*, July 1999 re: access to AP courses and *Williams et al v. State of California et al*, May 2000 re: unequal access to opportunities for learning.

operation of public schools in the state and for annual funding levels to support public schools.

- **Other state agencies** – provide oversight, evaluation, and regulatory parameters for various aspects of state operations, including public schools. They include, among others, the Department of Finance, Department of General Services, Office of Administrative Law, Commission on Teacher Credentialing, and Public Employees Relations Board.

Some of the consequences of these multiple players in state-level governance are a lack of clear accountability, overlapping responsibilities, absence of clear goals, and a focus on control rather than student outcomes.

### Intermediate-Level Governance

The current county-level governance structure consists of county boards and county superintendents, which function in some capacities as “intermediate” between state and local entities.

County boards of education and county superintendents have distinct powers and duties specified by statute.<sup>3</sup> Much of what the superintendent does is the result of constantly evolving arrangements between his/her office and local school districts in the county. As district needs change, the role of the superintendent is to respond with leadership, service and support. Working cooperatively, county boards and superintendents make it possible for students to receive services directly and indirectly through the assistance the superintendent provides to local districts. By adopting the budget for the superintendent’s office, the county board makes possible a total level of fiscal support for the services that districts and their students require.

The county superintendent and the county board of education have separate duties and responsibilities. This is true whether the superintendent is (as in most counties) separately elected or appointed by the board (as is the case in a few counties). The county superintendent works directly with the school districts in the county to provide support and guidance for their operations. Policy determinations inherent in that relationship are made by the superintendent and local school boards. The county board of education does not have a role in determining the policies of local school districts.

A wide variety of practices and policies have developed in the various counties to enable the county board and county superintendent to work cooperatively. In those counties where both are duly elected by voters, each is directly accountable to the electorate. Open communication between the superintendent and the board and mutual sharing of information facilitate accomplishment of their respective functions.

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<sup>3</sup> See Joint Committee to Develop a Master Plan for Education – Kindergarten Through University Governance Working Group Appendix B, Reference Materials, AB 139, History and Development of California’s County Superintendent of Schools and County Boards of Education, and Statutory Functions of County Boards of Education and County Superintendents.

## District-Level Governance

Local school boards are an integral part of California, as well as American, public education. It is commonly believed that it is the fundamental obligation of local school boards to provide the crucial link between public values and professional expertise.<sup>4</sup> California has more than 1,000 local school boards, with varying membership sizes and varying spans of control.

Current research documents that two basic trends have emerged across the nation with respect to the size of districts: (1) combining or consolidating districts with small enrollments, usually in rural areas and , increasingly, in non-unified districts; and (2) breaking up school districts with large student populations (usually in large urban areas) into smaller administrative units.<sup>5</sup>

In California, about 31 percent of all school districts have an average daily attendance (ADA) of less than 500, about one-fifth are between 5,000 and 15,000 ADA, and the Los Angeles Unified School District had almost 700,000 ADA during the 1998-99 school year.<sup>6</sup> While the Joint Committee to Develop a Master Plan never defined what an optimal enrollment for a school district should be, we clearly displayed a bias toward a unified K-12 governance structure. Districts that are organized to serve only a portion of the full K-12 grade span are frequently unable to provide an articulated curriculum, coordinated services, and an accountable structure from kindergarten through high school graduation.

## Cultural Problems

I have chosen to describe the second major set of problems with California's education governance as cultural because it stems from a set of formal and informal practices that have evolved from the chaotic structure described previously. Elaborate networks of professional and lay interest groups have emerged over time each concerned with protecting and promoting their respective priorities within the public schools. Each of these interest groups have become intimately familiar with the strengths and weaknesses of our current governance system and acquired skill in negotiating and promoting group interests within it. Whether advancing the educational opportunities of special needs students or the working conditions of education professionals, various groups have found effective means of navigating through the structural chaos of education governance and have grown comfortable with the current structure.

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<sup>4</sup> Michael A. Resnick and Harold P. Seamon, *Effective School Governance: A look at Today's Practice and Tomorrow's Promise*, January, 1999.

<sup>5</sup> Education Commission of the States Information Clearinghouse, *School Districts: State Realignment Activities, District Realignment Activities in the States*, 1996.

<sup>6</sup> EdSource, December 1999.

California's current state-level governance structure has existed essentially in its current form for nearly a century. For a good portion of that time, it was commonly considered to be one of the finest in the United States. However, that perspective has eroded over the past couple of decades as the state has grappled with huge demographic and fiscal challenges. Nonetheless, people of good will and perseverance have managed to keep the system functioning reasonable well, despite its overly complex design and redundancy.

The education culture that has evolved to protect the status quo has served as catalyst to three distinct challenges that must be addressed if anything more than cosmetic changes to California's education governance system are to occur. These challenges include the following:

- **A preference for mandates rather than local flexibility accompanied by accountability.** Because there are no clear delineation of responsibilities and no clear linkage of authority to meet designated responsibilities, local educators and many special interest groups have a clear preference for legislative mandates. California's constitution requires that whenever the state imposes a new mandate on public schools, it must appropriate new money sufficient to meet that mandate. This requirement has the unintentional consequence of excusing public schools from improving teaching and learning outcomes while empowering them to demand more resources if the state wants different outcomes from those being realized with current levels of state investment. Coupled with the provisions of Proposition 98, which, among other things, provides a guaranteed base of funding, the state mandates clause of the constitution even frustrates efforts to substitute mandates without appropriating additional fiscal resources.

California's public school system is a massive enterprise, serving more than six million students and expending nearly \$50 billion annually. Consequently, securing adequate resources to meet the needs of students and employees alike is a constant struggle for most districts. With no promise of additional resources to change historical practices, most local districts are reluctant to change, although the emergence of private sector investment (e.g.; Gates foundation support of small schools) has enabled some districts to initiate changes that research suggests may lead to improved learner outcomes without waiting for a new state mandate.

- **Struggles to balance power over public schools.** The Joint Committee to Develop a Master Plan for Education proposed a structural change that would statutorily define the role of the Secretary for Education as the manager of the Department of Education and redefine the role of the SPI to be equivalent of an inspector general. The SPI would be responsible, under this redefinition, for independent data collection and analysis of educational outcomes for public schools, public reporting of these data, and allocation of a portion of funding based on school performance. This proposal was DOA as the Legislature resisted any change that they perceived to give more power to the Governor over education.

Alternatively, it was suggested that the Secretary of Education be eliminated and the SPI be appointed by the State Board or Governor, with Senate concurrence, and charged with management of the Department of Education. This proposal would have the additional

advantage of eliminating the need for independent staff to the state board but also was resisted. Not only would this add to the power of the Governor's office over public schools but the conventional reasoning was that voters would never agree to eliminate a constitutional officer for education. History would seem to support this conventional wisdom in that every significant effort to restructure state-level governance since 1945 has recommended making the Superintendent of Public Instruction an appointed position and each time voters have refused to make the recommended change.

In addition to the state level struggle to balance power over schools between the Legislature and the Governor, legislators are regularly assailed with complaints from local constituents dissatisfied with local school or governing board actions. They frequently agree to respond to such complaints by advocating legislation or regulatory requirements to circumscribe and guide decisions and actions of local districts and school site administrators. Such advocacy does not proceed in a vacuum, however, as special interest groups weigh in on the issue with both legislators and the governor's office according to how they perceive the impact the issue may have on their respective interests.

- **Fostering Distrust.** The most disappointing and depressing challenge of retaining the status quo culture is the climate of distrust that it fosters. Any perceived shift of power or authority over education to the governor or legislature is accompanied by a fear that partisan politics, rather than good public policy, will govern decisions. Similarly, state education policy players do not trust local boards and districts with the authority to independently decide on the most effective use of public resources to promote the achievement of all students served by the district. Consequently, this absence of trust is accompanied by micromanagement wherein state representatives succumb to the lure of crossing the border of setting policy priorities (establishing **what** should be done in public schools) and addressing program management (deciding **how** these policies should be pursued). Moreover, this micromanagement persists without a concurrent commitment to accept responsibility for providing adequate resources (the means to accomplish the state's policy priorities in the prescribed manner).

Quite frankly, this climate of distrust has proven to be a surefire recipe for failure. It has precluded clear delineation of responsibilities among our existent layers of governance, it has prevented desirable structural changes recommended by various citizen and blue ribbon groups charged with improving education governance, stifled local creativity and initiative, frustrated efforts to infuse greater accountability in public schools for teaching and learning outcomes, and slowed efforts to improve learning opportunities for all students.

## Summary Remarks and Suggestions

While I have limited my comments primarily to the K-12 level of public education governance, I firmly believe the state should embrace a coherent P-20 approach to governance, being sure to examine ways in which improved coordination and collaboration among all levels of public education can enhance the educational experiences and outcomes for all students. I confess that

as an analyst, I remain skeptical that any of the more radical structural changes that offer the promise of increased efficiency and effectiveness in educational governance is likely to be embraced or adopted in the near future. Nonetheless, I do believe it to be possible to make steady progress in improving accountability in our public schools. To this end, I suggest the following:

- Reaffirm a statewide commitment to promote learning and achievement of all students as the primary mission of California's public education system.
- Renew efforts to define appropriate roles and responsibilities for state, intermediate, and local education entities. The discussion should be less about who should control public schools and more about what responsibilities should be assigned to which entities. As a starter, I would suggest
  - The Legislature and Governor be charged with defining the policies to be pursued in California's public education system, an algorithm for estimating the resources needed to make progress in achieving these policy priorities, a regular schedule for reviewing the performance of public schools, and consequences (both positive and negative) that are connected to evaluation of school performance.
  - The Legislature and Governor should define the set of responsibilities that should appropriately be delegated to intermediate agencies and local school boards. A constitutional amendment should be prepared to rescind the requirement that a county board of education and county superintendent exist in every county of the state, permitting geographical configurations independent of county boundaries.
  - The Legislature and Governor should take steps to substantially reduce statutory requirements of public schools that circumscribe how they seek to achieve state policy priorities. Local school boards and district offices should eliminate policies and practices that remove decision-making authority of site administrators for effective use of human and fiscal resources to promote student achievement.
- The State Board of Education should be charged with establishing statewide learning expectations of public schools, enacting an accountability system of measurement, including technical assistance to schools/districts as needed, and apportioning adequate resources. Additional functions of the state board should be limited to policy matters.
- The SPI should be designated as the Chief State Schools Officer, serve as the executive director to the state board and manage the Department of Education. The separate executive director and staff of the Board of Education and the Secretary of Education should be eliminated. If the SPI remains an elective office, s/he should also represent the concerns of students, parents, and voters before the State Board as it considers new policies or modification of existing policies.
- Consideration should be given to modifying the state mandates clause to permit changes in state mandates without an accompanying infusion of new money whenever an existing mandate is eliminated and a new mandate replaces it with an estimated cost equivalent to or less than that which is eliminated.
- The Legislature and Governor should support completion of a statewide student information system that permits implementation of the accountability measurement system established by the state Board of Education.
- The state, local boards, and professional employee unions should embrace the concept of differential pay in recognition of the differences in teacher skills, difficult to hire

disciplines, and differential needs of local school for teacher expertise in order to successfully promote student achievement.