

Evaluating the "Crazy Quilt": Educational Governance in California

Dr. Dominic J. Brewer
Professor of Education, Economics, and Policy
Rossier School of Education
University of Southern California
Waite Phillips Hall, 901D
Los Angeles, CA 90089-4039
Tel: 213-821-1953. Fax: 213-749-2707
Email: dominicb@usc.edu
Website: <http://www.usc.edu/dept/education/cegov/>

Dr. Joanna Smith
Research Fellow
865 36th Street
Boulder, CO 80303
Tel: 303-443-2705
Email: jrs@eastgate.net

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PREFACE

This report was prepared for the Irvine, Gates, Stuart and Hewlett Foundations as part of a series of studies in support of the California Governor's Advisory Committee on Education Excellence.

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The report expresses the views of the two authors of the report, and does not necessarily reflect the views of any of the noted individuals or organizations. Responsibility for any errors also rests with the authors.

EXECUTIVE SUMMARY

This report presents the results from a one-year study of educational governance in California as part of a series of studies in support of the California Governor's Advisory Committee on Education Excellence. The overall purpose of the study was to evaluate California's current system of educational governance by:

- Reviewing the links between educational governance and student outcomes;
- Creating a framework for evaluating educational governance intended to aid policymakers and others in understanding the complex set of arrangements that constitute the educational 'governance system';
- Identifying indicators of effective educational governance systems generally;
- Seeking stakeholder perspectives on the effectiveness of California's system;
- Comparing California's current system to other states; and,
- Describing possible governance changes.

Data collection for the study included primary and secondary sources. First, a comprehensive review of the research literature on governance in general, and specific elements of educational governance, was conducted. Second, we reviewed documents pertaining to the development of California's educational governance system and the institutions that are part of it. This included written histories, previous Commission reports, legislative testimony, newspaper accounts, and so on. Third, we collected and analyzed a set of unique information on various aspects of state governance. This information was gathered through internet research, telephone interviews, in-person examination of archival material in Sacramento, and collection of primary documentation from other sources. Examples include:

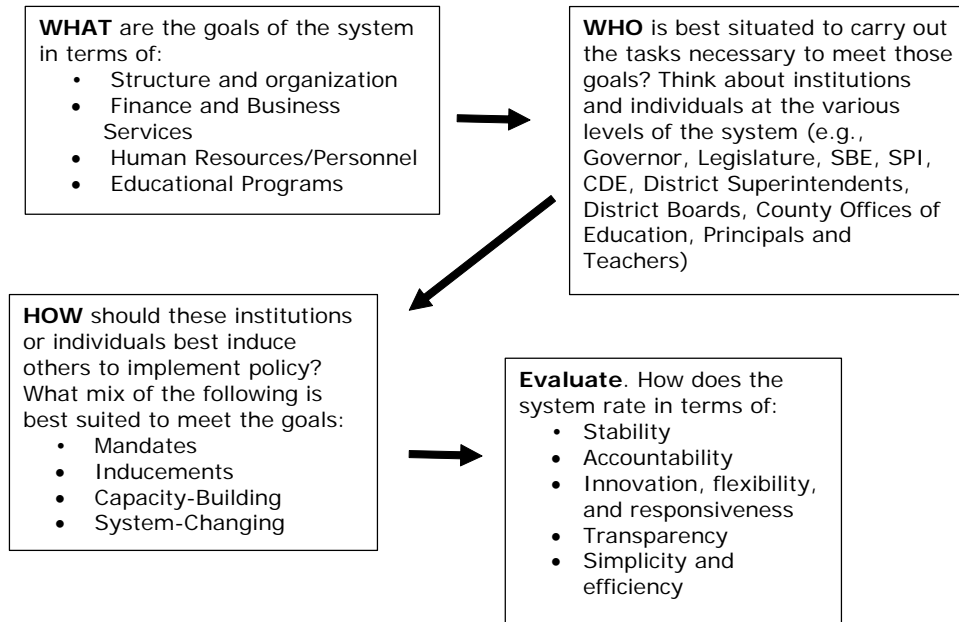
- Examination of the California Education Code for 2005 and selected years for every decade going back to 1943.
- Analyses of legislative activity pertaining to education.
- Examination of the development of state legislative committees pertaining to education.
- Documentation of the California Department of Education personnel, funding and structure, back to 1943.
- Examination of membership and meeting agendas of the State Board of Education.
- Analyses of collective bargaining agreements for a sample of school districts.

Fourth, we conducted a set of interviews with 10 leading academics across the nation to clarify important aspects of governance, understand what frameworks had been used by scholars to examine the topic in the past, and consider possible criteria for judging good governance. Finally, we conducted 30 semi-structured interviews with key stakeholders in California at all levels of the governance system to understand how the governance structure works, how it doesn't, and why, from the perspective of key stakeholders within the system as well as to identify possible changes to the system. This included state policymakers at the California Department of Education and State Board of Education, representatives of major

associations (School Boards, superintendents, etc.), and county and district superintendents.

Educational governance encompasses many organizations and individuals that interact in highly complex ways. Any description and analysis of a governance structure that is to be useful for policymakers needs a clear framework for mapping the various components and criteria for evaluating the effectiveness of the system. Based on our literature review and stakeholder interviews, we utilize the following framework in the report.

Figure S.1: Steps for Policymakers in Examining the State’s Educational Governance System



We believe policymakers should start with a consideration of the goals of a governance structure. In other words, what is it that a governance structure should be designed to do? Given these goals, we argue that governance is most easily described using a three dimensional matrix.

- The first dimension is the set of functions that require organization, given the goals for the system. The key question is what the functions to be accomplished are. For example, how will schools and school districts be organized? How will resources be generated and allocated?
- The second important dimension is the institution that fulfills each of the functions. This includes various organizations and stakeholders at the state, district, county and local school level.
- The third important dimension is how the functions get carried out by each level, i.e., by what mechanism or instrument? This can include regulations and incentives.

This three dimensional schema is helpful in painting a clearly understood picture of what governance actually looks like. The next step is to evaluate whether the governance structure works well or not. To this end, we focus on five characteristics deemed likely to lead to effective governance: stability, accountability, innovation, transparency, and simplicity. Definitions of these characteristics are shown in the table below.

Table S.1: Five Characteristics of Good Governance

Characteristic	Definition and Rationale
<i>Stable</i>	A stable governance structure is one in which policy is made and implemented in a way that is known as far in advance as is reasonably possible. Revenue is known in advance for planning. Policies are given an opportunity to work before changes are made. There are few major changes of direction or new initiatives introduced suddenly. Leaders have tenures that allow for knowledge development and on the job learning. Stability enables actors in the system to act in a rational and planned way. This is important for the development of expertise and long term investments in capacity.
<i>Accountable</i>	A governance structure with strong accountability is one in which there are clear lines of authority between the various parts of the system, with limited duplication of functions, so that it is possible to identify the source of decisions. There are consequences for good/bad behavior and outcomes. Actors in a system with strong accountability understand their roles. Accountability gives the right incentives for actors within the system to accomplish their goals. There is alignment between decisions to raise revenue and decisions to spend revenue.
<i>Innovative, Flexible and Responsive</i>	An innovative, flexible and responsive governance structure is one that is adaptable to changing context and able to respond appropriately to new short and long term external demands upon it. New approaches are encouraged; many ideas are generated and spread throughout system. Innovation, flexibility and

	responsiveness are essential for a system to adapt to changing needs and ensure cutting edge knowledge is used.
<i>Transparent and Open</i>	A transparent and open system is one in which it is clear to the public and all stakeholders how decisions are made, who makes them and participation is encouraged at every level. Transparency allows for the exchange of information between the different levels of the governance system. An open and transparent system is less likely to be subject to 'capture' by special interests, less likely to have corruption and bribery and most likely to encourage public engagement and support of schools. There is an open flow of information, monitoring and evaluation data, and mechanisms to communicate performance to citizens.
<i>Simple and Efficient</i>	A simple and efficient governance structure is one that ensures decisions are made in a timely manner and with minimal overlap or confusion among entities. Decision making is located where knowledge is greatest. Policy is coherent and decisions across multiple domains and levels are coordinated so that there is minimal duplication and waste. The decision making and implementation structure is not burdensome on stakeholders in the system. Costs are minimized.

We argue that if the system is found to be inadequate in any of these five areas, options for changing the system should then be considered. We offer a range of ideas from prior research, stakeholder interviews, and other states.

Under the first dimension of our framework, the "who," the governance system includes players at the state, county, district, and local level including governmental institutions, individuals, interest groups, and service providers. These players are in constant flux as they seek to redefine themselves and are redefined by others. Since the passage of Proposition 13 in 1978, there has been an increased state role due to fiscal control. Interviewee views on this power shift included:

- A sense that the state ultimately sets education policy since it is in charge of the necessary funding mechanisms;
- The governance structure is fragmented;
- The roles of the SPI and Secretary of Education are unclear; and,
- District superintendents noted that they have very little direct contact with personnel at the state level, including the governor, legislature, SPI, and Secretary of Education.

In examining the second dimension of governance, the "what", we looked at who controls the structure and organization, finance and business services, personnel, and educational programs and how power has shifted in these areas over time. Our main findings included:

- Distribution of authority by function varies: some functions are dominated by a single level, others have shared authority;
- Distribution of authority by level varies greatly: the state has the most power, county offices the least;

- Many of the trends toward increased state control between 1965 and 1985 have continued;
- The federal government has an increasingly important role: NCLB has had a noticeable impact, especially on Title I schools;
- School sites have little authority over most educational functions;
- Unions play a major role in several functions: collective bargaining affects resource allocation and staffing.

The third dimension, the “how”, included an examination of instruments by level and type. Major findings included:

- A certain amount of regulation in the Education Code appears superfluous or the result of narrow interests that over time accumulate;
- Districts operate under complex network of state rules, and in turn have their own set of policies and procedures which the district’s schools must follow; and,
- Mandates are used as a policy instrument more commonly than inducements.

After describing the current system in California, we were able to evaluate the system. California did not rate highly on any of the five indicators of effective governance:

- *Stability*: Interviewees noted that revenue fluctuations are common, there has been an increased use of categorical funding over the past two decades, policy changes in student assessment and curriculum increase frustration and mistrust, there is an increased volume and prescriptivism of legislation and an increased frequency of turnover at all levels.
- *Accountability*: Interviewees felt the lines of authority were unclear. However, there was no consensus on who ultimately should be responsible for education: Some thought control should go to the governor, others to the SPI, and others to county and district offices. Also, a lack of alignment between state and federal outcomes expectations was noted.
- *Innovation, Flexibility, and Responsiveness*: Interviewees felt that compliance was often stressed over creativity. Also, there was criticism of the “one-size fits all” approach as seen in the high number of categorical funding programs that the state uses, as well as in broader testing and curriculum policies.
- *Transparency*: Interviews revealed that the role of special interests was the one major area of concern. There was also a perception that public lacks awareness of functions of each entity within the governance system
- *Simplicity and Efficiency*: There was a widespread perception among interviewees that California’s system is overly complex and fragmented.

Clearly, California’s system of educational governance has room for improvement. We drew on three sources for suggesting possible changes: prior reports, stakeholder interviews, and ideas from other states. There was a certain degree of alignment among these sources.

First, stakeholders almost universally agreed there was a need to simplify and clarify the role of the state and specific institutions at the state level, particularly in light of accountability. The state could also do more in terms of capacity building throughout the system.

Second, there was a strong desire to reinforce local control and give districts greater authority over more decisions than they currently have. Incremental changes were seen as more likely than radical overhauls, but the central idea was that goal of the system is to serve the children of the state, not the adults who work in the institutions that have been created to operate it.

The table below summarizes how the most common proposed changes would affect the “who” and “what” levels of governance. The “how” could be determined on a case-by-case basis and would vary across proposal. For example, mandates may work best for certain changes, while inducements would be preferred for others.

Table S.2: Proposed Governance Changes in Terms of Who and What is Affected

Proposed change	Who is affected			What is affected		
	State level	District level	County level	Business services and finance	Human resources and personnel	Educational programs
Increase state role in teacher training programs	X				X	
Increase district control of finances	X	X		X		
Increase local control over hiring	X	X			X	
Clarify roles of different state actors	X			X	X	X
Transfer district role to regional units		X	X	X	X	X
Transfer collective bargaining from district to state	X	X		X	X	
Redefine role of local school boards		X				X
District reorganization into P-12 unified districts and consolidation of smaller districts		X		X	X	X
Clarify role of county offices of education			X	X		X
Decentralize CDE compliance functions to regional service centers	X		X			X
Establish forward funding guarantees	X	X		X		
Increase open enrollment opportunities		X				X
Transfer authority for adult education to Community College system	X					X
Redraft Ed Code	X	X	X	X	X	X
Increase parent involvement		X				X
District provision of learning support services for struggling students		X				X

State responsibility for facilities	X			X		
State support for school-to-work programs and staff development in technology use	X					X
Increased role for governor in overseeing K-12 education	X			X	X	X
Decrease role of SBE	X			X	X	X
Increase SPI authority, except over finances	X			X	X	X
Create California Education Commission to oversee planning	X			X		X
Expand API indicators and rewards and interventions	X					X
Create California Quality Education Model to determine adequate level of funding and increase funding stability	X			X		

After considering who and what the proposed changes would affect, we turned to an examination of which characteristic(s) of effective governance, if any, would be improved. These are shown in the following table.

Table S.3: Some Proposed California Educational Governance Changes, By Source

Proposed change	Characteristic affected				
	Stability	Accountability	Innovation	Transparency	Efficiency
Increase state role in teacher training programs		X			X
Increase district control of finances	X	X			
Increase local control over hiring					X
Clarify roles of different state actors	X	X	X	X	X
Transfer district role to regional units		X			X
Transfer collective bargaining from district to state		X	X		
Redefine role of local school boards			X		
District reorganization into P-12 unified districts and consolidation of smaller districts					X
Clarify role of county offices of education					X
Decentralize CDE compliance functions to regional service centers					X
Establish forward funding guarantees	X		X		
Increase open enrollment opportunities		X	X		
Transfer authority for adult education to Community College system					X
Redraft Ed Code	X	X	X	X	X
Increase parent involvement			X		

Proposed change	Characteristic affected				
	Stability	Accountability	Innovation	Transparency	Efficiency
District provision of learning support services for struggling students		X			
State responsibility for facilities		X			
State support for school-to-work programs and staff development in technology use			X		
Increased role for governor in overseeing K-12 education	X	X	X	X	X
Decrease role of SBE					X
Increase SPI authority, except over finances		X			
Create California Education Commission to oversee planning					X
Expand API indicators and rewards and interventions		X			
Create California Quality Education Model to determine adequate level of funding and increase funding stability	X				

The title of this report comes from a quotation from one of our interviewees, a nationally recognized expert on educational governance. In describing California’s system, he said, “It’s a remarkably crazy quilt of interacting authorities that are not aligned, for purpose of accountability or action.” Although California’s system does some things right, it could undoubtedly do many better. We hope that this report will, in a small way, help the Governor’s Committee and other policymakers consider ways to improve the overall effectiveness of California’s educational setup.

1. INTRODUCTION

1.1 DEFINING EDUCATIONAL GOVERNANCE

When you ask a parent what he or she thinks are the most important factors that affect how good their child's schooling is, you are likely to elicit a long list of familiar answers – class size, teacher quality, student peers, curriculum materials, school safety, the school principal, to name just a few. Most of the items are likely to relate to classrooms or the school site. It is unlikely that "governance" is mentioned – either specific governance institutions such as school districts or school boards, factors such as state regulations or the state education code, or influencers such as teacher unions.

To some degree this makes sense: student learning takes place in classrooms. It is only natural that parents, educators and researchers care about that localized environment. However, classrooms are part of a complex set of arrangements that constitute the 'governance system'. What happens and doesn't happen in those classrooms depends in part on this bigger structure. Whether the teacher is qualified, whether the students have books and computers, or whether the classroom has air conditioning are all determined in part by the system the school is governed by.

Private agencies, government organizations, and academic institutions all define educational governance in different ways. Governance is "the *process* by which a small group, usually on behalf of others, exercises authority over the educational system and dictates the way the system organizes itself to make and implement decisions" (Carver, 2000, p. 26). Alternatively, it is "the institutions, process and authority to exercise leadership, establish goals and standards, adopt policies that guide and direct, evaluate performance, and administer rewards or sanctions" (National Association of State Boards of Education, 1996, p. 7). In other words, "governance arrangements establish the rules of the game. They determine through statutes, collective bargaining, legal agreements, regulations and court rulings who is responsible and accountable for what in the system" (Education Commission of the States, 1999, p. 9) or, as the California School Boards Association defines it, governance is "the act of transforming the needs, wishes, and desires of the community into policies that direct the community's schools" (www.csba.org/pgs/default.cfm)

In a democracy, the purpose of governance systems is (in principle at least) to translate the wishes of the society into policies that are then implemented. Governance structures develop over time according to the desires, needs and actions of those who are able to influence the system and in response to outside pressures and trends. Consequently, the resulting structure of an educational governance system may or may not serve the goal of supporting student learning, may or may not be efficient in terms of resource use, may or may not serve all students equally well, and may or may not engage the public in support of schooling.

Broadly interpreted, "governance" includes the institutions that are part of the educational decision making and delivery system, as well as the constituencies that interact with these institutions, and the ways the parts of the system interact with each other. Policies, laws, regulations and informal practices are part of this framework, and are reflected, one way or another, in the behaviors of all those who are involved. Needless to say, the governance structure is extremely complex, encompassing many organizational entities such as schools, school districts, county, state and federal agencies, as well as millions of individuals from state legislators to superintendents, principals and teachers. The organizational structure is multidimensional, characterized by bodies that have overlapping responsibilities across executive, legislative and judicial jurisdictions.

In order to help characterize the system of educational governance, we formulate a three dimensional matrix centered on what the governance system is supposed to do, who does it, and how they do it. In this way, we attempt to provide a clear picture of what is a multifaceted and often confusing structure.

In this report we take a broad view of governance and touch on all the major institutions and the main mechanisms. We naturally tend to focus on the formal institutions. This is justifiable in part because information is most easily available about these components, and also because they are most easily amenable to policy change. Changing the boundaries and responsibilities of school districts, for example, can be accomplished by the state legislature enacting a new statute. The role of labor unions or textbook publishers in influencing the political process would have to be accomplished by changes to many different laws, agreements and coalitions in a much less predictable way.

A complicating factor in describing educational governance is that its development is "geological rather than logical" (Hill, 2003, p. 2). The norm is incremental change, addition rather than subtraction. Educational governance is the product of a long history reflecting the changing goals of schooling, the prevailing views on the kinds of structures deemed most effective and numerous economic, political and social factors.

The existing system began as one of local communities organizing schools (See Wirt and Kirst, 2001 and Conley, 2003, for a historical overview). The result was hundreds of thousands of small school districts (with different structures in different parts of the country) and little state-level infrastructure. Thus even though the responsibility for organizing and providing education generally lay in state constitutions, in most cases the state devolved that responsibility down to the local level. Further, school systems were governed by elected local and state boards separate from mayors and governors.

In the early twentieth century a number of changes led to the development of a professional cadre of educators with greater control over schooling, and a move away from lay control over schools. Full time superintendents were given primary day-to-day control with boards setting broad policy. Further, state departments began to more actively 'standardize' public education through compulsory schooling

laws and minimum standards (approving textbooks, licensing teachers, and so on), and by collecting statistics to ensure compliance. Teachers organized to seek greater collective influence on the emerging authority of both school districts and states.

The post World War II period saw a number of critical developments that built on the prior structures and created the system we have today. First, as access to primary and secondary schooling expanded, state and federal governments footed an increasing fraction of the costs of educating the nation's children. Accompanying those dollars has been an increased desire to control the way the resources are spent; Federal dollars have been increasingly tied to regulations that states are given the responsibility of enforcing. Second, teachers and other education professionals rapidly unionized in many parts of the country, which led to district-level collective bargaining. The resulting labor agreements have grown well beyond compensation issues and can significantly affect the allocation of resources and the authority of school and district managers. Third, there has been a huge increase in the role of the federal government in education, spurred largely by concerns over equity relating to race, poverty, and special needs. Fourth, state education codes have expanded to reflect new federal and state mandates as well as court decisions. Education has become more 'political' as governors and state legislators have pushed for stronger high school graduation requirements, and more recently, a system of standards based accountability including rewards and punishments for districts, schools and individuals.

Over this period, the same governance system was opening up a variety of permissive as well as mandatory structures. Home schooling 'flipped' from being illegal in a majority of states to being legally permitted in all states. Private organizations were permitted to create charter schools in over 40 states. Distance-delivered schooling (both publicly and privately sponsored) has expanded. Education management organizations ('EMOs') now exist in a majority of states, serving school districts and schools. These permissive governance structures are as much a part of the 'rules of the game' as the more traditional institutions and just like the others, they have affected the attitudes and behaviors of individuals.

Unfortunately, previous work doesn't provide much of a framework to help guide discussions about governance. There is no blueprint for a good governance system, nor any commonly agreed to set of characteristics that would enable an observer to classify a governance system as "good" or effective. Given this, there is little in the way of help for educational policymakers to think through how and why a particular change in governance might be evaluated. A major goal of this study is to provide such a framework.

Interpreting the diffuse research evidence on school governance is no easy task. Some scholars argue that school performance is relatively immune to the kinds of governance changes often initiated (for example, whether a district has an appointed or elected board, or whether the mayor has a lead role) and others who believe schools are inefficient bureaucracies, weighed down by school board politics, union contracts and district and state regulations (Chubb and Moe, 1990).

Suggested governance reforms range from relatively modest 'clean up' or tinkering to much more radical solutions such as systems completely made up of charter or contract schools (See, for example, National Commission on Governing America's Schools, 1999; Hill in Boyd, 2002; Kolderie, 2005) and vouchers (see Gill *et al.*, 2001).

Many of the more modest forms of governance changes are currently underway (Boyd, 2002). These include: plans for state takeovers of failing schools; mayors becoming heavily involved in school governance in a number of cities (notably Richard Daley in Chicago, Thomas Menino in Boston and Michael Bloomberg in New York) (Henig and Rich, 2004); alternative types of administrations in urban school districts with business- or military-trained superintendents (e.g., Seattle, New York), and separate chief academic and chief operating officers (e.g., San Diego); state reforms of the entire system of governance (e.g., Texas, which in 1995 overhauled its entire education code changing governmental responsibilities of all levels) or parts of it (e.g., in 2003, New Mexico shifted control from state board to governor).

The thrust of many of these changes has been towards more school-level control and holding schools accountable for outcomes rather than through input-based regulatory compliance. In their 1996 report entitled *A Motion to Reconsider: Education Governance at a Crossroads*, the National Association of State Boards of Education stated:

The overriding theme of governance change in both the corporate world and government since the 1970s is to flatten bureaucratic structures. In public education this has taken the form of setting goals and standards at the state level, granting educators at the district and school levels more decision making authority within their areas of responsibility, and holding them accountable with improved assessments (p.38).

Policymakers and education reformers are now faced with the challenge of trying to figure out how federal and state-sponsored standards based accountability fit with their current governance systems which are largely a product of a pre-standards based accountability era.

1.2 WHY EDUCATIONAL GOVERNANCE MATTERS

Educational governance arrangements are an important contributor to the overall effectiveness of a school system: "[It] defines the kinds of educational opportunities children have; what kinds of resources are available to them; who teaches the children; what is taught in the classroom; what is tested; and what educational norms and values are transmitted" (Timar, 2002, p.5). In other words:

Governance *does* matter...how a state organizes its education governance affects how responsive public schools are to the

aspirations, needs and concerns of learners, families and communities. Governance greatly impacts the quality of educational leadership, which in turn may raise or undermine teacher morale and performance, encourage or hinder innovation, and strengthen or weaken public confidence. It affects the integrity, efficiency and effectiveness of our school administrators (National Association of State boards of Education, 1996, p.1).

In addition to differential resource use patterns that accompany different governance arrangements, alternative systems may do a better or worse job at supporting or hindering student learning, safeguarding student safety, promoting innovation, yielding clear and swift decisions and so on.

The development of the U.S. system does not reflect any consistent or coherent view of the relationships between specific forms of governance and outcomes. There is a patchwork of different arrangements with overlapping authorities and multiple constituencies that differs from state to state and locality to locality. What actually takes place in schools is mediated by a morass of court orders, statutes, contracts and policies determined at school, district, county, state and federal levels.

Despite this lack of a specific relationship with student performance or other educational goals, it is widely believed that governance is important. As the National Commission on Governing America's Schools concludes in their 1999 report *Governing America's Schools: Changing the Rules*, "without good governance, good schools are the exception, not the rule" (Education Commission of the States, 1999, p. 9) Given this, changes in governance may be necessary elements in any improvement strategy, but they are unlikely to be sufficient in themselves. Other studies concluded similarly:

- "Governance is not a neutral variable in the education reform equation. We believe that the governance function is so central to achieving a vastly improved education system in this nation that reform of governance must be addressed directly" (Danzberger, Kirst and Usdan, 1992, p. 98).
- "Governance structure, as opposed to quality of leadership, is rarely the central problem with poor school performance...governance reform alone cannot improve public education—but sound governance is an important part of any solution." (National Association of State Boards of Education, 1996, p. 9).

Conceptually, one could determine the *direct* effects of alternative governance systems on outcomes such as student learning either by examining variation across time, variation across governance units, or a combination. Very rarely in fact do we get to observe a governance change that takes place in isolation or in a predictable way, and as a consequence, the effect of a change in governance on student outcomes cannot easily be determined with a great deal of confidence.

Further, the implementation of many educational reforms, including changes to governance, often differs from the intent or the design of the reform. Ensuring high quality and consistent implementation of governance changes, not to mention eliciting intended responses, is a major challenge. This further complicates the ability to trace the effects of governance on educational outcomes.

There is relatively little empirical research on actual workings of different governance arrangements or the causes and consequences of structural variations (Campbell and Mazzone, 1976). There is indirect evidence from the public versus private school literature and from examination of charter schools, both of which have (among other things) a different governance structure from conventional public schools. There is some insight to be gained from recent reforms that have altered governance in some way, including some of the comprehensive school reform models (Bodilly, 1998), the introduction of local school councils (Bryk et al, 1998) or other forms of 'site based' management (Mohrman and Wohlstetter, 1994) and more recently from moves to greater mayoral control of schools in a number of cities (Wong and Shen, 2002).

Finally, evidence on governance more generally can be found in other domains – for example, in analyses of corporate governance or in examinations of political systems, though the applicability to education is always in question.

As part of this study, we conducted an extensive review of the available empirical evidence on educational governance. In fact, there are only a handful of rigorous research studies that try to systematically evaluate the contribution of governance to school improvement, and few provide much direct evidence (examples include Downes, 1996, and Ranson et al., 2004). The literature on direct and indirect effects is reviewed by Augustine et al (2006). The bottom line from our review is two fold.

First, *governance is an important determinant of the effectiveness of an educational system in meeting its goals*. There is evidence that suggests governance *can* play a role, but it is a necessary not a sufficient condition for meeting these goals. In other words, governance is best thought of as an 'enabler' that can support other critical elements like effective resource utilization, parental engagement and so on.

Second, *there is no preferred set of governance arrangements*. Research evidence does not provide support for a particular form of educational governance. It is particularly true that "we know little about how different forms of governance might affect the heart of education – classroom practice" (Tyack, 1993, p.1). It seems that what is and what isn't effective governance differs from place to place, and across time. Also, the different governance structures interact with one another, so the efficacy of a particular structure depends in large part with how it fits in with the system as a whole. This makes definitive statements about "what works" in terms of governance, very difficult. This applies both to the kinds of institutions and to the mechanisms of governance. Although there is some support that more decentralized and less regulated governance is preferable, the specific forms are

not proven enough to merit definitive statements. The consensus view is probably best reflected by McGinn (1992), who writes:

At any given moment in history it is possible to find several forms of control existing side by side.... The simultaneous coexistence of diverse forms of governance results from a complex political process in which improvement of education is not always the major goal. As a consequence there is no reliable relationship between forms of governance, the efficiency or effectiveness of the education system, and equity (p.165).

Our study proceeds starting with the above two conclusions as our starting assumptions and explores the extent to which the governance structure in California supports these claims. In the next section we outline our methods and data collection.

1.3 STUDY DATA, METHODS AND OVERVIEW OF CHAPTERS

Governance is a dynamic concept, concerned with who has authority and responsibility for making educational policies and implementing them. Analyzing educational governance is challenging because it is multidimensional with numerous players, instruments and relationships, and both formal and informal relationships. Many scholars and others have written about governance in a manner that is often descriptive. There is a large research literature on particular aspects of governance – for example, on school boards-superintendent relationships, on charter schools, and on teacher unions.

The continuing concern about the performance of public schools, as well as the active discussion of possible governance changes, makes periodic evaluations of governance important. It is particularly timely for California because of the widespread sense that the system's performance is lagging other states and that it is under-resourced. We now have a half dozen years experience with a standards based accountability system that ushered in a new era of relationships in educational decision making and delivery. Hence, although there have been numerous examinations of educational governance in the Golden State over the past three decades, we think it is worth taking stock of where we are. As the National Association of State Boards of Education (1996) wrote, "The erosion of public confidence in America's schools makes it imperative that state education governance structures and practices be examined periodically to determine their efficiency, representativeness, and effectiveness" (p. iii).

This study is designed to present a comprehensive picture of educational governance in one state, California. We describe California's current setup and its development. In addition to outlining the critical elements of the governance structure, the report also seeks to provide readers with a description of how the governance structure affects educational decision making at the micro level. In

order to ground the discussion, we try to provide some comparative perspective, relating California's governance system to that of other states.

The report uses both primary and secondary data. A concerted effort was made to conduct a number of analyses of governance in as empirically-grounded a way as possible. Although we do offer some conclusions about the existing performance of the system, and possible constructive directions for changes, we do not detail our own recommendations for reform, leaving this to others, including the Governor's Committee.

First, a comprehensive review of the research literature on governance in general, and specific elements of educational governance, was conducted. The focus in particular was on discerning linkages between governance and student achievement and other outcomes.

Second, we reviewed documents pertaining to the development of California's educational governance system and the institutions that are part of it. This included written histories, previous Commission reports, legislative testimony, newspaper accounts, and so on. Interest in California's educational governance structure has been growing over the past two decades, reflecting a concern that the structures are performing poorly and/or not adapting to the needs of the state. Several sources in particular are worth mentioning. Although each contains a distinct (and sometimes different) viewpoint, they provide analyses that are complementary to our study, upon which we attempt to build.

- *Report and Recommendations of the 1985 California Commission on School Governance and Management* (CCSGM, 1985).
- The Legislative Analyst's Office's *A K-12 Master Plan*, released in May 1999 (LAO, 1999).
- The Joint Committee to Develop a Master Plan for Education's report *The California Master Plan for Education* (JCDMPE, 2002).
- Thomas Timar's report, *You Can't Always Get What You Want: School Governance In California*, prepared for the UCLA's Institute for Democracy, Education, & Access, Williams Watch Series (Timar, 2002).

Third, we collected and analyzed a set of unique information on various aspects of state governance. This information was gathered through internet research, telephone interviews, in-person examination of archival material in Sacramento, and collection of primary documentation from other sources. Examples include:

- Examination of the California Education Code for 2005 and selected years for every decade going back to 1943.
- Analyses of legislative activity pertaining to education.
- Examination of the development of state legislative committees pertaining to education.
- Documentation of the California Department of Education personnel, funding and structure, back to 1943.

- Examination of membership and meeting agendas of the State Board of Education.
- Analyses of collective bargaining agreements for a sample of school districts.

Fourth, we conducted a set of interviews with 10 leading academics across the nation. These individuals were purposively selected based on a review of the research literature as well as on recommendations from others in the field. The interviews were designed to clarify important aspects of governance, understand what frameworks had been used by scholars to examine the topic in the past, and consider possible criteria for judging good governance. Examples of effective and ineffective governance models were also discussed.

Fifth, we conducted 30 semi-structured interviews with key stakeholders in California at all levels of the governance system. This included state policymakers at the California Department of Education and State Board of Education, representatives of major associations (School Boards, superintendents, etc.), and county and district superintendents. In an attempt to gather information from a diverse and representative group of local level officials, we purposively selected superintendents for interviews based on several factors, including region (i.e., Northern, Southern, or Central California), location type (urban, suburban or rural), size of the district or county (i.e., number of schools and number of students enrolled), racial and ethnic diversity, and socioeconomic status. We also selected district or county superintendents who were recommended based on their experience and knowledge of California's K-12 governance structure. We did not speak with local district school board members directly, although the perspective of national and state school board representatives was obtained.¹ We also did not interview school level personnel, although undoubtedly this would be valuable in yielding a different perspective. The protocol used for these interviews may be found in Appendix A. The purpose of the interviews was to understand how the governance structure works, how it doesn't, and why, from the perspective of key stakeholders within the system. We also asked about possible changes to governance. Interviews were confidential: all data are reported anonymously. Interviews were taped and then transcribed in full. These written records were then analyzed by the project team.

The study report is laid out as follows. In Chapter 2 we provide a framework to help describe educational governance. The following three chapters then provide the details of this framework – the main institutions are outlined in Chapter 3, the main functions are described in Chapter 4 and the major instruments or mechanisms of governance are presented in Chapter 5. In these sections we draw extensively on new analyses of primary source material that includes state documentation and interviews conducted with more than forty national experts and state educational stakeholders.

¹ Companion studies conducted for the Governor's Committee include surveys of both school board members and school level administrators.

In describing the system, we attempt to understand the ways the various actors in it interact, and assess their relative authority and importance (See, for example, Easton, 1965, Campbell and Mazzoni, 1976, Wirt and Kirst, 2001, Conley, 2003). Our approach is best viewed as an extension of traditional political and policy analysis (see for example, Murphy 1982). We examine different areas of decision making precisely because the players and their 'power' differ from one area to another. Power may be derived from formal legal authority, information and expertise, social status, wealth, group cohesion and electoral potency (Campbell and Mazzoni, 1976). In other words, who has the capacity or potential to modify, select or achieve outputs, including knowledge of the context and the options available? In addition, we are particularly concerned with the *incentives* that affect the behavior of stakeholders in the system, and whether these incentives encourage good or bad behavior in terms of promoting system outcomes. How these incentives align or not seems to us the crucial question in evaluating the effectiveness of educational governance.

Having described the system, we then proceed with our assessment of the overall effectiveness of California's educational governance (Chapter 6). We do this by presenting a set of five positive characteristics or attributes that are likely to be important for promoting good governance – drawn from both the voluminous literature on governance and from our interviewees' perceptions of what is important. These are stability, accountability, innovation, transparency and efficiency. We grade the state on each dimension, based on our analysis, as weak or strong and indicate whether major or minor modifications would be useful.

In Chapter 7 we draw on our analysis to present some options for reform, and consider them against the five characteristics of good governance. We argue that any proposed governance changes should be considered first in terms of what they are intended to do – change the functions of the system (the what), change the institutional roles (the who) or change the ways that governance is carried out (the how). Then, they should be evaluated in terms of their ability to improve one or more of the five characteristics highlighted in Chapter 6. Options for reform are drawn from three distinct sources: previous Commission and other reports on California, our stakeholder interviews, and examples of reform from other states.

The report is written primarily for a policy audience, and, as noted above, the primary objective is to present what empirical evidence we can on governance, rather than a series of recommendations for reform. In addition, because governance is so broad, we have necessarily limited discussion of some interesting and important institutions and phenomena, at the expense of others. For example, although we mention school site governance, we have not provided a detailed review of the research literature on site based management nor a comprehensive assessment of the many innovative reforms being tried in this area. Similarly, we discuss the role of interest groups in the educational governance process, but have not examined in detail the set of legislative and other factors that contribute to the influence of these groups. Our goal was to provide an overview that might set the stage for further examination of narrower topics of interest. Two important aspects of educational governance – the federal government role and court decisions – are

omitted from our discussion. This is partly intentional because our focus is on what the state can do to improve its educational governance, and at best its impact over these two domains is indirect and limited. It is also partly practical: space and time constraints mean we could not do justice to these complex matters. However, it is worth noting the important influence the federal government has had on the governance structure and policy decisions at the state level since passage of the *No Child Left Behind Act*. Through its detailed accountability provisions, some believe NCLB represents the greatest expansion of federal government into state education in history. Nevertheless, since the state is bound by NCLB requirements, we find it most useful to evaluate what the state can do within the context of NCLB rather than postulate what changes might occur were NCLB not in existence. Similarly, in the case of the courts, case law – not just the seminal lawsuits of *Serrano* and, more recently, *Williams*, but the hundreds of less high profile cases that can affect educational governance – has the potential to affect governance as much as changes to statutory law. However, wanting to focus on aspects of governance under the control of policymakers and state institutions, the important role of the courts remains beyond the scope of this report.

Our study can be viewed as complementary to various other sources. First, although we provide a selective overview of some of the critical aspects of education in California, our focus is on governance. Broader discussions of finance and policy can be found for example in Carroll et al. (2005). Second, the report can be seen as an attempt to increase the understanding of educational governance in California by building on prior Commissions and analyses, bringing them up to date for 2006. The report is based primarily on the findings from interviews conducted with stakeholders in California and across the country. Third, this empirical study of governance is part of a series of studies that are designed to inform the Governor's Committee; others deal in particular with aspects of school finance, which as we shall argue is an important ingredient in governance.

2. A FRAMEWORK FOR DESCRIBING EDUCATIONAL GOVERNANCE

2.1 INTRODUCTION

Educational governance encompasses many organizations and individuals that interact in highly complex ways. Any description and analysis of a governance structure that is to be useful for policymakers needs a clear framework for mapping the various components and criteria for evaluating the effectiveness of the system.

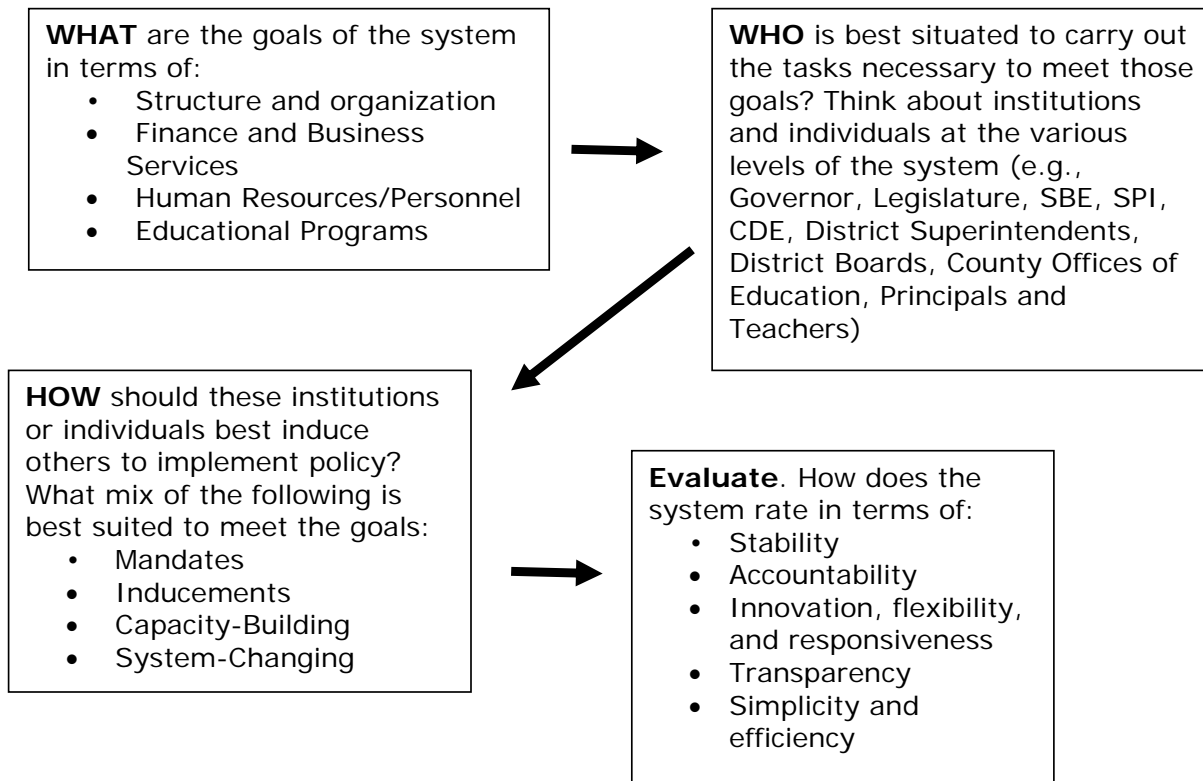
In this section we begin to develop such a framework. Our approach is derived in part from a review of previous literature on educational governance as well as consideration of governance in other spheres (e.g., corporate, national, state). It also draws upon interview data with academics and educators conducted for this study. The lack of a widely agreed upon lens for viewing governance, and criteria for judging what is effective and what is not, makes the task of developing a systematic approach to examining governance a challenge. The framework offered here is not intended as the only 'correct' approach, but we think it is a useful way to organize a complex topic when considering policy options for changes to governance.

We believe policymakers should start with a consideration of the *goals* of a governance structure. In other words, what is it that a governance structure should be designed to do? Given these goals, we argue that governance is most easily described using a three dimensional matrix.

- The first dimension is the set of **functions** that require organization, given the goals for the system. The key question is what the functions to be accomplished are. For example, how will schools and school districts be organized? How will resources be generated and allocated?
- The second important dimension is the **institution** that fulfills each of the functions. This includes various organizations and stakeholders at the state, district, county and local school level.
- The third important dimension is how the functions get carried out by each level, i.e., by what **mechanism** or instrument? This can include regulations and incentives.

This three dimensional schema is helpful in painting a clearly understood picture of what governance actually looks like. The next step is to evaluate whether the governance structure works well or not. For this, we offer a set of five characteristics deemed likely to lead to effective governance. We describe each step in this overall framework in the following 4 sections, but first offer a flowchart illustrating the process we believe policymakers should engage in when evaluating the state's educational governance.

Figure 2.1: Steps for Policymakers in Examining the State's Educational Governance System



2.2 FUNCTIONS: THE “WHAT” OF EDUCATIONAL GOVERNANCE

In order to accomplish a given set of educational goals, policymakers must decide what functions are needed in order to meet these goals. The delivery of educational services and the parameters under which they are organized involves numerous tasks. For example, any system of schooling requires the function of raising and allocating resources in some way. An educational program must be selected, and the personnel involved in delivering that program must be trained, distributed and compensated. A physical environment of where schooling is to take place must be determined.

Functions are to some extent a ‘given’ in the sense that there are tasks that have to be accomplished by any governance structure. But the precise set of functions an educational system needs to undertake can be varied somewhat according to the particular educational goals that society sets for itself. For example, it is feasible to imagine an educational system in which there is no student testing, or one in which there are no staff, just computers, or one in which a nation is so wealthy there is little need to worry about revenue generation. Needless to say, these extremes do not exist, but certainly the importance of particular functions can be varied by policymakers according to their goals. Similarly, some functions may exist at some points in time but not others - for example, before computers, no IT support was necessary.

There are numerous ways we can describe the functions of a school system. For example, a possible taxonomy delineates: school organization and governance; school finance; student testing and assessment; school program definition, personnel training and certification; curriculum materials development and selection; school buildings and facilities (Murphy 1982). Bimber (1994) has a similar classification. We use a related schema, adapted from the 1985 report of the California Commission on School Governance and Management and shown in Table 2.1. This formulation seems to us to be most straightforward and useful. It does not necessarily cover all functions but it does encompass what we believe are the most important ones.

Table 2.1: Functions: The “What” of Educational Governance

Area	Function	Definition and Examples
Structure and Organization	School and School District Organization	Who has decision making authority over how schools and school districts are organized? E.g., financial incentives from the state in the 1950s and 60s for districts to consolidate; school takeovers; charter schools.
Finance and Business Services	Revenue Generation	Who controls how much income for schools is generated and from where? E.g., <i>Serrano</i> and Proposition 98 reducing reliance on property taxes at the local level and reducing ability of school districts to raise own taxes to support local schools.
	Resource Allocation	Who decides how to distribute financial and human resources? E.g., collectively bargained labor contracts at district level, state categorical funding programs.
	Facilities Planning/Management	Who is responsible for sanctioning facilities to be built, maintained, and closed? E.g. Proposition 13 moved facility authority from local to state control, ability to issue bonds to fund construction.
Personnel	Staffing	Who decides staff hiring, allocation and firing? E.g., required qualifications, staffing ratios, labor contract provisions for teacher deployment and compensation.
	Training/professional development	Who determines the training and credentialing of teachers and the implementation of new programs? E.g., universities set curriculum for teacher training programs, teacher certification process.
Educational program	Curriculum	Who sets the curriculum content and determines which textbooks are to be used? E.g., LAUSD adopted Open Court to be used as the language arts curriculum in all elementary schools; certain textbooks are deemed acceptable by the State Board.
	Testing/Assessment	Who determines when students, teachers, and administrators will be evaluated, on what, and for what purpose? E.g., state sponsored student assessment system tied to accountability.

In practice, educational governance systems are rarely organized around functions per se. Rather they tend to be dominated by institutions or by particular programs. Much of the discussion of governance, and analysis by academics, focuses on who does what.

2.3 INSTITUTIONS: THE “WHO” OF EDUCATIONAL GOVERNANCE

Once educational goals have been defined and a set of functions delineated, the decision making and delivery of services around each function or domain can be

organized in many different ways and carried out by an almost infinite array of institutional configurations. Here we use the term institutions broadly to include both formal and informal entities and individuals.

The governance system encompasses many players as shown in Table 2.2.

Some entities may be purposefully created – for example school districts, or a Commission on Teacher Credentialing, or a State Board of Education. Others may arise more incidentally and unintentionally as a byproduct of laws or actions. For example, the decision to allow for the provision of educational materials produced by the private sector means that textbook publishers are an important part of the educational governance structure. Similarly, the ability of individuals to organize themselves into voluntary associations to lobby for employee benefits, or the freedom of wealthy individuals to finance particular educational programs, has an effect on educational governance.

It should be noted that these institutions are not all public. Tyack notes (citing Cohen, 1978), “Some of the most powerful standardizing agencies rarely appear on organizational charts of school governance. A number of the more influential organizations – textbook publishers, test companies, and accreditation agencies, for example, are private groups whose accountability is slight” (Tyack, 1993, p.6). Thus, educational governance writ large encompasses both public and private sectors. While traditionally in the U.S. most children have attended schools that are both financed by and operated by government agencies, this need not be the case. Indeed, recent trends towards home schooling, charter schools and educational vouchers have begun to change the kinds of institutions that deliver schooling.

Making sound educational policy and delivering a high quality system of schooling on a statewide scale involves many different institutions (see Table 2.2). Often, these are organized hierarchically and their jurisdictions are based in part on geography. The essential building blocks are of course classrooms and groups of classrooms that are organized into schools. With public provision of schooling to a large population, schools have been grouped together in various ways, typically through school districts. Sometimes an additional layer of control is placed above districts in the form of regional authorities, and the state itself – which in the U.S. is the level of government that has the formal constitutional obligation and authority for providing schooling – will have its own set of institutions at that level.

Table 2.2: The “Who” of Educational Governance: Institutions by Level

Federal	State	Regional/ County	School District	School	Others
U.S. Secretary of Education	Governor and advisors	County boards	Local board	Principals	Mayors
U.S. Department of Education officials	State Legislature	County Superintendent	Local superintendent	Teachers	Judges
U.S. Congress	State Board	County offices of education	Central office	Parents	Unions
U.S. Supreme Court and other Federal courts	State Superintendent			School councils	Vendors
	State Department			Students	Business Leaders
	Other agencies and commissions				Community leaders
	Lobbyists				Foundations
	Courts				

Source: Adapted from Timar (2002).

In this report, we do not focus much attention on the federal level. This is because the purpose of this study is to help one specific state, California, understand and evaluate its governance structure. Although states can exert influence on the federal government in ways that significantly affect educational governance, federal policy is not under the direct control of any one state. Therefore, for the purposes of this study, we shall assume aspects of federal educational governance to be a ‘given’. In future tables and figures we will omit the federal level for simplicity, except in Chapter 4, where we discuss shifts in decision making authority over time.

In discussing governance it is often assumed that the existing set of institutions is ‘fixed’ when in fact the institutional configuration by which schooling is governed is entirely malleable. School districts, for example, are only one possible way to organize the activities of many schools. With charter schools increasingly common, individuals schools may operate independently (as do many private schools) or as part of a network that is defined according to need and interest rather than geography. Similarly, the way school districts themselves are defined differs widely from state to state – in some cases they are contiguous with county or city boundaries, in other cases (like California, in most cases) they are not.

Because existing institutions have resources and provide a livelihood for many individuals, they are typically very hard to abolish. Thus, it is hard to envisage for example a system of educational delivery in California without school districts because the thousands of school board members, superintendents and other

administrators employed by school districts constitute a powerful lobbying force against some other method of organizing schooling.

Examining any one part of this multi-institutional structure in isolation might be misleading. The horizontal (peer to peer) and vertical (top to bottom) interactions among this set of institutions is rich and varied. There can be formally defined relationships – such as the role of the country offices of education *vis a vis* districts, or the requirement of districts to engage in collective bargaining with teachers unions. But they are just as likely to be informal and ever-evolving.

This second dimension of governance, the “who”, intersects with the first, the “what”. Some functions may be the exclusive purview of one institution or level, while another function may be the responsibility of a different actor. More likely, each function involves multiple institutions and levels. As noted, the configuration of each axis of the matrix is a decision of the policymaker. The institutional dimension in particular could have many different configurations. The precise labels on the axes may therefore be open to change.

Responsibility for particular functions by institution is a key leverage point in thinking about educational governance options. Often, discussions about governance are about where the “locus of authority” lies in a matrix such as this, and in particular how over time the relative distribution of authority and responsibility across institutions has evolved. For example, it is common to note that in the last three decades there has been a “decrease in local control” in favor of a greater state role. In truth this is an oversimplification. The state may assume the critical role in a particular function or domain but not in another. One only has to consider the California case and think about several functions. Post *Serrano* and Proposition 13, revenue generation is almost entirely a state level function, whereas in other states this is not the case. Conversely, in California, districts retain primary responsibility for personnel decisions and compensation, whereas a handful of other states have statewide collective bargaining. However, locating the authority is complicated because of the multiple actors involved – so, for example, although districts may be the major actor in collective bargaining, statewide associations like the California Teachers Association (CTA) on one side, and the California School Boards Association on the other, will have a significant influence on local level bargaining; these and other stakeholders will influence the rules under which the bargaining takes place through their influence on elections to the state legislature and local school boards.

2.4 INSTRUMENTS: THE “HOW” OF EDUCATIONAL GOVERNANCE

There is a third important dimension of educational governance that must be a part of any description. Policymakers can “govern” in different ways. In the most extreme case, the state can require that certain actions are taken through mandates and regulation. This is in fact how much of public education has traditionally been operated – regulatory compliance over the formal institutions is the mechanism by which many of the functions of the system are ensured.

However, there are other mechanisms or instruments that are also widely used. In particular, the state may induce institutions and individuals to act in particular ways through a system of incentives. These might be either punishments or rewards.

The educational system is governed by an array of different means. These can be grouped as executive or administrative, legislative or judicial, or they can be considered from the standpoint of their source, i.e., federal, state, local, or other. We list some of the commonly used instruments in Table 2.3, along with some examples.

Table 2.3: The How of Educational Governance: Commonly Used Governance Instruments

Level	Type of Instrument
Federal	Federal laws
	Federal court orders
	Department of Education reporting regulations
	Department of Education funding regulations
	Other Department (e.g., Labor, Environment) regulations
State	State Constitution
	Ballot propositions
	Laws
	State Board policies
	State Department reporting regulations
	Financial regulations/programs/bonds
	State court orders
	Other state departments/commissions regulations
Local	School Board policies
	Collectively bargained labor agreements
	District office policies/procedures
	Ballot measures including bonds
Other (e.g. unions, foundations)	Collectively bargained labor agreements
	Grant money for reform programs/strategies

Note: This table is not intended to show every type of actual or potential instrument.

Not all of these instruments are used frequently, and often less formal channels of influence and “moralsuasion” may be deployed. Many of the regulatory provisions from different sources are combined together into the California Education Code, made up of voter-approved ballot propositions – called ‘chaptered’ in that they become part of a chapter of the Ed Code – as well as state statutes passed by both branches of the legislature and ratified by the governor. We discuss the Education Code in more depth in Chapter 5, as well as select instruments from the above

table, namely propositions, legislation, school district policies and collectively-bargained labor contracts.

In addition to the different governance instruments in Table 2.3, it is also helpful to distinguish between broader classes of mechanism. McDonnell and Elmore (1987) distinguish four “policy instruments”: mandates, inducements, capacity-building and system-changing. These are defined in Table 2.4.

Table 2.4: Types of Educational Governance Instrument

Instrument	Primary Elements	Expected Effects	Examples
Mandates	Rules	Compliance	Reporting requirement under <i>No Child Left Behind</i> ; building code stipulations
Inducements	Money (procurement)	Production of value; short-term returns	Awards to schools (or teachers) that meet target API scores; categorical funding
Capacity-Building	Money (investment)	Enhancement of skills, competence; long-term returns	Professional development; site-based budgeting or decision making
System-Changing	Authority	Composition of public delivery system; incentives	Charter schools change who is allowed to offer educational services and instruction to public school students

Source: Adapted from McDonnell and Elmore (1987)

Traditional discussions of governance often narrowly focus on the distribution of formal authority between the different entities in the system, i.e. “system-changing”. In fact, all the instruments defined in Table 2.4 should be considered part of governance, and the mix of instruments used is a key governance policy option.

We have presented a descriptive framework for helping to understand how an educational governance system works. But, as we have indicated in our preceding discussions, characterizing governance is not really so simple. For example, although one can specify a list of key institutions that are part of educational governance, it is quite possible that some of the important actors might not be readily visible. Similarly, it may be difficult to discern the extent to which a particular policy or practice is due to the influence of one institution or another. It is precisely this kind of information that is needed to “fill in” the matrix of governance that we have laid out.

2.5 RATING THE STATE ON FIVE GOVERNANCE CHARACTERISTICS

The description of the who, what and how of California educational governance that we have presented so far paints a picture of a complex, fragmented system that

has developed piecemeal over time, that is subject to subtle influences, and which varies from function to function in terms of which players are most important and what processes are used. What this picture does not tell us is whether the governance structures work well or not. California is a large and diverse state, and any system needs to be able to capture the interests of the many constituencies affected by education, balance the need for statewide standards with local variation, and ensure both efficient and equitable delivery of educational services; it may be that the current structure does this.

Research evidence provides little clear guidance to aid in judging what is and what isn't effective governance. In this section, we glean what we can from prior work and utilize insights from our stakeholder interviews to develop a set of *characteristics of good governance* in order to make useful judgments about whether a particular set of governance arrangements are effective in meeting educational goals. These can be viewed as design principles that are helpful in guiding discussions about the strengths and weaknesses of a system and for evaluating the options for changing governance.

The purpose of a governance system is to translate societal wishes into policy and practice. The starting point for any examination of educational governance, as one of our expert interviewees noted, should therefore be the question: "*for what purpose?*"

Society's educational goals are rarely explicitly stated, and of course they are multifaceted. Although many different educational goals have been held over the last two centuries, different emphases have been dominant at different points in time. For example, since *A Nation At Risk* (1983), the emphasis in educational policy has been improving levels of student academic achievement. In the most recent past, this has been accompanied by a desire to increase choices available to parents in the educational system. Prior to the early 1980s there was much greater concern for issues of equity and fairness in terms of poor and special needs students, and integration of historically disenfranchised racial and ethnic groups. Prior to this, the dominant goal was expanding access to educational opportunities. The origins of the common school may be traced to a desire for ensuring a strong degree of civic socialization (For a detailed discussion of educational goals, see Gill et al., 2001, p.24-28).

It is unlikely that any educational system can ever simultaneously achieve all of its goals.² The balance of priorities between them, though, clearly can change over time according to the wishes of policymakers and in a democracy, presumably the people. Any two individuals are likely to draw up a different list of educational goals, and prioritize them differently.

Given these multiple goals, how do we judge whether a governance system is an effective one or not? In other words, what would be a "good" system of

² It is possible that there is an inherent, unavoidable tradeoff between multiple goals, but this is beyond the scope of this report.

governance, in the sense that it achieves the educational goals that society sets for itself? And what would be a “bad” or “poor” set of governance arrangements?

In terms of National Assessment of Educational Progress (NAEP) results, California lags behind the national averages in both Reading and Math for both 4th and 8th grade, as shown in Table 2.5 below. This might lead us to conclude that California’s governance system is not as effective as that in other states.

Table 2.5: NAEP Scale Scores in Reading and Math: California versus the Nation

Year	Math				Reading			
	4 th grade		8 th grade		4 th grade		8 th grade	
	CA	Nat.	CA	Nat.	CA	Nat.	CA	Nat.
1992	208	220	261	268	202	217	--	260
2005	230	238	269	279	207	219	250	262

Source: <http://nces.ed.gov/nationsreportcard/nde/>

Clearly, however, the explanation for differences in student achievement is multifaceted and could be traced to a host of factors. Pinning down the contribution of governance arrangements is impossible.

Unfortunately, research provides little guide. There has been relatively little work that has directly attempted to determine the links between features of governance (be they institutions or instruments to use the nomenclature of our framework) and attainment of particular outcomes.

Given this, are there at least a set of “design principles” that can be used as a basis upon which to judge the likely effectiveness of educational governance? Using the research literature, interviews with academic experts, and the perceptions of stakeholders in the California governance structure at all levels, we have distinguished **five** critical characteristics for good governance, shown in Table 2.6 below.

Table 2.6: Five Characteristics of Good Governance

Characteristic	Definition and Rationale
<i>Stable</i>	A stable governance structure is one in which policy is made and implemented in a way that is known as far in advance as is reasonably possible. Revenue is known in advance for planning. Policies are given an opportunity to work before changes are made. There are few major changes of direction or new initiatives introduced suddenly. Leaders have tenures that allow for knowledge development and on the job learning. Stability enables actors in the system to act in a rational and planned way. This is important for the development of expertise and long term investments in capacity.
<i>Accountable</i>	A governance structure with strong accountability is one in which there are clear lines of authority between the various parts of the system, with limited duplication of functions, so that it is possible to identify the source of decisions. There are consequences for good/bad behavior and outcomes. Actors in a system with strong accountability understand their roles. Accountability gives the right incentives for actors within the system to accomplish their goals. There is alignment between decisions to raise revenue and decisions to spend revenue.
<i>Innovative, Flexible and Responsive</i>	An innovative, flexible and responsive governance structure is one that is adaptable to changing context and able to respond appropriately to new short and long term external demands upon it. New approaches are encouraged; many ideas are generated and spread throughout system. Innovation, flexibility and responsiveness are essential for a system to adapt to changing needs and ensure cutting edge knowledge is used.
<i>Transparent and Open</i>	A transparent and open system is one in which it is clear to the public and all stakeholders how decisions are made, who makes them and participation is encouraged at every level. Transparency allows for the exchange of information between the different levels of the governance system. An open and transparent system is less likely to be subject to 'capture' by special interests, less likely to have corruption and bribery and most likely to encourage public engagement and support of schools. There is an open flow of information, monitoring and evaluation data, and mechanisms to communicate performance to citizens.
<i>Simple and Efficient</i>	A simple and efficient governance structure is one that ensures decisions are made in a timely manner and with minimal overlap or confusion among entities. Decision making is located where knowledge is greatest. Policy is coherent and decisions across multiple domains and levels are coordinated so that there is minimal duplication and waste. The decision making and implementation structure is not burdensome on stakeholders in the system. Costs are minimized.

The characteristics do not neatly fall neatly into conceptually distinct groups, and are clearly interrelated. Each characteristic can be considered a continuous variable

that might be present to a low or high degree. Each characteristic is desirable but not sufficient alone for good outcomes. However, the basic proposition is that *if* a system had all these features at a high level, it would likely be a highly effective one.

Clearly there are some circumstances under which some characteristics may be more important than others. It is certainly expected that different policymakers would weigh these criteria in different ways. It is also obvious that there are tensions between these characteristics – most notably between stability and innovation. One might desire more of a characteristic in one functional area than others – for example, a stable revenue stream and consistent set of performance expectations may be extremely important, but stability in pedagogy may reflect a failure to innovate where flexibility is preferred. Similarly, some characteristics may be valued more at some points in time than others.

This list is not meant to be exhaustive. We have attempted to derive characteristics that we believe most stakeholders would agree are important. There may be others that we have not included. For example, some have suggested “subsidiarity” (Hill, 2004, p. 83). This is the notion that decisions are best made by those most affected by them. Although this has some intuitive appeal it is actually not self-evident. For example, there may be a state imperative for a higher level of control. In fact the whole idea that one can – either a priori or on the basis of empirical evidence – discern that certain levels of the educational system *should* have authority over particular domains is not clear.

This relates to the common debate over the degree to which educational decision making should be centralized or decentralized. It may be best for some decisions to be made and implemented at higher levels than lower levels. Decision making level may well be (and often is) distinct from the implementation level. In practice it can be hard to categorize the level of decision making in any case, given that it results from the complex interaction of forces. It can also vary over time. For example, at the extreme, in a time of war or political instability, decisions might preferably be handled at higher levels of authority. At other times, preference might be given to lower level institutions. Several ideas are related to the concept of decentralization such as the idea that individuals have as much *autonomy* over decisions that affect them, or that the system is ‘flat’ rather than based on hierarchical relationships.

Value systems are undoubtedly at work here. In the U.S. educational context with a tradition of local decision making, the strongly held tradition of local control over education continues to be prevalent, despite the growth of federal and state roles over the past half century. In Europe and elsewhere where strong centralized states have been the norm, the presumption is in favor of a greater number of decisions being made centrally with minimal local control.

To some extent this debate over appropriate level of governance for particular domains is at the heart of debates over standards based accountability. The ‘theory’ behind accountability posits that some decisions – for example, curriculum standards and student assessments – should be made by state level institutions,

while others – educational program, teacher assignment – should be made by lower level units like schools or school districts. This point illustrates that one can apply the characteristics of good governance differently across functions and institutions. In the education system where the state is the constitutionally empowered body, the types and functions of lower level institutions are its creation. Whether decisions are best made and implemented at the state or some other level will depend in part on the *capacity* of the entities created, including knowledge of the context and technical expertise.

3. THE WHO OF CALIFORNIA'S EDUCATIONAL GOVERNANCE

3.1 INTRODUCTION

This chapter describes the “who” of California’s educational governance, discussing the key players and organizations at the state, county, and district level. It is worth noting that the framework we provided in Chapter 2 started with the “what” before the “who” because we believe that educational governance *should* start with defining the goals of the system and the needed actions to accomplish those goals, after which the policymakers would choose the who and the how. This order emphasizes that the institutions that accomplish the system’s goals are changeable, not predetermined, and therefore you could decide to undertake the functions using lots of different institutional configurations. However, when we came to the description of the *actual* governance system in California it became obvious that the state doesn’t really do things functionally, but by institution - so the “who” trumps the “what”. We believe it should be the other way around: we should not be hung up on the institutions, but rather what needs to be done. However, this is not currently the case. In short, we have organized the next three chapters to reflect the reality of the situation: we start with the “who”, then discuss the “what”, and then the “how”.

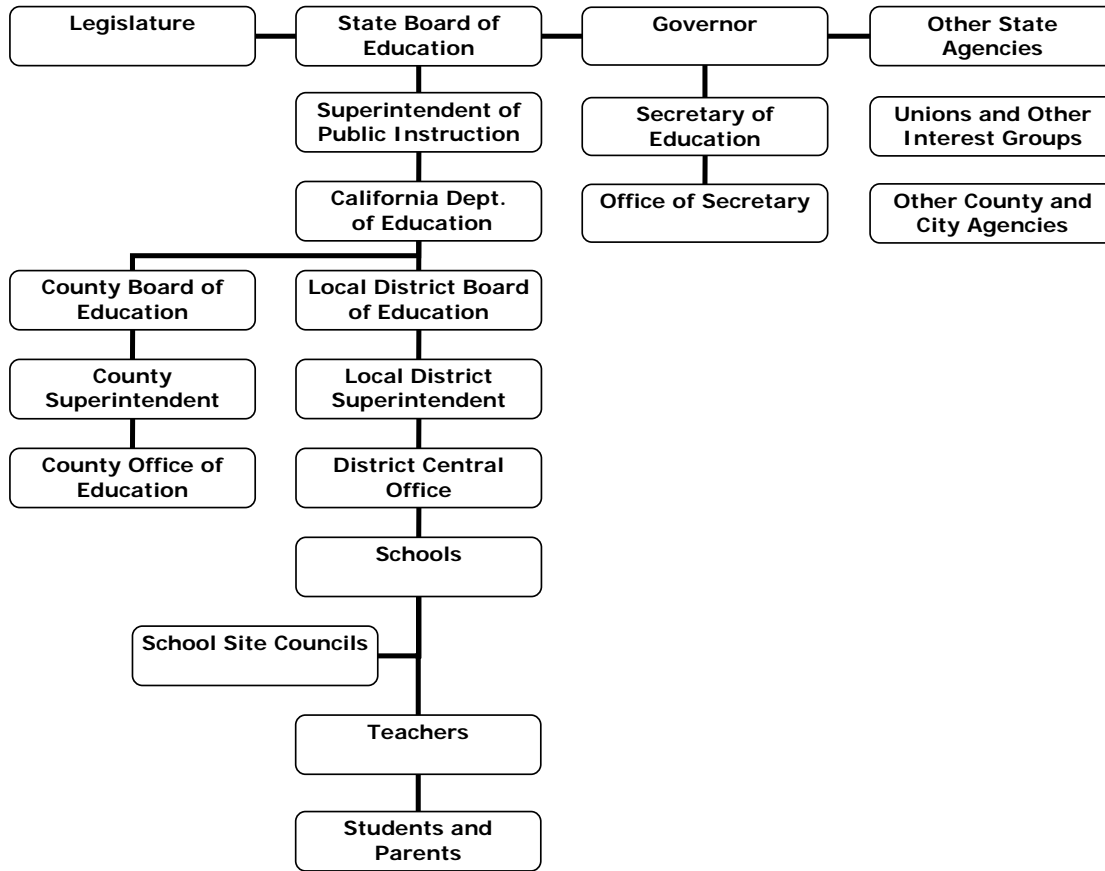
3.2 OVERVIEW OF THE SYSTEM

California’s population has grown dramatically since the state’s founding: from less than 100,000 in 1850 to 1.5 million in 1900 to 10.5 million in 1950 to 20 million in 1970 and 36 million today (see <http://www.census.gov/population/documentation/twps0056/tab19.xls>) California’s school system is the largest in the country serving around 6 million students in more than 9000 schools in over 1000 districts. In the last three decades the number of children served by the educational governance system has continued to grow from 5 million in 1970 to around 7 million today (<http://nces.ed.gov>). The system educates a growing and very diverse population of children: 47% of California’s students qualify for free or reduced-price meals and more than 40 percent of the nation’s English language learners attend California schools.

Like most state systems, the California educational governance system has developed in an ad hoc manner over the past 150 years, resulting in a sprawling structure with multiple bodies and complicated interrelationships. In order to organize the discussion of the “who” of California’s educational governance system, we first provide a brief introduction to the major institutions intimately involved with the system. We then discuss the roles of each of the institutions in more detail. The description in this and the following two chapters is based on secondary sources, interview data, and analyses of primary documentation.

The essential building blocks of the California educational governance system are shown in Figure 3.1 below.

Figure 3.1: Major Institutions in California’s Educational Governance



At the state level, there are a multitude of bodies that oversee the educational system: Governor and Secretary of Education, Legislature, State Board of Education (SBE), Superintendent of Public Instruction (SPI), California Department of Education (CDE), the California Teacher Credentialing Commission (CTC), and various other agencies and commissions. Responsibility for delivering most educational services is designated to school districts which are governed (typically) by elected school boards and managed by a superintendent and associated central office staff. In addition, a range of services and oversight are conducted by the county offices of education, which serve as an intermediate governance unit, with elected or appointed school boards and superintendents. A large number of other players are part of the governance structure too, including teacher and other employee unions, a range of state educational associations representing different constituencies, philanthropy, various business interests and their associations, parents, students and others.

This structure came about through a historical development that is best viewed as a continuous struggle over which institution should assume a lead role in the educational governance structure. Although the state “holds the legal cards” in the sense that it has constitutional authority to organize the system as it wishes, the initial organic growth of local schools systems, and suspicion of central authority, meant that a significant degree of autonomy was ceded to local agents, school districts. Over time, as the state’s population has grown and become more mobile, the role of the federal government has increased, and economic and technological forces have increased the imperatives for common standards, the state has gradually become the dominant force. In particular, since the state is now responsible (due to court decisions and ballot propositions) for most revenue generation, it inevitably seeks to control the ways in which those resources are spent. Rather than discuss the history of California’s schools in narrative form, we have incorporated the most relevant trends and events into the rest of this chapter, as well as in Chapters 4 and 5. A timeline with some of the most significant milestones may be found in Appendix B.

In many ways, we believe the historical tussles over “who” is in charge may well be less important for the future than the “what” and the “how”. In other words, institutions at all levels must play a role in as complicated an enterprise as providing schooling in a large and diverse state. The key issue is the relative distribution of functions between these levels, and the mechanisms each uses to accomplish the educational goals the state sets for itself.

3.3 STATE LEVEL³

The federal Constitution reserves authority over education for the fifty states. Hence, authority over education in California resides at the state level.

Article IX of the California Constitution (1879) gives the state the responsibility for “encouraging by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement” and mandates that the legislature provide “for a system of common schools by which a free school shall be kept up and supported in each district at least 6 months per year.” It provides for a state permanent fund to support schools, establishes the office of the Superintendent of Public Instruction to lead the state school system, and directs the legislature to “authorize the governing boards of all school districts to initiate and carry on any programs, activities ... [and] purposes for which school districts are established.” The complete article related to education may be found in Appendix C.

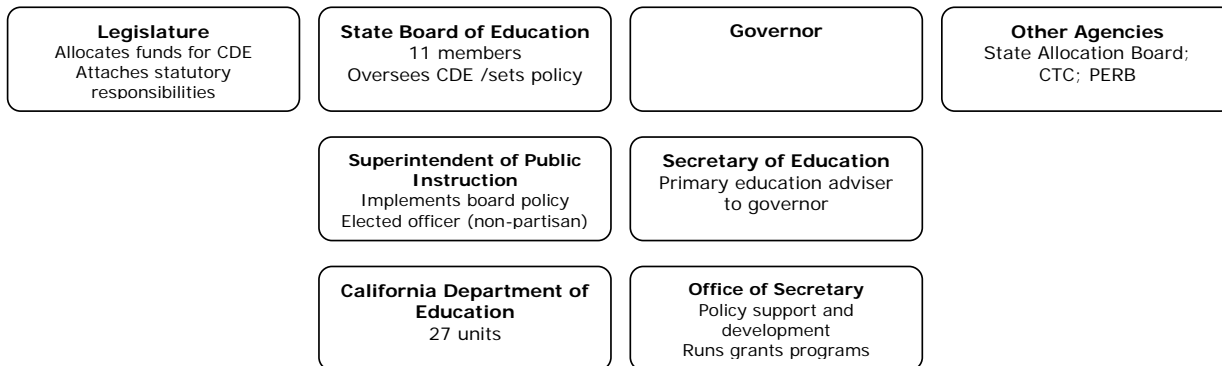
The state is the dominant actor in educational policy making partly because of the constitutional obligation and legal authority, and also because, in practical terms, education comprises over 50 percent of the state budget (<http://www.dof.ca.gov>). The responsibilities of state authorities include the following: to provide and meet the educational needs of the state, to improve the administration and efficiency of

³ Portions of this chapter draw on background material prepared by Loeb et al, 2006.

the public schools of the state, to superintend the schools of the state, to administer and enforce the laws pertaining to education in the state, and to identify the critical needs for which effective programs and practices are to be disseminated to schools.

The lead for setting educational policy falls to multiple entities. The most important of these are the governor and his staff, the legislature and its various committees and subcommittees, and the state Board of Education (see Figure 3.2). We discuss each in turn.

Figure 3.2: Governance Structure at the State Level



3.3.1 Governor and Secretary of Education

The governor, as the chief elected official in the state, is in many ways the focal point for all policy making, including over education. Formally, he can propose legislation and veto legislative enactments. The governor, through his proposed budget, significantly sets the agenda for legislators, and in addition may use line-item veto power to cut or eliminate funding appropriated by the legislature for education programs. More informally, but probably as important, the governor's office serves as a "bully pulpit" whereby issues can be raised and public awareness created. According to Kirst et al. (2000), since the 1990s, the governor "has emerged as the most powerful force in determining educational policy" (p. 89).

Historically, education was rarely a major issue in gubernatorial election campaigns. However, since the mid-1980s, governors have become actively involved in public education policy. As Timar (2002) notes, the last three governors in California – Deukmejian, Wilson, and Davis – "have all claimed the title 'education governor'" (p.25) and according to his Web site, Governor Schwarzenegger describes education as "one of his top priorities" (<http://gov.ca.gov/>).

The important role of the governor has not gone unnoticed. As one district superintendent we interviewed said, the governor "has been the primary player in education policy for the past 10-15 years [because he sets the budget agenda]." Danzberger, Kirst and Usdan (1992) note, "In the public's mind, the unprecedented

engagement of the nation's highest elected officials in school issues has implicitly derogated the traditional education governance structure. State education department officials, school administrators, school teachers and certainly school board members have all felt preempted by the dramatic interventions of highly visible political leaders" (p. 6).

The state's first education secretary, Ron Moskowitz, was appointed by Governor Edmund G. "Pat" Brown in 1964. During George Deukmejian's tenure as governor (1983-1991), the Secretary of Education position gained prominence as a result of policy and personality clashes between Deukmejian and then SPI Bill Honig, and in 1991, the job became a cabinet-level position under Governor Pete Wilson. This position is entirely the creation of the governor, and has no constitutional standing. The current incumbent's official Web site describes the job simply as "primary education advisor to the governor"⁴ (<http://www.ose.ca.gov/>). Indeed, the handful of incumbents who have served in this position have varied considerably in the role they have played.

Several of our interviewees suggested that the Secretary of Education role was "duplicative" and "still undefined". There was also some concern about the added cost of an additional office; the Office of the Secretary includes a small staff to provide advice. One state level official we interviewed, for example, summed up this viewpoint:

That has been a kind of a thorn for me in that, you know, why a governor needs a secretary when we have a state superintendent doesn't make sense to me, and it's just an added cost, I mean, they built a whole office structure with staffing and everything, just like the State Board has; to me that's something that in the governance structure has got to be questioned and justified.

Until recently, the office of the Secretary was not connected to official government infrastructure. In May 2005, Governor Schwarzenegger appointed Alan Bersin to a position on the State Board of Education, and he was appointed as Secretary of Education on July 1, 2006. This latter move was mentioned by several stakeholders in the system as a positive development; one interviewee noted:

I think that does give a direct linkage. I think that's a positive, I would expect future governors will do the same thing. I like the idea of that close working relationship between the state board and the governor. The governor is probably held responsible for education even more so maybe than the superintendent of public instruction, and I like that close relationship.

⁴ Occasionally, the Secretary has been assigned specific duties. For example, SB 1667 of 2000 assigned administrative oversight of high school technology grants to the Secretary of Education even though "there is a unit within the CDE explicitly for that purpose" (Timar, 2002, p.25).

While this was only one interviewee's view, the need for more clearly defined roles among state bodies and offices was highlighted throughout the interviews.

3.3.2 State Legislature

The state legislature is directly responsible for much of the state's education policy creation. While the people can make education policy through ballot propositions, and the governor can use his office to propose education policies, it the legislature that must enact the details. The State Board, Department of Education, and county and district boards and offices fill in much of the detail for day to day operations, but the overarching framework is provided by the legislature. Timar (2002) notes that "the legislature has come to be a key player in education decision making" (p.25) since the mid-1980s: "Not only does the legislature enact literally hundreds of measures affecting education each year ... the legislation has [also] become increasingly prescriptive, specifying, for example, how reading must be taught" (p.26).

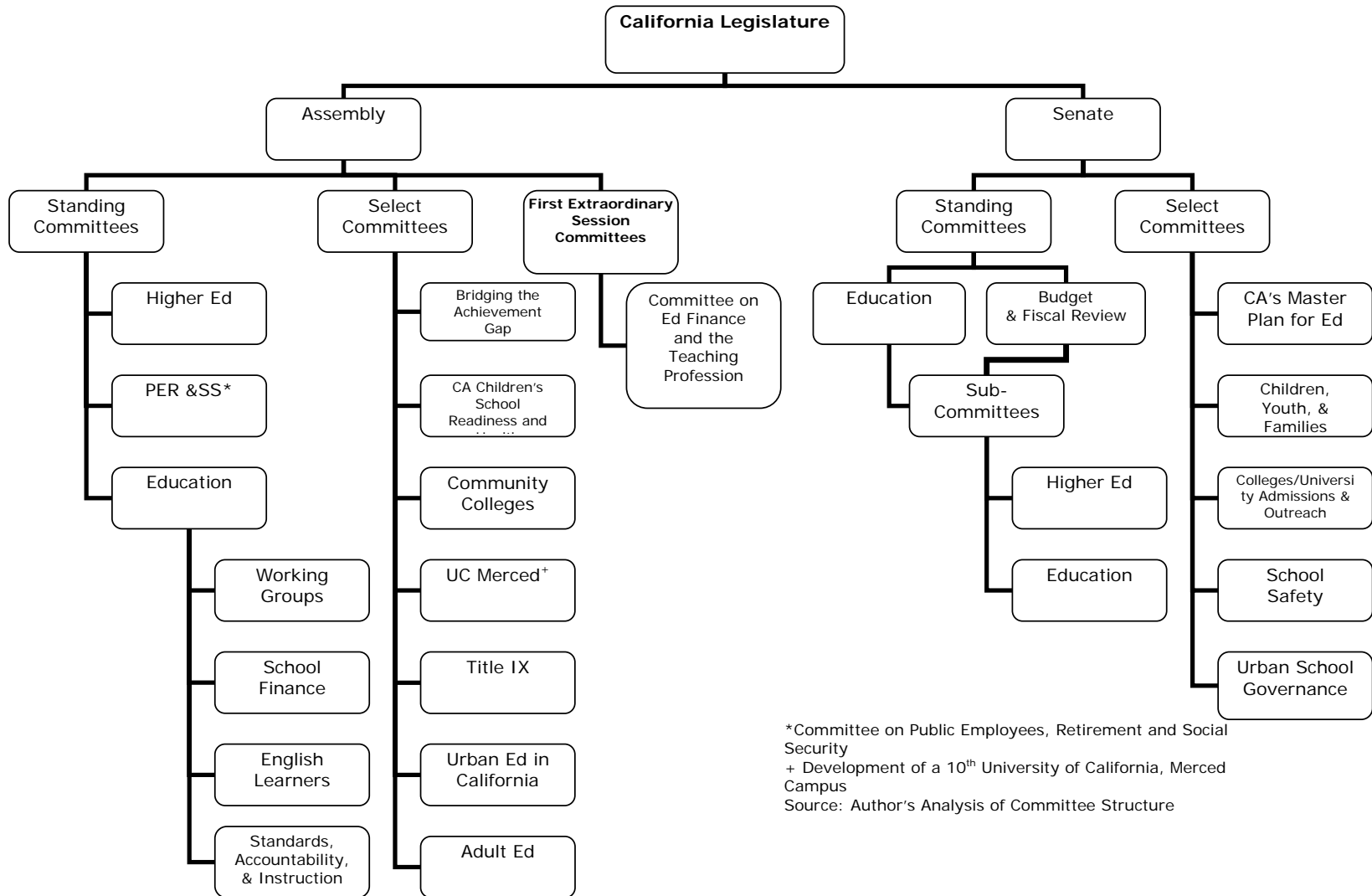
It is not the purpose of this report to analyze in detail the politics surrounding the legislature, how its agenda gets set, who gets elected and why. In this section, however, we do provide some background on the way the legislature goes about making education policy and its activities over recent years.

Legislation typically must work its way through a number of committees and subcommittees that have responsibility over education policy or related issues. The California Legislature has Standing Education Committees in both the Assembly and the Senate. There are also two Senate Sub-Committees "that focus in more depth on particular issues" – one comprised of members from the Education Committee and one from the Budget and Fiscal Review Committee – as well as five Senate "Select Committees" tasked with studying "California policy issues and problems in order the develop longer range solutions" (<http://www.sen.ca.gov/~newsen/committees/committees.htm>).

In the assembly, there are two Standing Committees in addition to the Committee on Education whose purview covers education: the Committee on Higher Education, and the Committee on Public Employees, Retirement and Social Security, whose jurisdiction includes "oversight of Classified school employees, ... public employee collective bargaining, and public retirement administration and investment strategy" (<http://www.assembly.ca.gov/acs/acsframeset8text.asp>). The Committee on Education has three "Working Groups" under its auspices. In addition, there are seven Select Committees on education in the assembly and one "First Extraordinary Session Committee."

The committee structure (current as of July, 2006) is shown in Figure 3.3.

Figure 3.3: Legislative Committees Concerned With Education



*Committee on Public Employees, Retirement and Social Security
 + Development of a 10th University of California, Merced Campus
 Source: Author's Analysis of Committee Structure

Source: Authors' synopsis of committee structure

It is difficult to chart the growth of the committee structure over time because committees, especially the Select Committees, are often transitory bodies that arise to address a current issue; they are generally disbanded once the issue has been resolved or another, more pressing issue takes its place. For example, an Urban Education Quality Select Committee was created in the Assembly on March 3, 1995 and subsumed into the Education Standing Committee less than a year later. On the other hand, a Bilingual Education Select Committee was created in the Senate during the 1989/1990 legislative session and was renewed three times before dissolving in 1998 after the passage of Proposition 227 banning bilingual education. Of the five Senate Select Committees currently in existence, three were established in the current 2005/2006 legislature session, and only one, School Safety, established in the 1997/1998 session, predates the current decade. In contrast to the often-fleeting Select Committees, the Senate Education Standing Committee, originally called the Committee on Public Schools, has existed since the first session of the Senate in 1850.

The committees hold regular meetings (anywhere from 2-3 a year to more than once a month) as well as a number of informational hearings and legislative hearings throughout the session. Informational hearings provide a venue for speakers on specific topics to address the committees and the public at-large. For example, the Assembly Select Committee on Adult Education co-sponsored a forum in March, 2004 with the Assembly Committee on Jobs, Economic Development, and the Economy entitled "Bridging the Gap: Establishing a Framework for Economic Progress in Los Angeles County." The 2½ hour forum included a 30 minute reception time and speeches from nine stakeholders from a range of businesses, nonprofit community groups, the City of Los Angeles Mayor's Office, UCLA, and LAUSD. A sample agenda from the Assembly Education Committee from March 29, 2006 shows that five proposed bills were discussed, there was an informational presentation by the School Finance Working Group, and then the committee adjourned to separate working group meetings.

Although there are numerous committees involved in reviewing and forwarding legislation to the whole legislature, fragmentation is somewhat reduced by overlapping membership. For instance, as of July 2006, in the Senate, Senator Maldonado was Vice-Chair of the Standing Education Committee and a member of four of the five Select Committees (all except for School Safety), while Senators Runner, Cedillo, Kuehl, Chesbro, Scott, Vincent, Margett, and Torlakson were each on at least one Select Committee but not members of the Standing Education Committee. The situation is similar in the Assembly, with many of the 11 members of the Standing Education Committee sitting on at least one of the Select Committees, which in turn are comprised of a mix of Education Committee members and non-members, except for the Development of a 10th University of California, Merced Campus Select Committee, whose sole member is not on the Standing Education Committee.

Individual legislators propose legislation and work through their offices and committee staff to develop the details of policy. The number of staff members who work for any committee varies, with the standing committees the most heavily

staffed. For example, the Senate Education Committee has a chief consultant on staff as well as five principal consultants and two assistants. Often, bills arise based on the specific interests of particular members. Interest groups – in particular teacher and other public sector employee unions – and business groups are active in the process in a number of ways. Legislators rely to some extent on donations and organizational support from such groups in their campaigns (see below). These groups also provide expertise that can be important in proposing precise language for bills, and for providing the underlying rationale, talking points, evidentiary support and so on.

Although individual legislators and the committees have some staff, they are limited in their capacity to provide detailed analyses on every issue that the legislature has to take up. Interest groups and their professional lobbyists fill some of this gap. Mitchell (1988) notes that professional interest groups play very important roles in the formulation and implementation of state-level policies, especially in vetoing proposed changes with unions and business groups. State decisions are typically shaped by a very small number of key actors – the complexity of issues encourages specialization.

The legislature has not always been as active in education policy as it is today. From the 1920s to the 1960s, the public school system experienced significant growth, and as enrollment increased in urban schools in particular in the 1960s, the public became increasingly dissatisfied with the education system, which prompted the legislature to intervene, notably to improve academic curriculum and teacher training. In 1965, Congress passed the Elementary and Secondary Education Act (ESEA), which included three major programs aimed at providing assistance for the education of children from low-income families, providing library resources, textbooks, and instructional materials to schools in low-wealth areas, and establishing supplementary educational centers and services in areas with a concentration of low-income families. The increased federal efforts, including significant funds, helped increase the focus on education at the state level. In 1969, the state approved minimum academic standards for graduation, and in 1977, approved strict competency standards for high school graduation.

Throughout the 1980s and 1990s, the legislature passed a large number of “often disparate, piecemeal education laws” (Kirst et al., 2000, p. 88). The decade concluded with the passage of the Public Schools Accountability Act of 1999 introducing California’s Academic Performance Index (API). An analysis of the activity of the legislature in terms of volume and content of bills proposed and passed may be found in Chapter 5 of this report.

Our interviews with stakeholders in the California system did not generally entail much discussion of the role of the legislature. In part, this lack of focus on the legislature probably stems from educational stakeholders’ belief that it is a ‘given’ in the process, and not subject to change in a policy sense. At the local level, there was widespread understanding of the key role of the legislature along with the governor in setting funding levels, as well as some dissatisfaction with the legislature’s tendency towards “reactionary” policies and “unfunded” mandates. One

advisor to the project suggested that interviewees' lack of discussion of the legislature may reflect that fact that the cascade of reforms that "pummeled" school districts in the 1980s and 1990s left district level educators somewhat "numb". He notes that by the time NCLB was enacted, local educators had already had to deal with major system changes such as class size reduction, other new programs and the reading and math "wars."

Term limits have also had a significant impact on the work of the legislature. In 1990, voters passed Proposition 130, a term limits initiative that amended the state's constitution. That amendment established 6-year limits on service in the state Assembly and 8-year limits on service in the state Senate. The Public Policy Institute of California, in a 2004 analysis of the effects of term limits, concluded that the limits altered the type of legislator, but that they behave in many respects much like their predecessors.⁵ Although the legislature is more diverse than in the past, term limits tend to induce a shorter term time horizon, and dilute knowledge of the ways a complex system like education has developed over time. Various researchers who have examined the impact of term limits on educational governance have reached similar conclusions. For example, Carlos and Kirst (1997) note the loss of institutional memory regarding prior reforms. Timar (2002) suggests that "the impact of term limits has been to decimate expertise within the legislature" (p.59), exacerbated by the fact that since term limits were introduced, committee members have tended to "bring in their own staff who most often have little or no policy expertise or experience" (p.59). These sentiments were echoed by several of the lower level educational stakeholders we interviewed for this study.

The legislature is supported by the Senate Office of Research, a bipartisan office created in 1969 that helps legislative members, committees and commissions with policy development and planning. A similar Assembly Office of Research existed until budget cuts under Proposition 130 forced its closure in the mid-1990s. Also, the Legislative Analyst's Office (LAO) was founded in 1941 with the charge of providing fiscal and policy advice to both houses of the legislature. The office is overseen by a joint legislative budget committee, and provides research and recommendations in several policy areas, including: Business, Education, Health, Environment, Social Services, Transportation, and Local Government, along with other state issues. The office also conducts fiscal analyses of ballot measures and makes revisions to the state budget at the request of the administration.

The main responsibility given to the LAO has been to analyze and report on the governor's annual budget. The LAO Web site states:

This document, the Analysis of the Budget Bill, includes individual department reviews and recommendations for legislative action. A companion document, the Perspectives and Issues, provides an overview of the state's fiscal picture and identifies some of the major policy issues confronting the Legislature. These documents help set the agenda for the work of the Legislature's fiscal committees in

⁵ See http://www.ppic.org/content/pubs/rb/RB_1104BCRB.pdf for a detailed analysis.

developing a state budget. Staff of the office work with these committees throughout the budget process and provide public testimony on the office's recommendations (www.lao.ca.gov).

The LAO once employed over 100 staff members, but Proposition 130 resulted in the number of staff being reduced to approximately 50.⁶ Timar (2002) notes, "In addition to imposing term limits, Proposition 130 in 1990 also mandated reduction in legislative expenditures by roughly 40 percent. The legislature implemented the measure by significantly downsizing its policy making infrastructure," including the LAO and research offices which "traditionally played important roles in the legislative process.... As the legislative agenda becomes more complex, expertise has diminished" (p.60).

3.3.3 State Board of Education (SBE)

The State Board of Education (SBE), established by statute in 1852, then by amendment to the California Constitution in 1884, is responsible for the adoption of textbooks (for grades one through eight), as well as for the regulations that govern the state's public schools, for assessing the needs of the state, and improving the administration and efficiency of the public schools. The SBE is the "governing and policy making body" (www.cde.ca.gov/be/) of the California Department of Education (CDE), and the elected State Superintendent of Public Instruction (SPI) is the secretary and executive officer of the SBE.

Table 3.1 shows the major functions of the SBE and how they have changed over time, if at all, based on an analysis of the California Education Code from 1945, 1965, 1986 and 2006. (Changes that may have been added and deleted within the space of intervening years may not be captured.)

Table 3.1: Major Functions of the State Board of Education over Time

Functions	1945	1965	1985	2006
Membership and Meetings	10 members appointed by the governor with consent of 2/3 of the Senate	Same	Same plus select and rank three finalists "for the governor's consideration" for one student member	Same
	4 year term	Same	Same, except student has 1 year term	Same
	Meetings every 3 months + any special meetings called by president or 4	At least 6 meetings per year; meetings and records to be open to the	Same	Same

⁶ http://lao.ca.gov/staff/press_awards/lhill_cal_journal_7-99.html

Functions	1945	1965	1985	2006
	board members	public		
	6 members needed to ratify any vote	Same	Same	Same
	Members not paid – reimbursed for travel expenses	Same	Changed such that members receive pay of \$50/day	Changed such that members receive pay as stipulated in Government Code
General Duties	“Determine all questions of policy within its powers”	Same	Same	Same
	“Adopt rules and regulations not inconsistent with the laws of this State” to govern: itself, its appointees and employees, elementary, secondary and technical/ vocational schools, state teachers colleges, schools receiving state funding except the UCs.	Same – California State colleges also excluded from governance by SBE	Same	Same, but also excludes community colleges
	“Make plans for the improvement of the administration and efficiency of the public schools of the State.	Same	Same	same
		May establish courses of instruction and grant certificates of progress or completion for the inmates at state institutions	Same	Same

Functions	1945	1965	1985	2006
		Issue subpoenas "to compel the attendance of witnesses...in the same manner as any court in this State"	Same	Same
Specific Duties (Examples)	Submit a Biennial report to the governor outlining "recommendations as to changes in laws or new educational legislation as may seem to it to be necessary."	Same	Same	Same
		Adopt state special education curriculum guidelines	Same	Deleted
			"Develop guidelines which school districts may use in the development of teacher evaluation procedures"	Same
				Provide guidelines on health and safety curriculum

Source: Authors' analysis of California Education Code

As shown in the table, various statutes have expanded the purview of the SBE to include: the adoption of statewide standards for content and student performance, starting with special education by the time of the 1965 Education Code, and later in core curriculum areas of language arts, mathematics, history-social science, science, and visual and performing arts; curriculum frameworks in core subjects designed to 'inform and guide' local curricula; and the provision of a major student assessment program known as the Standardized Testing and Reporting (STAR) program (and more recently, the California High School Exit Examination). The State Board reviews petitions to unify and reorganize school districts, considers requests from local educational agencies to waive statutory and regulatory requirements, and can directly approve the establishment of charter schools.

The SBE has 11 members appointed by the governor, including, since 1982, one student member. The ten non-student members are appointed by the governor to four-year, staggered terms, subject to confirmation by two-thirds vote of the Senate. Members are eligible for re-appointment. The student member, who must attend a California public high school, serves a one-year term, and is not eligible for re-appointment.

We conducted a review of SBE members' length of service since 1943 to assess whether there have been changes over time in the average time spent on the Board. A high turnover rate would be indicative of lack of stability (one of the five indicators of good governance we discuss in Chapter 6) as well as a possible reduction in expertise and institutional "memory." Our analysis, shown in Table 3.2, determined that of the current non-student members, eight have been in office only since 2004 or later, and the other two members have been in office since 2001. Since 1943, the majority (63%) of non-student members have remained in office for one term or fewer and 11% for over two terms. The length of service has declined noticeably in the last ten years: 85% have stayed for 1 term or fewer.

Table 3.2: Length of Service of SBE Members

Years	<4 years	4 years	5-7 years	8 years	>8 years	Totals
Pre 1995	30	25	14	14	13	96
Post 1995	14	9	3	0	1	27
Totals	44	34	17	14	14	123

Note: For the members appointed since 1995, numbers are reported as if they see out the remainder of their term. For example, a member who was appointed in 2006 whose term is set to expire in 2010 was treated as if they served the whole four years.

Source: Authors' analysis of SBE membership records

The higher turnover rates among SBE members in the past 10 years can be explained, in part, by an increased politicization of the office. For example, during a recent dispute over bilingual education, the Democrat-controlled legislature "cut all funding for the staff of the State Board of Education – a small, but symbolically large, \$1.5 million – from the state budget" (Schrag, July 12, 2006, p. 1 of 2) because the SBE wouldn't approve a curriculum proposal for English learners. As a result, SBE President Glee Johnson resigned. The dispute ended a few weeks later with the election of a new board President, Kenneth Noonan, and a temporary agreement that the Department of Education and the Governor's Office will "split the tab for board staff" (Sanders, July 13, 2006, p. A3). Schrag concludes, "The larger question concerns the making of education policy, which is inherently complex. Zeroing out funding for staff each time some group doesn't like an educational policy decision puts the state on the slippery slope to politicizing everything" (p.2 of 2).

The staff positions that support the Board members have grown over the years. In 1945, the ten member board was supported by a two-person staff: one who held the joint title of Secretary and Executive Officer and an Assistant Secretary. There are currently nine staff positions: Executive Director, Chief Counsel, Deputy Executive Director, Annuitant, Program Consultant, Policy Consultant, Legal Assistant, Executive Assistant, and Executive Secretary. Although the number of staff has increased, the number of meetings has been on a steady decline in the last 5 years. In 2002, there were 22 meetings held, 18 in 2003, 16 in 2004 and 2005, and 12 scheduled for 2006.

The National Association of State Boards of Education (1996) delineated several types of state board work: long term strategies to address most pressing problems ("level I"); policy formulation, evaluation and adjustments ("level II"); immediate decisions, obligatory issues, and presentations about agency's work ("level III"); and extraneous information, ceremonies, awards etc. ("level IV"). A review of SBE meeting agendas from 1999-2005 reveals that there are both closed sessions and meetings open to the public. For example, the agenda for the SBE's September 6-7, 2006 meetings included a closed session with legal counsel on pending litigation, as well as open sessions on a range of topics including SBE projects and priorities, budget and staffing, and a report of the 2006 STAR results. Similarly, meetings on April 7-8 in 1999 also included a closed session on pending litigation, and an open session covering topics such as the approval of non-substantive changes to Title 5, California Code of Regulations, Class Size Reduction Program Grade 9 and notice of proposed rulemaking for numbering of charter school petitions.

While the state has increased its power in setting educational policies over the last 40 years, the roles of the various state agencies and units have also changed over time. Thus while the roles of the CDE and the SPI have declined over time (see below), the importance of the SBE has increased. In part this "power shift to the governor and his Board of Education originated in the late 1980s, when SPI Honig and conservative Governor George Deukmejian clashed on a range of school issues. Board members loyal to Deukmejian consulted the state Constitution and decided that they, not the superintendent, should determine what goes on in the classroom" (Asimov, 1999, p. A-1). In 1991, the board sued the superintendent for control of the schools, and in 1993, the state Court of Appeal ruled that the superintendent must carry out board policies, rather than the reverse.

Most interviewees for this project, particularly at the district level, noted that the SBE had a "great deal of influence on schools." Several bemoaned, however, their own lack of direct contact and interaction with the SBE members.

3.3.4 Superintendent of Public Instruction (SPI)

The State Superintendent of Public Instruction (SPI) is one of eight statewide elected officers in California, as per an 1849 Constitutional provision. Since its inception, there have been 26 people to hold the office of Superintendent of Public Instruction, shown below in Table 3.3.

Table 3.3: California Superintendents of Public Instruction

Name	Party	Date Assumed Office
John G. Marvin	D	Jan. 1, 1851
Paul K. Hubbs	D	Jan. 1, 1854
Andrew J. Moulder	D	Jan. 1, 1857
John Swett	Un	Jan. 2, 1863
O.P. Fitzgerald	D	Dec. 2, 1867
Henry N. Bolander	R	Dec. 4, 1871
Ezra S. Carr	R	Dec. 6, 1875
Frederick M. Campbell	R	Jan. 5, 1880
William T. Welcker	D	Jan. 8, 1883
Ira G. Hoitt	R	Jan. 3, 1887
J.W. Anderson	R	Jan. 5, 1891
Samuel T. Black	R	Jan. 7, 1895
Charles T. Meredith	D	Sep. 24, 1898
Thomas J. Kirk	R	Jan. 2, 1899
Edward Hyatt	R	Jan. 7, 1907
Will C. Wood	NP	Jan. 6, 1919
William John Cooper	NP	Jan. 20, 1927
Vierling C. Kersey	NP	Feb. 11, 1929
Walter F. Dexter	NP	Feb. 1, 1937
Roy E. Simpson	NP	Nov. 13, 1945
Maxwell L. Rafferty Jr.	NP	Jan. 7, 1963
Wilson C. Riles	NP	Jan. 4, 1971
Bill Honig	NP	Jan. 3, 1983
Vacancy		Feb. 24, 1993
Delaine Eastin	NP	Jan. 2, 1995
Jack O'Connell	NP	Jan. 5, 2003

Source: <http://www.answers.com/topic/california-superintendent-of-public-instruction>

As shown in the table, the position of SPI has been considered “nonpartisan” since 1919. The nearly two-year vacancy between Bill Honig’s dismissal and Delaine Eastin’s appointment was due to Governor Pete Wilson’s difficulty in getting two nominations confirmed. His first nomination, Senator Marian Bergeson, failed, and then he withdrew his second nomination, investor Sanford Sigoloff, after “his lack of experience in the field raised a howl from the education community, especially the California Teachers’ Association” (See www.calvoter.org/archive/94general/cand/super/journal.html). As a result, Honig’s former deputy, Dave Dawson, served as acting superintendent until the position could be filled at the next election cycle.

The formal functions of the SPI, and how they have changed, if at all, are shown in Table 3.4

Table 3.4: Major Functions of the SPI over Time

Functions	1945	1965	1985	2006
Salary and Appointment	10K salary	Salary rates set by Government Code	Same	Same
	Appointed by governor	Same	Same	Same
General Duties	"Execute, under direction of the SBE, the policies which have been decided upon by the board and direct ... the work of all appointees and employees of the board."	Same	Same	Same
	"Superintend the schools of the State."	Same	Same	Same
	"Authenticate with his official seal" all papers, orders, etc. issued	Same	Same	Same
	Visit schools and "inquire into their condition"	Same	Deleted	
General Duties	"Visit and inspect each State college from time to time"	Deleted		
	"Prepare, have printed and furnish" all necessary blank forms and books (e.g., blank teachers' certificates).	Same	Same	Same
	Ensure all "valuable school reports,	Same	Same	Same

Functions	1945	1965	1985	2006
	journals, and documents" are bound			
	Provide his successor with all books, records, etc.	Same	Same	Same
Specific Duties (examples)	Examine instructional practices at state-funded orphan asylums	Same	Deleted	
				"Annually inform the governing boards of school districts ... of the provisions of Section 60510.5" related to the disposal of materials
		"Prescribe regulations under which contracts, agreements, or arrangements may be made with agencies of the federal government"	Same	Same
Specific Duties (examples)	By July 25 th every year, "prepare an estimate of the amount of State school money" to be apportioned to each city/ county for the coming school year	Same	Same	Same
				"Shall use 30 percent of the funds available under Section 202(c)(1)(C) and Section

Functions	1945	1965	1985	2006
				262(c)(1)(C) of the federal Job Training Partnership Act to support the work-based learning component of a school-to-career program"
		Determine the length of and time for vacations for school teachers, officers, and employees	Same	Same
	By September 15 th , report to the governor on "the condition" of the public K-12 schools and the state colleges on: enrollment, attendance, state funds apportioned, the amount raised by taxes/ revenues for school purposes, the amount expended for teacher salaries, facilities, libraries, etc.	Same	Deleted	
Specific Duties (examples)		Provide consultant services in the education of hard of hearing students "in areas where said services are not available"	Changed to "shall employ such persons as are necessary for the coordination and the supervision of services"	Same
			"Identify school districts or	Same

Functions	1945	1965	1985	2006
			county offices of education which can best accommodate welfare recipients for whom vocational education, adult education, and English as a Second Language" is deemed necessary.	
		Report annually to the Joint Legislative Budget Committee "on elementary textbooks," providing any information requested by the committee.	Same	Deleted
				Adopt standards and criteria to be used by local educational agencies in the development and management of annual budgets
				"Award educational technology competitive grants" to school districts
Specific Duties (examples)				Develop and post information on the internet "to strengthen and promote the opportunity for quality involvement by parents and guardians in

Functions	1945	1965	1985	2006
				school site councils
			Develop and maintain, with the State Allocation Board, "an automated school facilities inventory that is capable of indicating the statewide percentage of facility utilization and projecting school facility needs five years in advance."	Same
				Review "any empirical research data that becomes available concerning barriers to equal opportunities to succeed educationally for all California pupils, regardless of socioeconomic background

Source: Authors' analysis of California Education Code

As shown in the table, the relative importance of the SPI position has shifted over time. For example, in our review of the 1945 Education Code, the SPI's responsibilities were fairly broad: executing policies, visiting schools, reporting on the general condition of K-12 schools in the state. While these roles have remained, more specific responsibilities have been added over time: by 1965, the officer was tasked with determining vacation allotments, by 1985 to maintain an automated school facilities inventory and by 2005 to award educational technology grants.

To some extent, the role of the SPI also has been influenced by the office holder. For example, Superintendents Swett, Moulder, and Kirk were responsible for a number of advances including the creation of a local tax rate to support education, the standardization of textbooks, and the establishment of teacher certification schools. More recently, Superintendent Riles, advocated for K-3 educational reform

and emphasized bringing different stakeholders – including teachers, parents, and administrators – together to help improve the system. For example, during his tenure Riles was successful in pushing through legislation establishing school site councils that formalized the process of bringing teachers and parents together to evaluate school programs.

The passage of SB 813 in 1985 strengthened the role of the SPI, authorizing him to develop a statewide core curriculum and restricting new funding to categorical programs. This time period also saw a shift in focus of the state education system from programs for at-risk and underserved children (e.g., special education, compensatory education, bilingual education and vocational education) to more “mainstream education” as reflected in the School Improvement Program and RISE (Reform of Intermediate and Secondary Education) reform efforts. Most controversial among recent SPI’s, Bill Honig initiated an ongoing power struggle with the SBE, ultimately resulting in a loss of power for the position of the SPI. As a result, the SPI is now only responsible for carrying out the board’s policies. Timar (2002) notes that the position of SPI now “has little or no authority, is generally excluded from state-level policy making, and is not regarded as a major force in state education politics or policy” (p.50).

The SPI position elicited strong views from our interviewees. There was a significant degree of support for the idea of an official at the state level whose portfolio was solely education and who was not selected by the governor but elected by the people of the state. For example, interviewees stated:

- “[The SPI is] an advocate for the 7 million children, and exclusively for public education.”
- “I think what it gives the people a chance to do is to have a voice, an elected voice over education, and I think with the priority that people set on education, we are sometimes much higher than what the governor’s office is.”
- “We need an elected state Superintendent of Public Instruction so we don’t simply have a yes-person to the governor.”

There was some frustration about the lack of authority in the SPI position, attributed to the lack of ability to raise revenue and set spending priorities: For example, one interviewee noted, “The state superintendent is the only statewide elected official that has the sole purpose of education. So why are they not in charge? Because they don’t have budgeting authority.”

Another theme raised in our stakeholder interviews was the notion of the “politicization” of the SPI position. This further complicates the governance system; as one state level official noted, “This has had a perverse effect on education policy. The position, because elected, is viewed by the governor as a threat and disagreements are partisan in nature.” Several respondents traced this to recent incumbents of the job, notably Bill Honig and Delaine Eastin. As previously mentioned, Bill Honig not only battled the SBE for more control over the system,

which “exemplifies how political issues supersede the education interests of children in the state” (Timar, 2002, p.64), but was later removed from the SPI position after being convicted of violating conflict-of-interest laws. Honig was convicted in 1993 of approving state education contracts to pay the salaries of four school principals working with his wife’s parent-involvement group, Quality Education Project (Kolb and Strauss, 1999).

A couple of years after Honig’s removal, Delaine Eastin stepped into the role of SPI. As former state Senator Dede Alpert put it, the CDE “was in disarray and basically rudderless” when Eastin took office (Guthrie, 1997, p.1). However, Eastin further politicized the SPI position, clashing with both the SBE and then Governor Pete Wilson. Eastin, nevertheless, was able to accomplish many of her goals during her tenure, including creating smaller elementary classes, enacting a statewide exam, and establishing the state’s academic content standards. These battles between various state level bodies undoubtedly attract a great deal of attention within Sacramento, but it is not clear to what extent they have much resonance with the front line educators or the voters of the state. An article in the *San Francisco Chronicle* noted, for example, that a Field Poll showed that in the weeks before her election to second term, just one-third of likely voters recognized Delaine Eastin’s name – even though she had served as SPI for four years (Azimov, 1999).

3.3.5 California Department of Education (CDE)

Most of the day-to-day administration of the school system is effectively passed from the governor, legislature and State Board to the California Department of Education (CDE). The Department does not technically “govern” in the sense that it is primarily an administrative agency tasked with enforcing the propositions, legislation, regulations and so on made by the other bodies. However, in practice, the “details” of how to actually implement policy decisions are the responsibility of the Department. The CDE is the main linkage between school districts and the state, in theory providing standards, oversight and technical support.

The main functions of the CDE in 1945, 1965, 1985 and 2006 are summarized in Table 3.5 below.

Table 3.5: Major Functions of the CDE over Time

Functions	1945	1965	1985	2006
<p>General Duties</p>	<p>The CDE is the “successor to, and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction” of the SBE, “boards of trustees of the several State normal schools, teachers colleges, board of trustees of the California Polytechnic School, the board of the California School for the Deaf and Blind and of the several officers, deputies, and employees of such bodies and offices.”</p>	<p>Same, but deleted “boards of trustees of the several State normal schools, teachers colleges, board of trustees of the California Polytechnic School”</p>	<p>Same</p>	<p>Same</p>
	<p>Possess and control all records, books, supplies, appropriations, property, etc. “held for the benefit of the bodies, offices and officers whose duties, powers, purposes, responsibilities and jurisdiction are transferred to and vested in the Department”</p>	<p>Same</p>	<p>Same</p>	<p>Same</p>

Functions	1945	1965	1985	2006
General Duties	Administer and enforce all laws "imposing any duty, power, or function" upon the CDE	Same	Same	Same
	Expend appropriations excluding the funds of the SBE and the Superintendent of Public Instruction	Same	Deleted	
	Recommend to the board the establishment of any needed departments in the CDE	Same	Same	Same
	Work with agencies of the Federal Government to secure surplus property for state schools	Same	Deleted	
			Issue program guidelines that serve as a model, they "shall not be prescriptive"	Same
			"Revise and update budget manuals, forms and guidelines; work with federal/state agencies to prescribe rules and regulations; collect and disseminate financial information; train school district and county personnel; provide consultant services to colleges and	Same

Functions	1945	1965	1985	2006
			universities about school finance; report to the Commission on Teacher Credentialing any false reporting of fiscal expenditure data"	
Specific Duties (examples)				Develop "a standardized template" to simplify the process for completing the school accountability report card and make it more meaningful to the public"; post the completed template from each school on the Internet
				Adopt procedures for parents for filing a complaint of child abuse
				Prepare agenda items and research materials as requested by the Educational Management and Evaluation Commission
				Report the test results of all state-mandated testing programs to all school districts by September 15 th

Specific Duties (examples)				Compile the dropout and attrition rate for high school students in the state
				"Encourage and assist school districts to improve and monitor the health of their pupils"
				Prepare materials for school districts on driver attitudes and "road rage" for use in driver's ed

Source: Authors' analysis of California Education Code

As shown in the table, the responsibilities of the CDE have grown and shifted over time. One interesting finding is the while other offices see frequent changes in their duties such that sections are deleted from the Education Code (see, for example, the number of deletions in Table 3.6, Major Functions of District Governing Boards over Time), the responsibilities given to the CDE are much more additive: additions to the Education Code stipulations are much more common in the case of the CDE than are deletions.

Due to the resistance to a central state authority, which was seen as particularly 'un-Californian,' the CDE was not established until 1921. The Department's main role was to professionalize education, particularly its administration, and standardization of practices, such as developing curricula, publishing textbooks, and administrating state teachers' colleges. In the early 20th century, the administrative role of the SPI's office increased significantly. New legislation required school districts to file their budgets annually with the SPI, prohibited county boards of supervisors from cutting school district budgets, granted tenure to teachers, and established a new credential in the supervision and administration of schools. Curriculum involvement, led by Helen Heffernan, who served as the Director of the Division of Elementary Education within the CDE for 40 years (1925-1965), was also expanded.

We collected organizational charts of the CDE going back to 1945 to assess whether, and how, the Department has changed over time. We found that there has been significant variation in the way the CDE is organized, reflecting different priorities and agendas over time. For example, in 1945, the CDE was comprised of 10 divisions: Research and Statistics, Elementary Education, Adult and Continuation Education, Physical and Health Education, Recreation, Audio-Visual Education, Schoolhouse Planning, Textbooks and Publication, Libraries, and Readjustment

Education. There were also 13 bureaus (e.g., the Bureau of Homemaking Education) at this time, plus the offices of the Superintendent and Deputy Superintendent of Public Instruction. By 1955, the CDE was organized around 30 departments and 18 bureaus, plus the offices of the Superintendent and Deputy Superintendent of Public Instruction, indicative of the CDE's growth during that time. There was a reorganization of the CDE in the 1970s which resulted in a consolidation of the various departments and bureaus that had previously existed into fewer, broader offices (8 in 1972 and 9 in 1976), such as the Legal Office, the Communication Office, and the Office of Program Evaluation and Research.

Reorganizations since the 1970s coincide with changes in SPI, reflecting SPI's individual tastes as well as agenda priorities. Bill Honig, SPI from 1982-1993, implemented a reorganization from the offices of the 1970s to seven branches, each of which oversaw a total of 22 divisions. For example, the Curriculum and Instructional Leadership Branch housed five divisions: Categorical Programs, Curriculum, Instruction, and Assessment, Career-Vocational Education, Instructional Services and Teaching Support, and Research, Evaluation, and Technology. Under Delaine Eastin, the number of branches remained the same, but the functions of some of them changed. During this time, the number of Divisions was reduced to 19. When Jack O'Connell became SPI, he reduced the number of branches to four but kept the number of divisions at 19. The major branches of the CDE in the past 25 years are shown in Table 3.7.

Table 3.7: Major Branches of the CDE over Time

CDE Branches	SPI/Years		
	Bill Honig 1982-1993	Delaine Eastin 1994-2002	Jack O'Connell 2002-present
Legal and Audits	X	X	
Specialized Programs	X	X	
Curriculum and Instructional Leadership	X	X	Called "Curriculum and Instruction"
Program Assistance and Service Coordination	X		
Field Services	X		
Department Management Services	X	X	
Governmental Policy	X		
Child, Youth, and Family Services		X	
External Affairs		X	

Finance, Technology, and Planning		X	"Administration" instead of "Planning"
School and District Operations			X
Assessment and Accountability			X

Source: Authors' synopsis of CDE organization charts provided by CDE personnel office

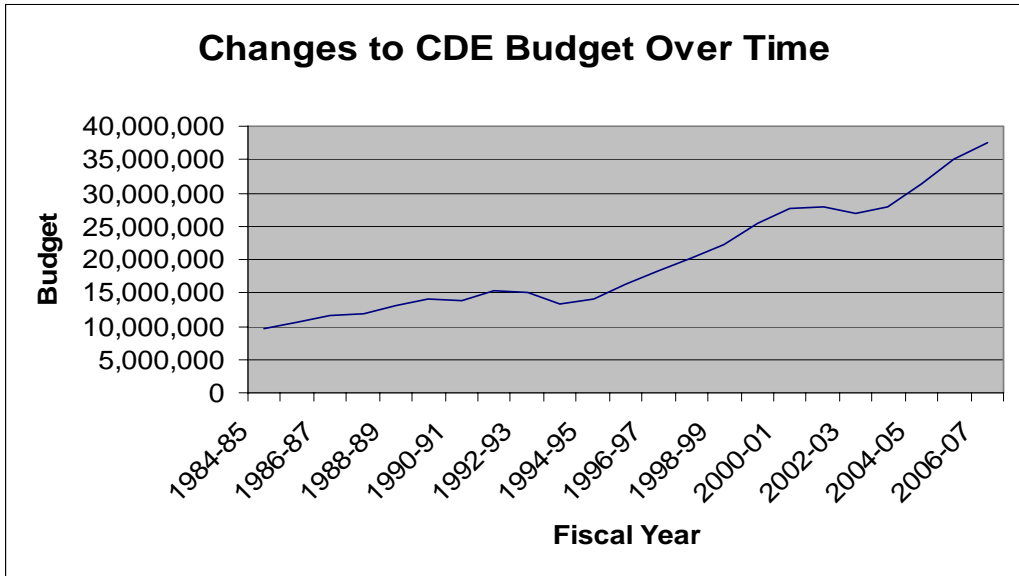
State departments were selected as one of the five key targets for reform under the Elementary and Secondary Education Act (ESEA) of 1965 (Murphy, 1982). Some of the federal funding funneled to the state under ESEA underwrote staffing at state departments across the country as they "assumed the role of federal outposts overseeing the expansion of federal policy interest in education" (Timar, 2002, p.15). According to Timar, state education agency budgets rose by 114 percent between 1965 and 1970 and total state agency staff doubled; he attributes 60% of this growth to an increase in federal funding.

With the gradual shift away from a focus on equity and access issues to an emphasis on improving educational outcomes, most recently through ramping up state standards and test based accountability systems, state departments around the nation have been scaled back and the CDE is no exception. To some extent this has occurred due to a reduction in federal funding, but it has also been part of a deliberate strategy in some states (see Chapter 7) as part of a package of reforms tied to accountability. States have also found their overall budgets squeezed by other priorities, and there has been little appetite for maintaining large state departments of education.

According to Timar (2002), the CDE's budget for 2001-2002 was approximately \$202.7 million (\$61.6 mil in state funds, \$114.4 mil in federal funds, and \$26.8 mil in "other" funds). Also, CDE's operational funding between the 1990-91 school year and the 1995-96 school year declined by 34%, but increased 18% between 1995-1996 and 2000-2001, largely due to a 76% increase in federal funding from 1990-91 to 2000-01. Further, Timar notes, "As with schools, the legislature has shown a tendency to micro-manage the department also. Rather than allocating general purpose funds to the department, the legislature is attaching funding to specific responsibilities" (p.23), e.g., SB 1632 in 2000 allocated funding to the CDE to develop a school report card.

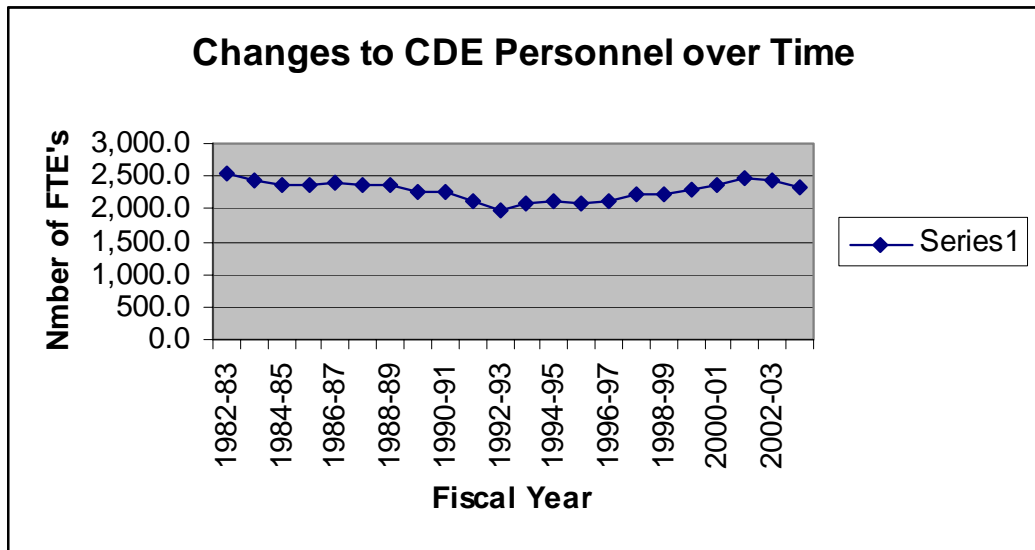
The reductions in budget generally have been accompanied by high attrition, stagnating salaries and widespread perception that the quality of people entering the CDE is not as high as it once was. Figure 3.4 and Figure 3.5 show how the state portion of the CDE's budget has changed over the years, and with it, the number of personnel employed by the CDE.

Figure 3.4: Changes to CDE Budget, 1984-2006



Source: www.lao.ca.gov/sections/econ_fiscal/Historical_Expenditures_Pivot.xls

Figure 3.5: Changes to CDE Personnel, 1982-2004



Source: www.lao.ca.gov/sections/econ_fiscal/Historical_Personnel_Years.xls

The overall size of the CDE budget and personnel relative to the public K-12 sector is very small, about .005 of the total state education budget. With the modest size of the CDE, its ability to respond to the needs of lower levels is limited. This was noted by several of our school district and county district superintendent interviewees. For example:

- “[The CDE is] extremely small for the size of the state and the number of programs that they operate.”
- “I really think if you’re taking a long term look at the governance of schools in California, you’d want to define more specifically what the role of a department of education should be, and you need to staff it and fund it properly.”
- “[The CDE] used to be a lot larger, and it’s been cut way back over the years...What happens is the quality of people in those spots change, and that changes effectiveness of the department, that’s because it’s a people game.”

Views were split as to what stakeholders saw as the CDE’s primary role and its ultimate effectiveness. In general, those respondents who had a positive view of the Department tended to emphasize its role in providing “technical services”, “guidance”, “direction” and “information”; one district leader described the CDE as “service oriented”.

More common, however, was a sense that the bulk of the CDE’s effort was devoted to “regulation”, “compliance” and “not with helping schools improve”. Some recognized the regulatory role as a “necessary nuisance” but a stronger held perspective was that there were “a lot of reporting requirements” and that “it is time consuming to work with the state – to complete paperwork and deal with compliance issues”.

A related perception was that the CDE was too “distant” from the reality and the needs of most local and county districts in the state. For example, interviewees noted:

- “We have had some real negative interactions with some aspects of the CDE, most notably, special education and the compliance department, with the coordinated compliance reviews.”
- “I know I’ve been to CDE, and I know that I’ve seen miles and miles of cubicles, and sometimes it feels like, are they really close to the ground, you know what I mean by that, that’s one of the reasons that I am a little bit more comfortable with the regional delivery of services than I am with the state providing services to all districts and all counties because it’s so ... it’s just so centralized that they just ... who are they, and how do we build relationships with them, how do we get to know them, how do they get to know us, and who the heck says that they should be there, and who gave them that authority?”
- “I also think that with the population, one department in Sacramento simply can’t address the needs’ monitoring.”

We are prone to believe that all of these different perceptions are to some extent true. Several superintendents, especially at the county level, thought the overall system would benefit from a strengthening of their relationship with the CDE. We will return to this idea in Chapter 7 when considering reform options.

3.3.6 State Commissions and Other Bodies

In addition to the major state bodies discussed above, there are a large number of commissions and committees, some permanent and others ad hoc, that affect education in some way. These include the California Commission on Teacher Credentialing (CTC), the Educational Management Evaluation Commission, the Advisory Commission on Special Education, and the California Educational Innovation and Planning Commission. The SPI notes that he alone serves as an ex officio member or has representation on more than 100 boards, commissions, and committees established by the Department, the legislature, or the executive branch (See www.cde.ca.gov).

In 1897, the state Supreme Court ruled in *Mitchell v. Winnek* that the legislature could prescribe the requirements for teacher certification. The constitution had previously given county superintendents and boards control over teachers' examinations and teaching certificates. The ruling still allowed counties to issue certificates, but regularly licensed teachers were required to possess a state credential before the county could issue a certificate.

The CTC was created in 1970 by the Ryan Act as part of the legislature's continued efforts to influence teacher preparation. According to its Web site, the major purpose of the agency is "to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the state, the enforcement of professional practices of educators, and the discipline of credential holders in the state" (www.ctc.ca.gov/).

The CTC consists of 15 voting and 4 nonvoting members, appointed by the governor. The new Commission transferred the power over teacher certification from the CDE to a body representing all segments of the profession and the public – the Commission includes teachers, university faculty members, school administrators, school services personnel, school board members, and private citizens. Because teachers were included on the Commission, they gained greater influence in the formulation of teaching requirements.

In April, 2006, the Legislative Analyst's Office published a report entitled "Modernizing the Functions of the Commission on Teacher Credentialing" in which they argue that the CTC is redundant and serves to complicate unnecessarily the monitoring of teacher quality processes in the state. The report points out that the CTC "is not directly related to any of the other state education agencies" (Hill, 2006, p.2) and that the CTC's Executive Director does not report directly to the governor. According to the report, "the existing governance structure has led to excessive regulation, blurred lines of accountability, and a lack of policy coherence"

(Hill, 2006, p.2). The LAO's report recommends replacing the CTC with a committee that would report directly, in an advisory capacity, to the SBE.

There are many other state bodies that we do not discuss in any detail in this report. Two in particular are worth mentioning. First, the **Public Employment Relations Board (PERB)**, which is "a quasi-judicial administrative agency charged with administering the collective bargaining statutes covering employees of California's public schools, colleges, and universities, employees of the State of California, employees of California local public agencies (cities, counties and special districts), trial court employees and supervisory employees of the Los Angeles County Metropolitan Transportation Authority" (www.perb.ca.gov). PERB administers the Educational Employment Relations Act (EERA) of 1976 which extended collective bargaining to K-12 schools in the state.

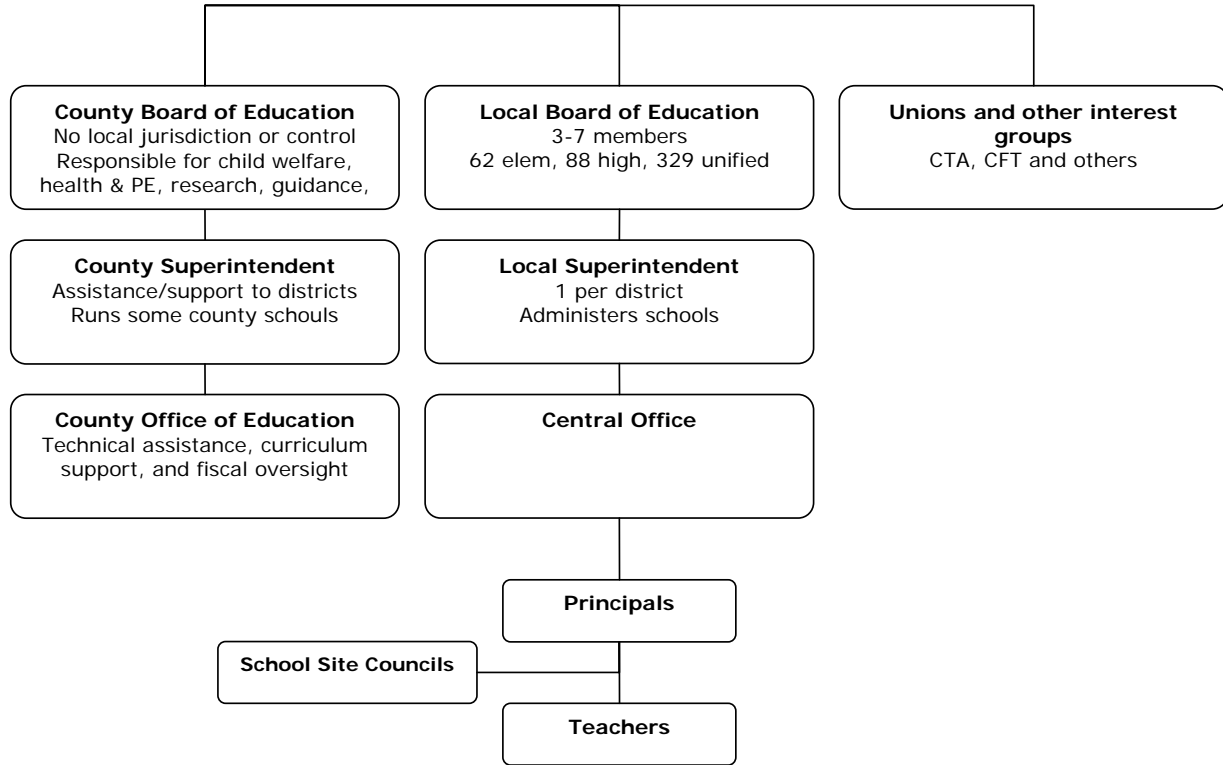
Second, the **California Postsecondary Education Commission (CPEC)** was established in 1974 as the state planning and coordinating body for higher education "to assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs through planning and coordination" (www.cpec.ca.gov). The Commission provides the legislative and the executive branches of government with advice and information about major policy and planning issues concerning education beyond high school.

3.4 DISTRICT LEVEL

The primary service delivery unit in education is the local school district. Their organization and function are discussed in this section. In California, there are intermediate units, county offices, with specific roles (an outline of their role follows in the next section) but there is no direct reporting relationship between districts and counties.⁷ The main entities in the educational governance structure below the state level are shown in Figure 3.6.

⁷ As Timar (2002) notes, "the separation of county and district responsibility is aptly illustrated by the fact that there appears to be no record of county and local boards holding joint meetings" (p.27).

Figure 3.6: Educational Governance at the County and Local District Level



By the turn of the 20th century, as the population of California exploded and the state experienced increasing urbanization and industrialization, political and educational leaders realized that the public education system needed to be expanded to meet the state’s growing needs. Scientific and technological breakthroughs required more than just literacy and basic arithmetic skills for students to be successful in society. Therefore, between 1886 and 1902, California educators worked on extending the public education system, which had previously served children between the ages of 8 to 14, to include high schools. By 1904, legislation was passed to provide state financing for public high schools, which dramatically increased the enrollment of students in grades 9 through 12.

The expansion of the public school system provided an opportunity for officials to reorganize the system’s structure. For example, many unified districts, which included grades kindergarten through 12, began to establish three-year junior high schools, which provided a transitional environment between elementary and high schools. Traditional elementary school districts could either incorporate this new junior high school format or send their students to the local high school district schools.

In the 2005-06 school year, there were over a thousand local school districts of varying type in California (See www.ed-data.k12.ca.us): 561 elementary districts, 88 high school, 329 unified, and 76 "others" (e.g., state special schools). School districts in the state tend to be small; nearly 40 percent of board members represent districts with fewer than 1000 students. Due to California's geography, the vast majority of small school districts also tend to be rural, but there are some notable exceptions such as Inglewood and Emory. The large districts tend to be urban; again, a few suburban districts, such as San Juan in Sacramento County span upwards of 50,000 students (CDE, 2006a and Yee, 2006). Districts vary substantially in regards to number of schools and students served.

Although the Education Code does not explicitly define the "purposes for which school districts are established," Education Code Section 35160.1 added in 1976 by voter initiative specifies that the intent of the Legislature is to:

[Give] school districts, county boards of education, and county superintendents of schools broad authority to carry on activities and programs, including the expenditure of funds for programs and activities which, in the determination of the governing board of the school district, the county board of education, or the county superintendent of schools are necessary or desirable in meeting their needs and are not inconsistent with the purposes for which the funds were appropriated.

In other words, California operates under a 'permissive education code', such that as long as statutes do not *prohibit* a program or activity, it can be undertaken without further permission. We discuss this further in Chapter 5.

Not surprisingly, in our stakeholder interviews, which were primarily with district level leaders, the importance of local control was stressed. Some expressions of the district role included:

- "The district level, of course, is the closest to the students and has the, perhaps, most accountability."
- "[The] role of the district is to facilitate learning and provide services to schools."
- "[The primary role of the district is] to deliver the very best standards based instruction that we can provide to our students, in a way that is effective and efficient and that maximizes the use of, quite frankly, limited resources."
- "The role of the district is to identify local prerogatives and follow through with those and state accountability."
- "If kids are gonna be rescued, they're gonna be rescued at the local level, they're not gonna be rescued by Sacramento or Washington."

As "the state's chosen means for operation of its common school system," (Timar, 2002, p.28), school districts are required by Section 35010 of the Education Code to be governed by a "board of school trustees or a board of education." Section 35012 further specifies:

Except as otherwise provided, the governing board of a school district shall consist of five members elected at large by the qualified voters of the district. The terms of the members shall, except as otherwise provided, be for four years and staggered so that as nearly as practicable one-half of the members shall be elected in each odd-numbered year.

The board is tasked with maintaining schools within its local school district and for enforcing the rules of the SBE. Timar (2002) notes that historically, the character of local boards was such that, "School board members answered to local electorates. If a community was unhappy with its schools, it could elect a new board, which then might replace the existing school superintendent. The scope and quality of educational services in a district was determined primarily by local preferences for education and the capacity to pay for them" (p.47).

The major functions of school district governing boards over time, as specified in the California Educational Code, are shown in Table 3.9 below.

Table 3.8: Major Functions of District Governing Boards over Time

Functions	1945	1965	1985	2006
General Duties			"May initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established."	Same
			"Shall adopt rules and regulations establishing school district policies" relating to teacher evaluation, probationary teachers, and parent complaints	Same plus required to establish policy regarding high school students' participation in extracurricular activities; required to establish open enrollment policy
	Liable for "salary due any teacher on contract, and for all debts contracted"	Deleted		
		"Execute any powers delegated by law to it" and "discharge any duty imposed by law upon it"	Same	Same
	Liable for personal injury or property damage	Adds "may" and specifies that this includes "eyeglasses, hearing aids, dentures, watches, articles of clothing necessarily worn or carried by the	Same	Deleted

Functions	1945	1965	1985	2006
		employee, or vehicles when any such property is damaged [or stolen] in the line of duty."		
			Vote before any official action is taken; act by majority vote	Same
Specific Duties (examples)		Maintain an inventory of district equipment over \$200 in value	Same, but changed to \$500	Same
			Adopt and circulate rules and regulations regarding performance evaluation of certificated employees.	Same
			"Adopt policies regarding the designation of employee smoking areas or lounges at each school site"	Deleted
			Control and be responsible for "all aspects of the inter-scholastic athletic policies, programs, and activities in its district" including minimum requirements for people hired to supervise athletics	Deleted

Functions	1945	1965	1985	2006
			"Adopt rules and regulations establishing standards of ethical conduct" for school district employees involved in athletic programs.	Deleted
				Give official notice at a regularly scheduled school board meeting if a school loses its accreditation

Source: Authors' analysis of California Education Code

In tracing the major functions of district boards over time, one observation was that districts are often tasked with implementing the "reform de jour" which then gets deleted when it becomes obsolete or something else takes priority. For example, the review of the 1985 Education Code found that districts were required to "adopt policies regarding the designation of employee smoking areas or lounges at each school site", a topical issue in the 80s but no longer so by the time of the 2006 Education Code, as California had long since banned smoking in the workplace. Examples like this beg the question of whether such regulations belong in the Education Code at all or whether there is perhaps a better venue for short term policy direction. We return to the idea of trimming the Education Code in Chapter 4.

There is a large literature on the role of local school boards, their effectiveness and relevance. We organize our discussion of boards around the following issues: First, to what extent do boards focus on management issues, as opposed to policy issues? Second, are boards representative of their constituents? Third, how much authority do boards have in an age of state-dominated finance and regulation?

First, the focus of boards has been the subject of much academic and policy debate. The concern is frequently expressed that local school boards tend to 'micromanage' the administrative affairs of school districts, rather than focus on higher level policy and strategic issues. For example, Hess (2003) writes that critics suggest "elected school boards give non-educators too much control over educational decisions, foster system instability, and too often stray from policy and oversight and into micromanagement" (p.36). Danzberger, Kirst and Usdan (1992) note that "the last major overhaul of school governance occurred between 1900 and 1920. School boards are in large part still organized and focused on issues more appropriate for a turn-of-the-century era when they were expected to oversee and determine the operational and fiduciary responsibilities of schools" (p.2).

Systematic evidence on whether this is a common occurrence or not isn't easy to obtain. Koehler et al (2003) in their analysis of the problems with the LAUSD board suggest that "the board has taken on extensive management responsibilities rather than simply providing policy direction" (p.10). The National Association of State Boards of Education (1996) note, "Management experts ... recommended boards spend about two thirds of their time on strategy and policy making [but] direct observation finds that the average board spends nearly two thirds of its time on 'administrivia' and twice the recommended amount of time on ceremonial duties" (p. 14). An Institute for Educational Leadership survey of school board members in 1988-90 suggested that "school boards, by their own admission, are not functioning well as strategic planning and goal-setting policy bodies.... Boards rated themselves only slightly effective in involving parents and the community in district goal setting" (Danzberger, Kirst and Usdan, 1992, p.58).

Some argue that the "model" board is a corporate board that focuses on long term profit maximization for a company. Carver (2000) presents an influential model of policy governance that redesigns what it means to be a board by emphasizing "governing" rather than "running". Others question whether the corporate model serves the public sector, arguing that the "old boy" network characterization of a board of insiders does not effectively fit the public accountability model. Increasingly, school boards have seen their role shift to focus on raising student achievement as they provide leadership and set policies for school systems (Resnick, 1999). Local school boards design and set policies affecting major aspects of local education such as graduation requirements and staffing policies, thereby exerting both a direct and indirect influence on student achievement. The National School Boards Association, for example, suggests the major role of boards should be primarily focused on student achievement (see www.nsba.org).

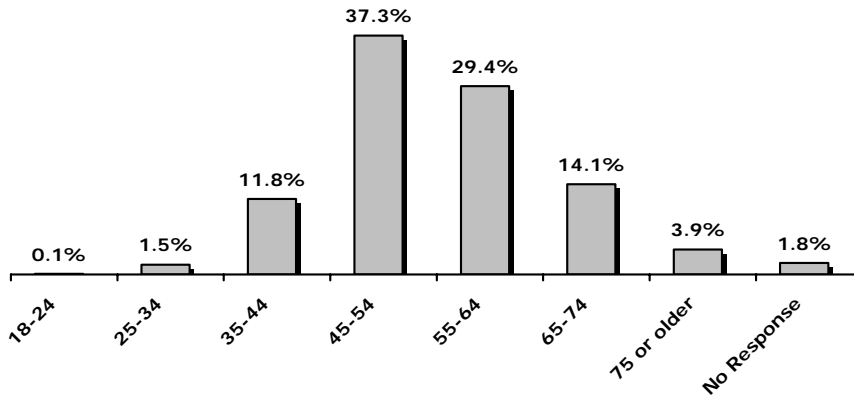
Most commentators have stressed that boards work best when they are focused on policy issues and let the superintendent focus on administrative details (See, for example, Land, 2002). Danzberger, Kirst and Usdan (1992) report that "school board members believe they are weakest in the precise areas and functions necessary for their effectiveness in changed circumstances, such as instructional policy or links with other community leadership. We believe this mismatch is caused in part by state requirements that focus boards on the wrong agendas" (p 3).

These themes were echoed by the superintendents we interviewed. For example, interviewees reported that:

- "Board members have responsibility for policy, not for administrative decision making."
- "The board's primary role is to drive student achievement, period, end of sentence, in the broadest sense of the word, not just test scores, but the broadest sense of the word."
- "It, in fact, is better for everyone for role clarification and if the board is doing the kind of big picture tough work, and asking the tough questions, that's the role they should be playing."

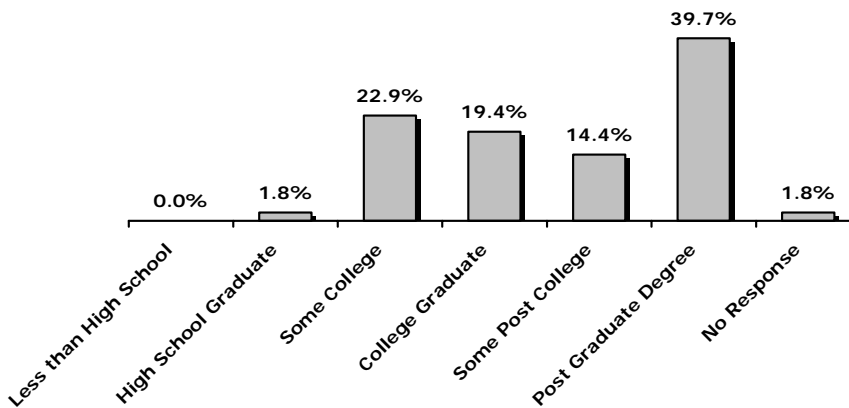
Second, there is some concern as to whether local school district board members reflect the characteristics and the views of their constituents. Figure 3.7, Figure 3.8, and Figure 3.9 depict demographic characteristics of local school board members in California.

Figure 3.7: Age Distribution of California School Board Members



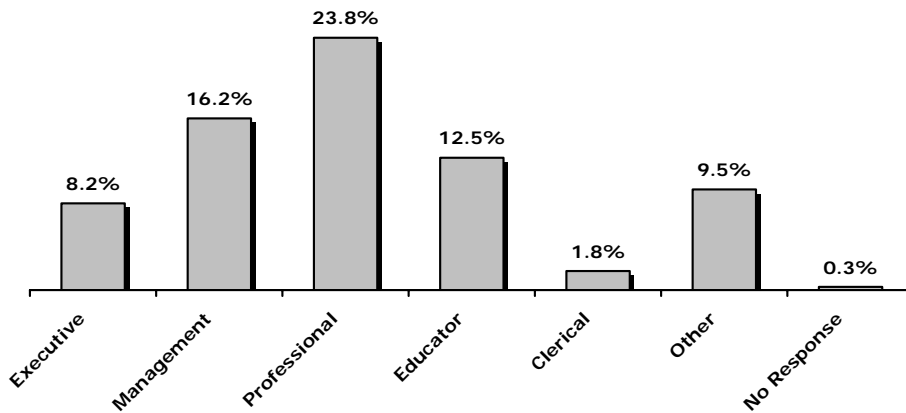
Source: Yee (2006)

Figure 3.8: Level of Education of California School Board Members



Source: Yee (2006)

Figure 3.9: Occupation of California School Board Members



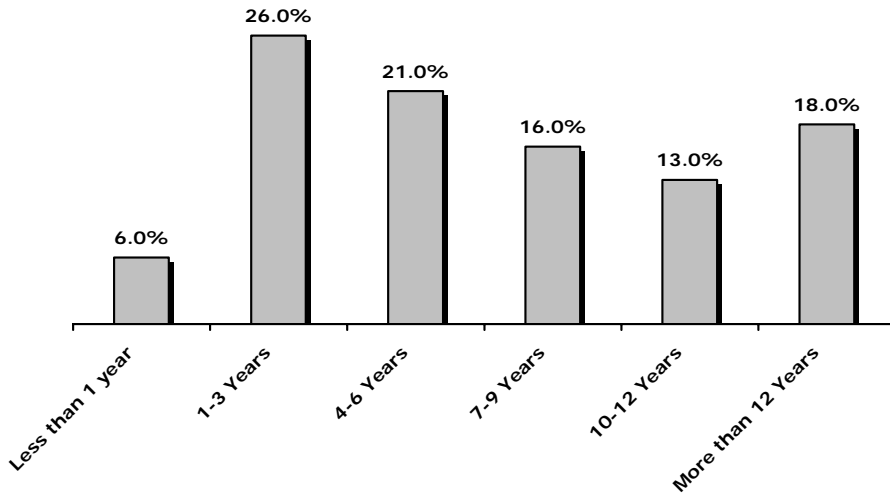
Source: Yee (2006)

Even though there are not any testing, education, or job requirements for the local school board positions, over 70 percent of members hold at least a college degree. Likewise, most board members hold management or professional jobs. Board members also tend to be middle aged and have children that have already completed their K-12 education (Yee, 2006). Clearly, there is some disparity between the average characteristics of California board members and the characteristics of their constituents. For example, the argument could be made that college-educated, managerial or professional adults are not the best suited to empathize with and therefore make decisions that support English Language Learner or low income students.

According to a recent study on local school board elections, "structural issues such as the degree of decentralization and electoral procedures can have an impact on the level of poor and minority representation on school boards" (Feuerstein, 2002, p.20). There is some evidence that board members representing special interests or particular constituencies impede the board's ability to function as a unified body.

Local school board members are also not constrained by term limits and in some cases enjoy long tenures on their boards. Based on CSBA data, the majority of board members have served at least four to six years on their board. Figure 3.10 shows the average length of service by board members.

Figure 3.10: Distribution of Length of Service of California School Board Members



Source: Yee (2006)

A lengthy service on the board can both be a positive and negative attribute. Longevity allows more institutional memory as well as an established relationship with the superintendent and community, which can cut down on the extent of oversight required and expedite the policy process. Conversely, a stagnant board may also be resistant to change.

An extensive study conducted in the 1970s on voter turnout in school board elections and competition for board seats found that school board politics were less adversarial than expected: "Challenges to the status quo are infrequent; incumbents are but rarely challenged and more rarely still defeated. There are often no issue differences at all in an election, and when there are they seldom deal with the education program, per se" (Zeigler et al., 1974, pp. 244-245). This appears still to be the case today: Hess (2003) argues that board elections are not political enough. 'Lay' candidates have few resources because of no party affiliations, and so "mobilized constituencies – especially public employee unions – disproportionately influence many board elections" (p. 38). Also, the number of hours often required for the job and the limited pay give little incentive to serve. A 2002 study of 800

school districts by the National School Boards Association found that only 10% of districts list a candidate's affiliation on the ballot and less than half hold elections on the same day as national and state elections. Most board members are unpaid but spend more than ten hours a week on board business.

Third, there is the issue of how much authority and relevance school boards have in California given the increase in state power.⁸ Kirst (1994) asserts that local school boards have been the biggest loser in policy influence, becoming more of a reactive force than a proactive one, and juggling coalitions from issue to issue. In a study of education reform in Los Angeles, Koehler et al. (2003) found that board members were "frustrated by constraints on their ability to lead the district. The school board's power is constrained by state and federal mandates that continue to erode the power of the school board to set policy direction.... Every new program comes with its own bureaucratic fiefdom, squeezing out the role of the school board" (p.10). Similarly, Murphy (1982) found that "although they remain potent and active forces in overall school operations, the independence and flexibility of local school districts has been curtailed" (p.454), citing state textbook and curriculum mandates, new school finance systems, and other judicial and legislative actions as reducing boards' decision making power over "program assignments, special education services, and student discipline" (Murphy, 1982, p.454). Danzberger, Kirst and Usdan (1992) identify several sources for school boards' loss of power:

The pattern is for state authorities (legislators, governors and chief state school officers) to increase their influence over funding and policy from the top. Simultaneously, employee unions, parents, interest groups and private agencies (testing and accrediting) have squeezed the discretionary zone of school board control from the bottom. Local central authorities are sandwiched in by these contending forces. Clearly the zone of policy discretion at the school district level has grown smaller over the past 30 years (p.31-32).

Recommendations for how to revitalize the role of boards include the 1992 report *Facing The Challenge*, which suggests leaving the basic governance structure in place but changing the roles and responsibilities of school boards statewide so that they become true policy boards. Danzberger, Kirst and Usdan (1992) recommend that states "repeal all current laws and regulations that specify the duties, functions, selection and role of school boards. The school board would be renamed the 'local education policy board'" (p.87). How this role would be configured in an era of standards-based accountability is unclear.

⁸ Hess (2003) writes, "Prominent professors and policy makers have suggested that – at least in urban districts – we replace locally elected school boards with boards appointed by state officials or the mayor" (p.36). He also notes that (according to ECS data) since 1988 almost 50 elected and appointed boards have been replaced in 19 states and 7 of the 25 districts with more than 100,000 students have had boards appointed following state or mayoral takeover. About 96 percent of districts overall have elected boards.

Although several of the superintendents we interviewed had experienced difficulties in working with their boards, stakeholders at all levels expressed a belief in the importance of boards as democratic institutions, saying that they were “a positive ingredient in California education delivery.” Existing school board member training was praised, though several interviewees would like to see it further expanded.

There are several variables in determining who governs schools at the local level. The community context (urban, suburban, rural), size, and political dynamics also play a considerable role in shaping schools and school districts. In California, every district is mandated by statute to have a superintendent who functions as the district CEO. Generally, the superintendent is hired by the local school board and serves at their pleasure. Superintendents, in conjunction with school boards, have a great deal of influence over district policy, daily affairs, principals, teachers, and students. There is a high superintendent turnover rate, especially in urban areas.

In terms of how much authority and flexibility there is in districts, the interviewees take a “half full” view in some cases and a “half empty” view in others. Several respondents noted that districts conduct collective bargaining with unions, which affects salaries, hiring, firing, and relocation of staff, professional development requirements, and teacher evaluation. The fact that districts can make their own staffing decisions (unlike in some completely centralized government-operated school systems in other countries) is significant. Districts have some flexibility over resource allocations from their general funds, although a good deal of revenue arrives at the districts with strings attached. Whether this means districts ultimately have control or “only have decision making at the margins” seems to be in the eye of the beholder.

A similar mixed sentiment was expressed over educational program issues. For example, districts may have their own local assessments and graduation requirements, but these are ultimately directed by state standards and assessments. Several superintendents also suggested that they were “often charged with peripheral functions, including student transportation and social services”, reviewing charter school petitions and overseeing charter schools in operation, and “reporting information about children and immigration”. They felt that these duties distract from the core focus on student learning.

Superintendents have day-to-day administrative authority of a school district. While the role of the district superintendent was designed as a professional one that would buffer education from politics, it is nonetheless political in nature as appointed superintendents must answer to elected school board members. District superintendents we interviewed believe that the role of the district is to facilitate learning and provide services to the schools in its purview. They maintain that their role is to oversee and lead operations within their individual districts and implement school board policies and visions that reflect local needs and wants. Although school boards adopt policy and district leaders have some influence over resource allocations, staffing and educational programming, most district superintendents

interviewed would like to see districts have more control over the funding model, and in turn over local functions and authority.

One state official described the role of the district as:

The amount of discretion that is allowed at the local [district] level is what is vested in local boards to be able to sort of set the stage, set the tone for carrying out those responsibilities, to establish the budget and the structure, the support system for carrying out those responsibilities, the hiring of the superintendent and holding him or her accountable for carrying out the goals and objectives of the school district, as well as the final big one, being to provide both internal and external advocacy on behalf of the public schools and what they're trying to achieve in that community.

While districts are closest to the students and have the most accountability, according to state officials, most people do not know the exact district responsibilities, and districts have only marginal decision making powers due to lack of fiscal control.

3.5 COUNTY LEVEL

At the local level, California uses a "bifurcated system" whereby county and district offices are separate and often are responsible for different functions, but also occasionally overlap in oversight responsibility. Fifty-eight county offices of education provide services to school districts. In general, the county offices have elected governing boards of between five to seven members and are administered by elected or appointed county superintendents.

Of the 58 county boards of education, 51 are single school district counties (e.g., Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco, and Sierra counties). County Superintendents and Board Members are elected state constitutional officers in 53 of the 58 counties. The County Board of Education appoints the County Superintendent in San Diego, Santa Clara, and Sacramento. In the case of Los Angeles County, the superintendent is appointed by the Los Angeles County Board of Supervisors and in San Francisco the district and county superintendent are one and the same (CCSESA, 2004).

Counties once occupied an important role in the organization of California's education system. By the 1860s, through the leadership of the third state Superintendent of Public Instruction, John Swett, the state established the actual organization and financial support system for public education and much of the responsibility was devolved from the state to the county level. Legislation extended the term of elected county superintendents from two to four years, prohibited the legislature from passing laws dealing with the management of local public schools, granted authority to certify teachers to county superintendents, and assigned them the right to adopt textbooks, thereby controlling much of the curriculum and

delegating much of the governance to local boards of education and county superintendents.

Over time, however, counties saw their role reduced but they retain a series of specific functions. Some of these are the provision of services for populations not served by regular school districts.

County offices in principle can perform some tasks that can be done more efficiently and economically at the county level. These include assistance with curriculum development, staff training, business and personnel systems, and some special and vocational education, as well as instruction to youths in juvenile detention facilities. The county's role has traditionally been to support district offices that remain in control of direct system management. In rural parts of the state, county offices have traditionally played a more important role in providing a variety of services that districts themselves are too small to organize efficiently (e.g., payroll). With this in mind, the 1985 Commission report highlights the need to more clearly define the role and responsibility of county offices, suggesting that they could serve as the educational services unit in sparsely populated areas.

Recently, particularly with the addition of the responsibility for fiscal oversight of local school districts, the role of the counties has increased. The county superintendent is responsible for examining and approving school district budgets and expenditures, and for enforcing 'sound budgeting'.

The state Education Code's defined functions for county boards are shown in Table 3.9 as well as the functions of the county Superintendents. We examined the functions over a 60 year period to show how the roles and responsibilities of these local level players have changed over time.

Table 3.9: Major Functions of County Boards and Superintendents over Time

Functions	1945	1965	1985	2006
COUNTY BOARDS				
Salary	\$5 a day compensation	Deleted		
General Duties	Grant and renew teaching certificates	Deleted		
	“Adopt rules and regulations not inconsistent with the laws of this State, for their own government.”	Same	Same	Same
	“Have such printing done as may be necessary”	Same	Same	Same
	“May keep a record of their proceedings”	“May” changed to “shall”	Same	Same
		Prescribe the course of study for elementary schools except for schools governed by city boards of education	Deleted	
			“May exercise the power of eminent domain to acquire any property necessary or convenient for carrying out the provisions of this article”	Same
		“Review and make recommendations” on the annual budget and the annual county school service fund budget of the county superintendent of schools	Same	Same

Functions	1945	1965	1985	2006
			"Review...the report of the annual audit provided for by the county superintendent of schools"	Same
		"May adopt rules and regulations governing the administration of the office of the county superintendent of schools."	Same	Same
		"May review the county superintendent of schools' annual itemized estimate of anticipated revenue and expenditures" and "make such revisions, reductions or additions therein that it deems advisable and proper."	Same	Same
COUNTY SUPERINTENDENTS				
General Duties	"Superintend the schools of his county"	Same	Same	Same
				Maintain fiscal oversight of each school district in the county
	Distribute all relevant laws, reports, etc. to schools	Same	Same	Same
	"Keep in his office the reports of the Superintendent	Also reports of the Board of Governors of the California	Same	Changed back to just reports of the Superintendent

Functions	1945	1965	1985	2006
	of Public Instruction"	Community Colleges		
	"Visit and examine each school in his county" at least once per year or forfeit \$10 per school	At least once per year changed to "at reasonable intervals"	Same, but no fee mentioned if schools not visited	Same
	Submit a yearly report of "financial and other statistics relating to the public schools of the county."	Deleted		
General Duties	Enforce the: course of study; use of state-adopted textbooks; "rules and regulations for the examination of teachers"; preserve all reports; provide successor with all records, papers, etc.; grade each school every July	Same, except "rules and regulations for the examination of teachers" deleted	Same, plus addition of: "submit 2 quarterly reports to the county board of education" covering "the financial and budgetary status of the county office of education" certifying "whether or not the county of education is able to meet its financial obligations for the remainder of the fiscal year."	Same
	File reports to the Superintendent of Public Instruction or forfeit \$100 of his salary	Same, plus reports to Board of Governors of the California Community Colleges	Changed to exclude Board of Governors of the California Community Colleges	Same
Specific Duties (examples)				Report the county schools' API scores to the governing board of each school district, the county board of

Functions	1945	1965	1985	2006
				education and the county board of supervisors
				Present a report of any school districts with fiscal uncertainty to the governing board of the school district and the Superintendent
"Appoint trustees in new elementary school districts"		Deleted		
		Employ teachers as needed to keep a school open (when local board doesn't do so)	Same	Same
Appoint janitors if districts fail to do so		Same	Same	Deleted
		Annual inspection of high schools for compliance with certain regulations	Same	Deleted
		Oversee facility maintenance	Same	Same
By July 15 th , submit an attendance report to the Superintendent of Public Instruction		Same, plus reports to Board of Governors of the California Community Colleges	Changed to exclude Board of Governors of the California Community Colleges	Same
				Review any school with API rank in bottom 3 deciles at least annually
				Report any schools that do not have sufficient textbooks to the district and state superintendent

Source: Authors' analysis of California Education Code

As the table shows, the role of the county boards has changed significantly over time. For example, in the review of the 1965 Education Code, the county boards were tasked with prescribing the course of study for elementary schools, a role deleted in 1985 when the state assumed control of this area. Similarly, county superintendents were required to file reports to the Board of Governors of the California Community Colleges in the 1965 Education Code, but this was deleted by the 1985 Code.

The county role was summarized a number of different ways by both county and district superintendents, as well as state officials, we talked with. For example:

- “The county level serves as an intermediary between the state and the district to help implement the state’s policies and often times to dispense funds or services as related to legislation.”
- “The roles, responsibilities, and authority of county and district are not clear, but rather an accident of history.”
- “I mean, most people understand that county offices are an extension of the state Department of Education, they are, in essence, the representatives of the state at the local scene, and they carry out certain services and oversight responsibilities that are not necessarily performed by school districts, and then depending on the county ... some of those county offices do provide direct administrative support for school districts, especially the school districts in the smaller and more rural parts of the state, and in other cases they do the community court schools, and ... you know, there’s just ... people who know and understand the system because they’re the ones who help make it work, and I think, certainly, understand it.”
- “In regards to County Offices: First, they’re a fiscal accountability agent, supervising fiscal structures of school districts.... Second, they’re an instructional agent ... whether they be in special education or court schools or juvenile court schools, or community programs for kids that have been expelled, etc.... Third, they are an agent of the state, they shall administer on behalf of the state department of education, etc., and a zillion kinds of different types of programs, and the state department tells them, here’s what we want you to do, and it can be anything from reporting kinds of questions in financial areas, to reporting issues in academic areas and measurement areas, and so on. So they ... are reporting agents for the state. And then finally, we give them a small role in leadership, provide training services, provide some leadership functions.”

Our interviews suggest that county officials perceive the role of their offices as conduits of information for school districts, and to ultimately help schools provide effective education programs for their students. Specifically, the county offices oversee, approve, and submit reports on district budgets to the state, and make

sure that districts remain fiscally solvent; they also ensure that schools and districts are in compliance with the rulings of the *Williams* case, provide data processing programs, curriculum support and services for special populations, such as special education, incarcerated, and expelled students.

Several county superintendents emphasized that they had quite a degree of flexibility in “making things happen”. Several suggested their role was, as one respondent put it, to “find gaps in the educational services that are made available to the community, and fill those gaps, either in a partnership with the school districts, or by themselves, with a concurrence or the agreement of schools.” A similar flavor was reflected by another:

That’s one good thing about county superintendents having a tremendous amount of authority, when a new problem comes up in our county, we can put together a task force, get to work on it right away, try to find funding for it, raise money for it, whatever we need to do to get moving ahead. But as we work with our local schools, we find it’s hard for them to make those kinds of quick changes.

County boards were generally deemed useful because, as one interviewee put it, “It provides a balance of input to the county office of education. In other words, the county superintendents have a broad constituency, the county boards may have a more targeted smaller constituency, most of them are elected by areas, and so you get that chance to get kind of a checks and balances, in some respects.”

3.6 THE SCHOOL LEVEL⁹

For this study, we did not directly ascertain the views of school level personnel with respect to governance. Schools are creations of school districts and operate within, as we have tried to show, a large and complicated hierarchical structure. Although whether students learn is ultimately determined in classrooms within schools, relatively little formal educational governance is focused on the school level, but the rules, regulations, funding formulas, programs and customs from the federal, state, and district level dramatically affect what schools can and can’t do. In fact, schools have relatively little autonomy in this large superstructure. Although we didn’t collect data to systematically evaluate the extent to which schools have control over resources, prior research as well as district and state level stakeholders interviewed shed some light on decision making at the school level. Koehler et al. (2003) in their examination of LAUSD, for example, conclude that “principals have little control over the hiring and budgetary decisions in their schools, making it even more difficult to build a competent team. Many programmatic decisions are also determined centrally, adding to a sense of powerlessness in many schools” (p.10).

⁹ The perspectives of school principals in regard to California school finance and governance have been ascertained as part of a PACE study for the Governor’s Committee.

Interest in school level governance has long been debated, particularly in terms of how best to utilize input from parents and teachers in day to day operational decisions. The advent of standards based accountability in which individual schools' performance is judged, has again focused attention on the idea of pushing greater flexibility and control down to school site level. However, the 2002 California Master Plan for Education notes that "standards based legislation is holding principals accountable for student achievement but is not providing principals the authority to manage the fiscal and human resources in their schools" (p.45). They also argue that training programs for principals "focus on management, when they should be giving systematic attention to the development of leadership" (p.45).

Roza and Hansen (2005), reviewing renewed interest in various forms of school governance, write:

Interest in decentralizing education is a worldwide phenomenon ... public education systems are bureaucracies and bureaucracies with their codified rules and standardized procedures specifying how work is to be done ... discourage creativity and innovation and encourage a focus on compliance with rules... Decentralized decision making as close as possible to the organizational level where services are performed has been viewed, both inside and outside of education, as a way to increase efficiency and spur adoption of more effective means of reaching performance goals (p.2).

We do not review the evidence on school site governance here. Interested readers should see, for example, Bimber (1994), Wohlstetter and Odden (1992), Lawler (1986), Hentschke (1988), Hess (1991), Malen et al. (1990) and Wohlstetter et al. (1994). However, throughout the rest of the report we do note possible innovations in governance that relate to school site decision making.

3.7 OTHER INSTITUTIONS, ORGANIZATIONS AND INDIVIDUALS

There are numerous institutions, organizations and individuals who are involved in educational governance, including employee organizations, higher education, accreditation bodies, philanthropic organizations, and, of course, students and parents. These are too numerous to cover in any detail. Here we highlight just two of them, employee organizations and higher education.

Employee organizations are one of the most important non governmental actors in the California educational governance system. There are numerous associations representing employees in all aspects of the educational enterprise from state level administrators to school district managers and school principals, to teachers and service workers. There are three major organizations: the CTA, the CFT and the CSEA. The two major teachers' organizations are the California Teachers Association (CTA) and the California Federation of Teachers (CFT). Service

employees engaged in transportation, food services, office clerical and maintenance tasks are represented by the California School Employees Association (CSEA).

The California Educational Society, a teachers' organization that was established in 1863, became the California Teachers Association (CTA) in 1875. The CTA's key issues included the need for greater state support for public education, free textbooks for children, improved training of teachers, compulsory attendance, and expanded opportunities for manual training in the schools. By 1910, the CTA began focusing on better salaries and retirement benefits for teachers. In 1919, the teachers' campaign for improved salaries and greater autonomy was greatly aided by the organization of the state's teachers' union, the California Federation of Teachers, which was an affiliate of the American Federation of Teachers. The union's main focus was on the "economic betterment of teachers and on greater teacher authority over students and the curriculum" (Hendrick, 1980, p. 45). Boards of education generally opposed losing authority over salaries and greater teacher control of the learning environment.

The CTA is California's largest professional employee organization, representing more than 335,000 public school teachers, counselors, psychologists, librarians and other non-supervisory, certificated personnel. CTA is affiliated with the 2.8 million-member National Education Association (NEA). More than 1,100 chapters or local teachers associations are chartered as CTA affiliates. The CFT is composed of 135 local unions chartered by the AFT. The CFT represents over 120,000 educational employees working at every level of the education system in California, from Head Start to the University of California.

Several major studies completed in the late 1980s which examined the relative influence of big business, teacher unions and other interest groups in state policy making found that overall "the most active, prevalent, and influential interest groups were education groups such as state-level education associations" (Mawhinney and Lugg, 2001, p. 5). See also: Marshall et al., 1989; Thomas et al., 1991; Kirst and Somers, 1981; Mazzoni, Sullivan and Sullivan, 1983.

For example, the CTA has been influential in shaping education policy in California as it relates to "teacher professionalism, school-based management, and other teacher-empowerment initiatives of school reform" (Mawhinney and Lugg, 2001, p.4). The CTA has also played a powerful role in the election of public officials. For example, during Governor Arnold Schwarzenegger's campaign, the CTA spent \$58 million in an attempt to discredit the Governor's agenda (Chorneau, 2006).

In recent years, the CTA has significantly increased its expenditures on lobbying activities in Sacramento, which the Secretary of State lobbying reports define as "expenditures to lobby administrative agencies as well as the Legislature. Administrative lobbying includes required appearances by utilities and insurance companies before the Public Utilities Commission or the Department of Insurance. Some local government expenditures include dues payments to such umbrella organizations as the League of California Cities and the California State Association

of Counties" (Secretary of State, 2005). According to a report by The Secretary of the State's office, the CTA's total spending on lobbying activities has increased from approximately \$1.1 million in 1995 to over \$9.4 million in 2005, which was "more than twice as much as its nearest rival, AT&T and its affiliates," which spent over \$4 million in 2005 (Secretary of State, 1995; 2005). The 2005 lobbying report by the Secretary of State also reports that school districts were among the "most prolific spenders among 19 categories of lobbyist employers registered with the Secretary of State" (Secretary of State, 2005, p.1).

Similarly, Timar (2002) found that a large share of lobbying expenditures did not just come from teachers' unions like the CTA and other special interest groups, like textbook publishers, but from "school districts, community colleges, and county offices of education" (p. 51). Between January 1999 and December 2000, "education interests spent \$27.5 million on lobbying officials in Sacramento" (Secretary of State, 2000), and spending increased to over \$22 million in 2005 alone (Secretary of State, 2005). Timar attributes this to the shift in control over school finance to the state level by the passage of Proposition 13. Instead of turning to their local communities for support, local officials must now lobby in Sacramento as most financial decisions have shifted to the state level (ibid.). Table 3.10 shows the change in lobbying expenditures between 1995-2005 for five different stakeholder groups: the CTA, school districts, county offices of education, textbook publishers and testing services.¹⁰

Table 3.10: Lobbying Expenditures, 1995-2005

Education Interests	1995	2005
California Teachers Association	\$1,103,344	\$9,456,813
School Districts	\$1,760,973	\$2,154,188
County Offices of Education	\$613,243	\$908,188
Textbook Publishers	\$77,157	\$256,260
Testing Services	\$22,846	\$70,353

Source: http://www.ss.ca.gov/prd/Lobreport2005/2005_Interest.pdf

¹⁰ Despite this recent increase in lobbying by local officials and interest groups for K-12 education, education lobbying expenditures across the country are dominated by universities, which account for over 72 percent of spending at the federal level (www.opensecrets.com). For example, in 2003 the University of California System was ranked first in lobbying expenditures for the federal government, spending over \$1 million.

It is important to note that part of the reason for the huge increase in lobbying expenditures from the CTA in 2005 was due to their effort to defeat Governor Schwarzenegger's 2005 special election ballot propositions, including Proposition 75 which would have made "it more difficult for public-sector unions to raise money for political purposes" (Gledhill, 2005, p.B3).

In addition to special interest groups, the higher education sector is an important player in setting educational policy. California has one of the world's largest systems of public higher education, enrolling more than two million students each year. In the 2004-05 school year, the state provided about \$9 billion in General Fund support for higher education. Despite significant variation in the state's fiscal health over the past decade, higher education's share of total General Fund spending has remained at around 12 percent throughout that period. The state's system of public higher education involves three "segments": The University of California (UC), the California State University (CSU), and California Community Colleges (CCC). It also includes Hastings College of the Law, the California Student Aid Commission (SAC), and the California Postsecondary Education Commission (CPEC). The state's *Master Plan for Higher Education*, originally adopted in 1960, ascribes distinct missions to each of the segments and expresses a set of general policies for higher education in the state (http://www.lao.ca.gov/2005/fund_highred/062905_fundng_highred.html).

The University of California play an important oversight role, tasked with ensuring high school graduates have been prepared to enter college. University personnel are involved with K-12 education governance through prescribing high school courses required for admissions (the A-G courses for UCs and Cal States) and through alignment of high school college preparation courses with college expectations. In addition, there are provisions in the California Education Code relating to "middle college high schools", collaborative efforts between local school districts and community colleges in which at-risk high school students who are performing below their academic potential attend alternative high schools located on a community college campus "in order to reduce the likelihood that they will drop out of school before graduation" (Section 11300). The Education Code specifies that "the California Community Colleges and the State Department of Education shall collaborate with each other and with their respective local community colleges and local school districts to ensure the continued success of existing middle college high schools and to promote the establishment of new middle college high schools" (Section 11301).

3.8 CONCLUSIONS

In this chapter we have outlined the major institutions that are part of the complex set of arrangements that constitute the educational governance system.

There is a strong tradition of local control in California. It took over two decades to implement the state constitution's funding directive, by which time district power was firmly established. The Superintendent of Public Instruction's job was largely to

legitimize publicly supported education by setting standards for teachers, setting up a state board of trustees and establishing a uniform series of textbooks. The State Department of Education's main role was the "professionalization" of education, particularly its administration, and standardization of practice (developing curricula, publishing textbooks, and administering state teachers' colleges). The state often operated through county offices of education, but most power was still firmly rooted in districts.

Due to *Serrano v. Priest* and Proposition 13, the "state has emerged as the primary policy and fiscal agent in the delivery of educational services to California's school children" (Kirst et al., 2000, p.81). In addition, interest in California's education system began to increase in the 1980s, both at the federal and state levels, as improving education came to be seen as centrally important to California's ability to remain competitive economically and to prepare a workforce to succeed in an increasing technological labor market. As Kirst summarizes, "local turbulence, public distrust of local officials, new state capacity to intervene, and a belief that higher and uniform educational standards served the state's overall interests compelled state officials to assert control it long ago ceded to local school districts" (Kirst et al., 2000, p.81).

We asked district and county superintendents, as well as state officials, questions to determine their understanding and perception of the responsibilities of different players at the district, county, and state levels of the Californian educational governance structure. Some agree that the governance structure is fragmented on paper, and in particular the roles of the SPI and Secretary of Education are unclear. District superintendents noted that they have very little direct contact with personnel at the state level, including the governor, legislature, SPI, and Secretary of Education.

State officials interviewed maintain that the state ultimately sets education policy since it is in charge of the necessary funding mechanisms. Lower level stakeholders mostly agree that, as one interviewee put it, "at the state level, they're the accountability piece, they're the ones that set the standards." The state is in the "driver's seat" when it comes to resource allocation, graduation requirements, teacher certification, curriculum, assessment, and textbook standards.

Almost all stakeholders noted one factor as the main force leading to the centrality of the state in education governance: money. Since the state is in charge of funding, it ultimately sets policy. As one noted, "the real power lies with the state, and part of the problem is that the state likes to get into micromanaging"

It is worth noting that although the state has the power and authority to set policy, school districts and schools themselves have discretion over how policies and regulations are interpreted and implemented. This is in part because compliance checks discussed below are typically pretty weak and political realities may limit the exercise of powers.

The current system has evolved over time from one rooted in local control (with oversight activities in the form of development and technical support from the state) to one shifting much of the decision making and financial authority to the state. Several leading scholars have noted that over time, the “who” of governance has shifted from local districts to something that is more dispersed and in which the state is more dominant. Timar (2002) notes that “*centralization* of authority, however, did not lead to *concentration* of authority. Rather than integrating authority, policy makers dispersed authority among various agencies” (p.49). For example, the SPI in the 1950s was a member of the governor’s cabinet and the executive officer of the SBE, which was “the governing board” for the state and community colleges. There is no longer this cohesion.

4. THE WHAT OF CALIFORNIA'S EDUCATIONAL GOVERNANCE

4.1 INTRODUCTION

As we have shown in Chapter 3, California's system of governance is organized around an array of institutions organized in a hierarchy from the state level down to schools. The system is geared towards decision making at the state or school district level being transmitted to the level below, with compliance checks to ensure that the policies are implemented. The system encourages vertical communication, rather than horizontal (i.e. district to district) collaboration. Although formal and informal networks of districts do exist (including in some cases the integrating effects of the County Office), the major relationships are between the formal institutions within the hierarchy.

Much discussion of educational governance is therefore centered around which institutions have the most "power" or "authority." Blanket statements are, however, flawed because the precise configuration of "power", influence and authority varies from function to function, as well as over time. In this chapter we discuss some of the salient features of decision making in California around several key areas. We organize our overview around the "what" domains we identified in Chapter 2: structure and organization, finance and business services, personnel, and educational programs.

In describing and analyzing how important functions are organized, we draw partly on our stakeholder interviews. We also utilize the reports of the 1985 California Commission on School Governance and Management (CCSGM, 1985) and the 2002 California Master Plan for Education, which sought to "delineate clearly the functions, responsibilities, and authority that *should* reside with state-level entities and those that should be delegated to regional and local entities" (p.7). Although the Master Plan report is organized around "4 A's" – access, achievement, accountability, and affordability – we have chosen to overlay their ideas onto the framework provided by the earlier Commission report.

We do not think there is an obvious preference for a particular function to be governed at one level of the system versus another, but we do attempt to assess where the relative balance of power currently resides and speculate how particular functions might fit together in a coherent way.

The 1985 Commission assigned "10 points of power" for each function, distributing points among the players who hold power over that function; the higher the number, the more power that level has over the specific function. The exercise inevitably is a subjective one and depends in part on how one defines "power" and "authority." It also may vary among different aspects of the broad functional headings – for example, the state holds ultimate authority over whether school districts exist but has usually left most decisions about the way school districts organize their schools to the districts themselves. We also don't claim that there is

precision in our assessments. Having said this, we do believe it is a useful mechanism for helping to understand trends over time and differences in the way different functions are organized. Using our interview data and analysis of other material, we have updated the 1985 Commission's analysis to reflect our view of where decision making authority over each function rests in 2006. We did not "reanalyze" the earlier Commission's judgments, since we do not have the same knowledge and experiences of this earlier period as the Commission and its member did. In our conclusion to the chapter, we present a summary of this exercise of assessing each function and reach some conclusions about shifts in authority over time.

4.2 STRUCTURE AND ORGANIZATION

States can create, change and dissolve school districts, takeover individual schools or districts, create new forms of schooling (e.g., charter schools), mandate school site organization (e.g., local site councils) and decide whether to finance schooling options for its populations in different ways (e.g., through tax credits or vouchers, as opposed to maintaining a system of publicly operated schools). The state's role in the structure and organization of the school system, according to the 1985 Commission report, is to exert "some systemization to our state's educational programs" (p.15). Since states, including California, have historically left decisions about local structures to districts, local boards have been relatively free to make decisions about school size, grade structure, mechanisms for site governance and so on. We briefly discuss some of these issues below.

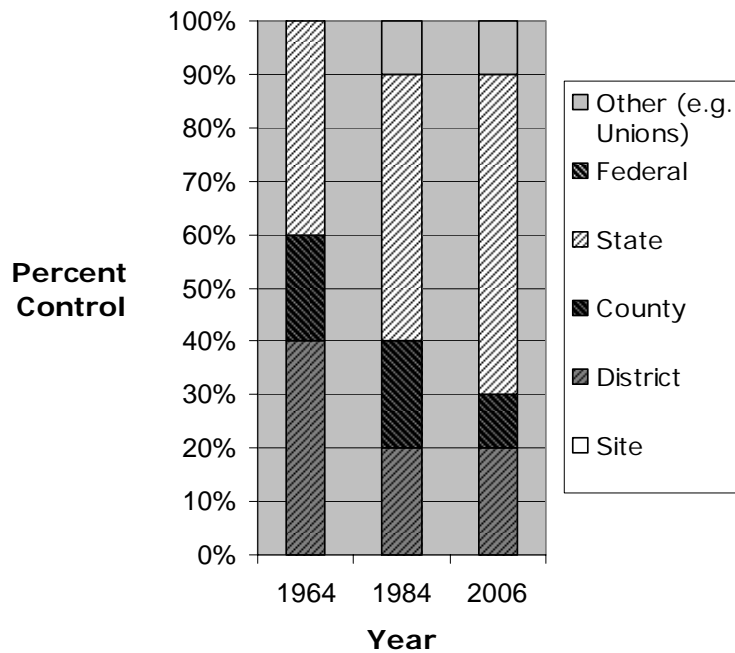
Since schooling is a constitutionally required activity of the state, the structure and organization of its school system falls under its decision making purview. The Education Code addresses school district organization in Part 3, Chapter 1, Article 1, and County Committees on School District Organization, saying, "There is in each county, except a county which is also a city and county, a county committee on school district organization." The article goes into great detail about the make-up of these committees and stipulates that they must meet regularly, but is not explicit in assigning them specific duties. Part 21 of the Education Code includes two chapters completely devoted to the reorganization of school districts. Article 1 of Chapter 3 specifies the legislative intent to base any district reorganizations on "local educational needs and concerns" (Section 35500). Chapter 4 details several ways in which the electorate can voice the need for a district reorganization (e.g., circulating a petition signed by at least 25 percent of the registered voters in the area), as well as the role of the county committees mentioned above in holding public hearings before any reorganization takes place.

The 1985 Commission, in analyzing this function, suggested that in 1964, power was split between district and state levels, with some role for counties. A marginal shift to the state level and others had occurred by 1985, with a resulting diminution at the district level. Over the past 20 years there have been several changes but none has shifted the balance in a consistent direction.

The state has passed charter school legislation, moved to takeover more than one school district and recently altered the governance of the largest school district in the state, Los Angeles Unified School District, at the request of the city's mayor. On the other hand, districts and counties still decide much of the organizational configuration of their districts' schools, as well as having the authority to grant charters.

Figure 4.1 shows the distribution of authority across institutions for the structure and organization function.

Figure 4.1: Decision Making Authority over Structure, California, 1965-2006



Source: Authors' update of CCSGM (1985)

Three particular areas are worth mentioning.

First, during the 1960s and into the 1970s the state actively encouraged consolidation of school districts. As we saw in the previous chapter, California has several types of local district – some made up of only elementary schools, some high schools, and some that are unified. There are about a thousand districts. The state has not acted to further consolidate districts in the last two decades, but changing school district boundaries very much remains an important power for the state. Mandating or encouraging further consolidation – for example, requiring all

districts to become unified – is a viable potential governance change. Policy discussions on the topic do occasionally occur, and in particular have focused on the possible breakup of the state’s largest district, LAUSD (see for example, Koehler et al., 2003).

Second, although states traditionally have limited their role to establishing minimum standards and accreditation, in recent years several have formally assumed control of a handful of districts. In California, the Oakland Unified School District was taken over by the state in 2003 after being millions of dollars in debt, the board was reduced to an advisory body only and the board-elected position of superintendent replaced by a state-appointed administrator, Randy Ward, after a similar assignment in the state takeover of the Compton school district in 1993. One alternative that has also garnered much attention in the past decade is shifts from the local school board to the mayor, who can hire a team of managers to turn the district around (e.g., Chicago, Cleveland, Detroit, and Boston). In California, Governor Schwarzenegger signed AB 1381 in September of this year, giving Los Angeles Mayor Antonio Villaraigosa more control over the Los Angeles Unified School District. Districts have a similar power in that they are able to reconstitute individual schools.

The third aspect of structure and organization that is interesting from a governance perspective has been the growth of charter schools. During the 2005/06 school year, California had 575 charter schools operating statewide; one in 20 schools in California is a charter school and one in 50 students attend a charter school. Charter schools are an important innovation in educational governance because they devolve many decisions to school sites. This is in stark contrast to the vast majority of public schools that are governed primarily through state regulations and local district rules and collective bargaining agreements. We discuss charters further in Chapter 6.

4.3 FINANCE AND BUSINESS SERVICES

Schools cannot operate without resources. The system of raising revenue for the provision of public education, and how those resources are allocated is therefore critical. The cliché “who pays the piper, calls the tune” undoubtedly applies in education. Educational governance is therefore tied to the system of school finance. In essence, whoever raises the resources that are used in schools, in large part determines what those resources get used for and the conditions under which they can be used.

4.3.1 Revenue Generation

Revenue generation is addressed in the Education Code in Part 9, Finance, in the following Chapters and Articles:

- Chapter 2. Local Taxation by School Districts and Community College Districts made up of:

- Article 2, Taxes on School Districts Located in Two or More Counties (Section 14220-14226) which describes the process of assessing property values; and,
- Article 3, Disputed Revenues of School Districts (Section 14240) which gives the county auditor authority to “impound the disputed revenues of school district or community college district taxes.”
- Chapter 3, Financial and Compliance Audits (Section 14500-14508).
- Chapter 4, Retention of Local Obligations (Section 14550).

Revenue generation is also described in Part 9.3, The California State Lottery Education Fund (Section 14600) and Part 9.5, California State Lottery Education Fund (Section 14700-14701), which, near identical names notwithstanding, contain information on the purpose of the California State Lottery Act of 1984 and use of those funds, respectively, as well as Part 10, School Bonds, which details a number of items related to the use of bonds including the purposes for authorizing bonds, the issuance and sale of bonds, and the tax for payment of bonds.

Historically, schools in California as in other states were largely supported by revenues raised through local property taxes. Because communities differed greatly in the amount of local property tax they collected to support their schools, this system of school financing led to great inequalities between school districts. In 1971, the state Supreme Court ruled in *Serrano v. Priest* that the public school system could not be financed based upon the value of property in the community. The court ruled that the parents, pupils, and taxpayers from low-wealth districts were being denied equal protection of the law because the state’s school financing system permitted great inequalities to exist. The court mandated state action to reduce differences in general purpose funding among districts.

Serrano created a statewide equalization plan through AB 65 in 1977, but by 1978, public resentment towards high property taxes had become significant and Proposition 13 was overwhelmingly approved, which “rolled back property taxes by 60%, limited the property tax rate to 1% of the assessed value and held annual property tax increases to 2%” (Timar, 2002, p.51). Prop 13 prohibited school districts from imposing local ad valorem taxes and took away the opportunity to obtain public school construction money through general obligation bond financing. The state assumed responsibility for determining the level of school funding and how funds are spent. The 1999 LAO report, *A K-12 Master Plan*, argues that the *Serrano* decision “resulted in a major change in school governance. Two principles evolved from the court opinion that are major structural pillars of today’s school finance system: 1) a goal of equal general purpose funding for districts (on a per-student basis) and 2) a prohibition on wealth-based differences in K-12 funding” (Hill, 1999, p.9).

These measures created a state funding system for education as local taxes remained the primary source of school funding but schools lost control over it. In our interviews with stakeholders throughout the governance structure in California, the critical power of the state in being the primary generator of revenue for schools

was a frequent theme – indeed it was typically given as the primary factor affecting the distribution of authority among institutions.

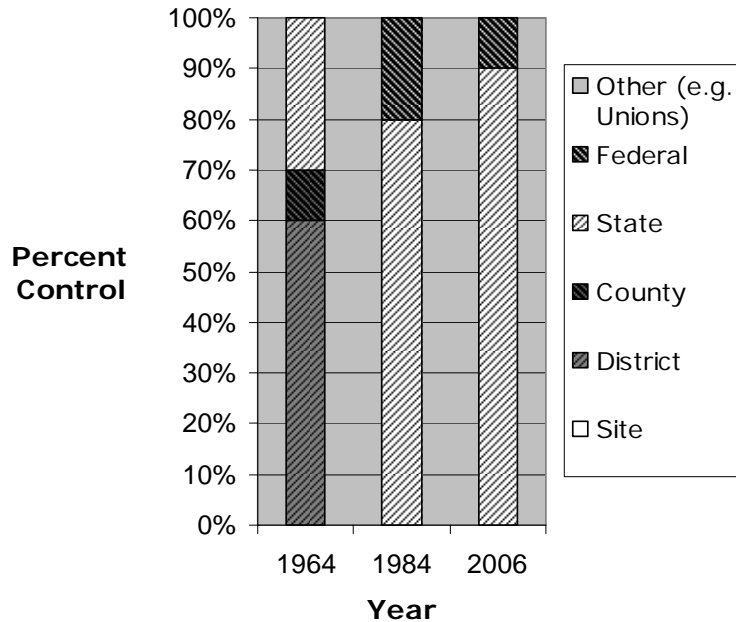
One state official summarized it as follows:

Well, it's the fact that people are elected to office who are averse to raising the taxes that are necessary to pay for it. Once you took the taxing authority away from the local communities so that local school boards couldn't raise the money that was necessary anymore, you put it totally in the hands of the legislature and the governor, and the ... from the day that happened in the early 1970's to today, you will see almost a steady decline in the purchasing value of every dollar that goes to schools. And the reason for that is because the legislature and the governor are loathe to raise taxes because nobody wants to run for office and say, 'I'm gonna raise your taxes.' And the locals can't do it anymore.

As the above quotation implies, *Serrano* and Proposition 13 not only reduced local authority in raising funding, in some ways they limited the state's capacity to do so as well, due to a general reluctance of elected officials to raise taxes.

In assessing the relative role of California institutions in terms of revenue generation, the 1985 Commission documented the dramatic shift from local to state control. In some respects, this change was welcome: the state was best able to "provide a long-term, stable funding base for California's public school system" (p.15). However, they added that agencies at the local level "should mount a joint effort with the State to develop the legislation necessary to ensure a predictable, timely, and adequate level of funding" (p.15). They also recommend that the state "establish forward funding guarantees ... [to] provide districts greater flexibility in the planning and the development of programs" (p.22). Figure 4.2 reflects the fact that the state has gained even more control over resource generation in the past 20 years.

Figure 4.2: Decision Making Authority over Revenue Generation, California, 1965-2006



Source: Author's update of CCSGM (1985)

Districts in California are very limited in their ability to generate revenue outside of the statewide constraints. Some philanthropic dollars do flow to public schools, based in part on districts' attempts to secure such funds which may be made available for particular reform programs (e.g., small high schools), or specific uses (e.g., computers). For a discussion of private dollars given to public schools see Zimmer, Krop and Brewer (2003).

4.3.2 Resource Allocation

Decisions over the allocation of resources are multifaceted. Schools receive virtually all their resources from the school district of which they are a part. Districts receive the bulk of their resources from the state government. Districts do, however, have some ability to control resource allocations and the extent to which schools are given decision making power. Although we did not collect data from school-level personnel, it is worth noting that districts vary widely in the extent to which they allow building level administrators to allocate resources. In many cases, a small amount of discretionary funds go to the school, while in other cases the principal, staff and even parents may have considerable input. For example, the San Francisco and Oakland Unified School Districts have both implemented site-based budgeting programs. While the political contexts behind these reforms and the details of how they have been implemented vary considerably, in both cases, school

budgets are allocated based on decisions made by school site councils comprised of the principal, teachers, parents, students, and community members.

Part 9 of the Education Code is devoted to finance and starts by addressing the intent of the resource allocation system such that "the system of public school support should be designed to strengthen and encourage local responsibility for control of public education" as well as specifying, "It is the state's responsibility to create or facilitate the creation of local districts of sufficient size to properly discharge local responsibilities and to spend the tax dollar effectively" (Section 14000). Further language addressing the importance of local control in resource allocation states:

The principle of local responsibility requires that the granting of discretionary powers to state officials over the distribution of state aid and the granting to these officials of the power to impose undue restriction on the use of funds and the conduct of educational programs at the local level be avoided. The system of public school support should effect a partnership between the state, the county, and school districts, with each participating equitably in accordance with its relative ability. The respective abilities should be combined to provide a financial plan between the state and the local agencies for public school support [and] ... the broader based taxing power of the state should be utilized to raise the level of financial support in the properly organized but financially weak districts of the state, thus contributing greatly to the equalization of educational opportunity for the students residing therein. It should also be used to provide a minimum amount of guaranteed support to all districts, for that state assistance serves to develop among all districts a sense of responsibility to the entire system of public education in the state (Section 14000).

Specific instructions about resource allocation are very detailed and include:

- The Controller shall during each fiscal year commencing with the 1980-81 fiscal year, transfer from the General Fund of the state to that portion of the State School Fund restricted for elementary and high school purposes" \$180 per pupil (Section 14002); and,
- In addition to all other funds appropriated and transferred to Section A of the State School Fund, the Controller shall annually transfer from the General Fund to Section A of the State School Fund for apportionment during the fiscal year a total amount of nine cents(\$0.09) per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, for the purposes of Section 41301.5 (Section 14007).

In addition, Part 2, Chapter 12, Article 4, Allocation of Property Tax Revenues stipulates that property tax resource allocation be computed by the SPI for each county superintendent of schools (Section 2570-2573).

Part 24 of the Ed Code is also devoted to finance, specifically for K-12 education. Some of the sections contained in Part 24 include:

- Moneys Received by School Districts (Section 41000-41003); Accounting Regulations, Budget Controls and Audits (Section 41010-41023);
- Determination of Minimum Level of Education Funding (Section 41200-41209);
- Appropriations, Sources, Conditions, Amounts of Support per Average Daily Attendance (Section 41300-41311);
- Disbursements by Superintendent of Public Instruction (Section 41330-41344.4);
- Conditions for Use of Apportionments (Section 41370-41382);
- Conditions Disqualifying School Districts from Apportionments (Section 41420-41455);
- Categorical Education Block Grant Funding (Section 41500-41573);
- Basic State Aid for Elementary School Districts (Section 41790);
- Basic State Aid for High School Districts (Section 41800);
- Computation of Allowances for Schools and Classes for Prisoners (Section 41840-41841.8);
- Local Taxation by School Districts (Section 42238-42303);
- Supplemental School Revenues (Section 42400-42403);
- School District Funds – Expenditures and Appropriations (Section 42600-42694); and,
- Revolving Cash Fund (Section 428000-42806).

Most resources arrive at school districts in the form of general fund revenues. These are unrestricted in the sense that they need not be spent on specific purposes. Of course, the significant number of legislative and regulatory requirements from the state legislature, SBE and CDE adds up to a large number of obligations to provide certain materials, offer particular courses of study, and so on. However, the dollars themselves are somewhat fungible and districts can make their own decisions about how they are spent.

Because schooling is a labor intensive service, most resources are dedicated towards labor. Over time, with support from a legal framework that requires it, collectively bargained contracts have become the norm in school districts. The Board will sign an agreement with teachers, service employees and often administrators that in large part determines how resources are spent. Employee compensation and benefits make up the bulk of the total budget, and so, limited general fund revenues are left over to be allocated to other items. In addition, contracts may also place restrictions on how staff can be allocated, e.g., by requiring that teachers with the most seniority are able to choose their school site.

Most district superintendents we talked with noted that “the ultimate authority for allocating resources falls upon the board and the superintendent.” But they also were very cognizant of the dominance of personnel in total costs, and the district wide bargaining process that determines how much is “left over” for flexible uses. Some noted that their boards signed contracts that gave employees significant sway and limited the district’s control over resources. As Timar (2002) notes, “For districts, collective bargaining means that they *share* power with unions over a wide range of decisions that affect district educational policies and the distribution of district resources” (p.54)

Our interviewees did differ in the extent to which they claimed to allow school sites some influence over resources allocation. Given labor contracts’ applicability across all schools in a district, there is relatively little room for site input. Several noted that staffing and other resource allocations were largely formulaic based on student numbers, although some said there was school site input into the process.

Increasingly, districts do not receive general fund revenues, but rather dollars in the form of state categorical funding. “Traditionally, the principal form of state subventions to schools was through unrestricted, block grant funds. This meant that local boards had considerable discretion over the use of state funds.... [Recently], the legislature has shifted an increasingly larger share of state monies into categorical grants, ... funds that may only be used for special purposes” (Timar, 2002, p.54). According to Jim Fleming – superintendent of Capistrano Unified School District:

Beyond its micromanagement of curriculum and testing, the state is also increasingly deciding how Prop 98 money will be spent at the local level. The state mandates that districts encroach into their limited and dwindling general fund dollars to pay for a portion of the cost of state-initiated categorical programs [and] school boards are being relegated to serving as functionaries for an ever-expanding and ever-fickle state power structure (Need to cite as a personal communication).

In 1980, 13% of state funds were restricted for 19 categorically funded programs. In 2006, there were 85 state and federal categorically funded programs making up about one-third of funds to districts. In a recent study, Loeb, Grissom and Strunk (2006) show the current increased percentage of funds allocated through categorical programs.

Although categorical funding “places greater restrictions on districts regarding the use of state funds ... [and] has balkanized schools and school districts [by turning] ... schools into collections of programs instead of coherent organizations” (Timar, 2002, p.55), Code Section 52800 grants districts some flexibility through the ability to transfer categorical funds from one category to another, saying:

It is the intent of the Legislature to provide greater flexibility for schools and school districts to better coordinate the categorical

funds they receive while ensuring that schools continue to receive categorical funds to meet their needs. It is further the intent of the Legislature to focus the authority to exercise such flexibility at the school level, with the approval and under the policy direction of, the governing board.

The annual budget summary published by the Department of Finance delineates the transfer authority further. Section 12.4 specifies that “not more than 10 percent of the amount apportioned to any school district, county office of education, or other educational agency [under categorical programs] ... may be expended by the recipient for the purposes of any other program for which the recipient is eligible for funding” (Final Budget Summary, Statutes of 2005, p.689).

In addition to the yearly transfers that are allowed, AB 1754 in 2003 allowed one-time transfers of fiscal year 2003 year-end balances from almost any state restricted program for any unrestricted purpose. Since the 1999/2000 fiscal year, the CDE has been required to issue a report that details the number of times school districts move money around among categorical funds. As shown in Table 4.1, the amount of money transferred is evidence of significant flexibility, \$22,057,086 in the year of lowest transfers (fiscal year 2001/02) and \$271,382,063 in fiscal year 2003/04 counting the one-time transfers allowed in that year.

Table 4.1: Movement of Categorical Funds

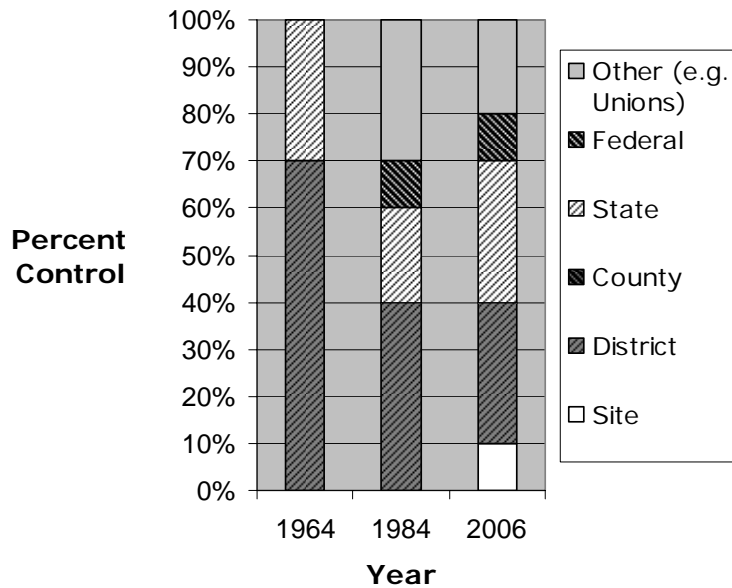
Fiscal Year	# of programs to/from which money was transferred	Total amount of money transferred in/out
1999/2000	23	\$24,434,786
2000/2001	26	\$36,309,291
2001/02	44	\$22,057,086
2002/03	37	\$41,335,604
2003/04	44	\$48,390,820
2003/04 AB 1754 transfers	109	\$222,991,243
2004/05	24	\$36,296,973

Source: Authors' synopsis of yearly CDE categorical fund transfer reports

In assessing the resource allocation function over time, it is clear that there have been significant shifts. In the 1965-85 period, the story was one of greatly diminished local control in the form of strong collective bargaining affecting the

allocation of general fund revenues at the district level, and state control of revenue given its increased prominence in revenue generation. The 1985 Commission recommended a “stabilized sharing of power between the local school sites, school districts, and the state” (p.16) as well as the unions in the allocation of resources to schools and personnel. One specific suggestion they provide is to distribute block grants of categorical funds, traditionally allocated on a per pupil basis, to each school site. In the past two decades, however, the reverse has tended to be true, and the increasing use of categorical fund revenues has further restricted local ability to affect resource allocation. At the same time, the development of charter schools and, as mentioned above, site-based budgeting in certain areas, has meant that when we look at the entire system of public education in the state, some local control over resource allocation has returned, as shown in Figure 4.3.

Figure 4.3: Decision Making Authority over Resource Allocation, California, 1965-2006



Source: Authors' update of CCSGM (1985)

4.3.3 Facilities Planning/Management

One of the major needs for operating a school system is physical facilities. The 2002 Master Plan report asserts, "The condition of the school or campus facility is as critical to the quality of the educational experience students receive as are the qualifications of the instructional and administrative staff" (p.48), citing "significant research" documenting that "suitable learning environments" have a positive affect on student learning, "while the opposite is true of unsuitable environments" (p.49). Historically, the responsibility for school construction and upgrading facilities was split between the state and local school districts. The state role included setting standards for school sites and buildings and for overseeing construction, as well as some funding. Local districts would generate much of the bond revenue needed for construction, deciding when to seek voter approval for such bonds. However, as a result of Proposition 13, local districts in California lost the ability to issue bonds to raise revenues for facility construction.

Many of the Education Code provisions relating to facilities center around procedures for dealing with hazardous sites. For example, section 17072.13, Funding of Hazardous Site Assessments and Cleanup, details the conditions under which the "board may provide site acquisition and hazardous materials evaluation and response action funding for proposed new school sites." In addition, there are 11 other sections dealing with site hazards/safety:

- 17072.14 Adjustments to new construction grants for hazardous materials evaluation and removal
- 17072.18 Funding of Hazardous Site Assessments and Cleanup
- 17210 Environmental Assessment of School Sites
- 17210.1 Application of state act; hazardous materials; risk assessments; compliance with other laws
- 17212 Investigation of prospective school site; inclusion of geological and engineering studies
- 17212.1 Legislative intent; safety assessment
- 17212.2 Written requests for safety information; scope of information sought; resolution of disputes
- 17215.5 Geological and soils engineering studies
- 17213 Approval of site acquisition; hazardous or solid waste disposal sites or hazardous substance release site; hazardous air emissions; findings
- 17213.1 Environmental assessment of proposed school site; preliminary endangerment assessment; costs; liability
- 17215 Site near airport; requirements

There are also sections devoted to facility acquisition, planning, and design. A highly relevant Code section, 17251, is devoted to "Powers and duties concerning buildings and sites." This section tasks the CDE with the following, at the request of local districts:

- Compiling lists of "suitable sites" for local district governing boards;

- Developing standards for use by a school district in the selection of school sites;
- Investigating complaints of noncompliance with site selection standards;
- Establishing standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety;
- Reviewing plans and specifications for school buildings;
- Surveying the building needs of districts, advising the governing board concerning the building needs, suggesting plans for financing a building program to meet the needs; and,
- Providing information relating to the potential impact upon any school site of hazardous substances, solid waste, safety, hazardous air emissions, and other information as the department may deem appropriate.

The 1985 Commission report cited the need for “major changes in the rules and regulations governing the allocation of school construction, rehabilitation, and maintenance funds” (p.16) and proposed a role for local agencies in this matter to help accommodate population mobility and the influx of immigrants to certain parts of the state. They also recommended the reestablishment of the local authority to issue general obligation bonds for facility maintenance and construction with voter approval, a prerogative stripped of local districts with the passage of Prop 13. Table 4.2 shows the history of state K-12 general obligation bonds since Prop 13.

Table 4.2: Office of Public School Construction (OPSC) State K-12 General Obligation Bond History

Year	Dollars
1982	\$500 M
1984	\$450 M
1986	\$800 M
1988 (June)	\$800 M
1988 (Nov.)	\$800 M
1990 (June)	\$800 M
1990 (Nov.)	\$800 M
1992 (June)	\$1.9 B
1992 (Nov.)	\$900 M
1994 (June)	\$1.0 B (failed by 0.4%)
1996 (March)	\$2.03 B
1998 (Nov.)	\$6.7 B (for 4 years)
2002 (Nov.)	\$11.4 B
2004 (March)	\$10.0 B

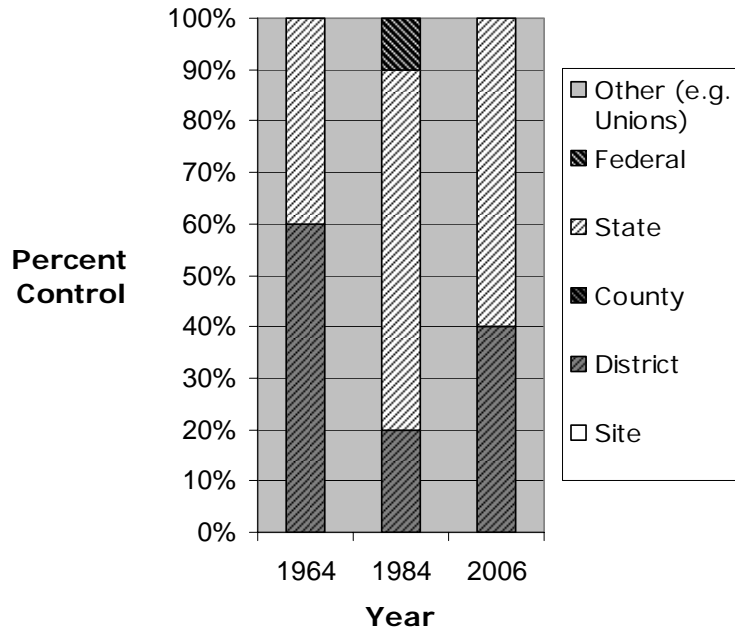
Note: Million (M); Billion (B)

Source: California Department of Education (www.cde.ca.gov/ls/fa/sf/facts.asp)

As shown in the table, California voters have proven increasingly amenable to spending public money on education through general obligation bonds, with the bond measures in the millions in the 1980s being followed by bond measures in the

billions in the 1990s and surpassing 10 billion in 2002 and 2004. Indeed, in the years since the 1985 Commission report, California voters passed Proposition 1A, the “Class Size Reduction Kindergarten – University Public Education Facilities Bond Act” in 1998, which authorized the state to sell \$9.2 billion in general obligation bonds to build elementary and secondary school facilities needed to relieve overcrowding and accommodate student enrollment growth, repair older schools, wire classrooms for education technology, and upgrade and build new classrooms in community colleges, the California State University, and the University of California. Prop 1A was followed by the creation of a school facilities planning division to implement the Class Size Reduction program. In 2004, *Williams et al v. State of California* resulted in a class-action settlement of \$800 million over the next several years for school repairs in addition to nearly \$200 million earmarked for standards-aligned instructional materials for schools in the first three deciles on the API. Part of the *Williams* settlement was the creation of a School Facilities Needs Assessment Grant Program which provide schools ranked in the first three deciles with funding to complete a one-time assessment of facility needs including: a facility inventory, estimated costs for 5-years to maintain functionality of the school buildings, remaining life of major building systems, and a list of any necessary repairs (www.opsc.dgs.ca.gov). Figure 4.4 shows the shifts in decision making authority over facilities planning and management in California over the past 40 years. Notably, this is one area where the federal and state roles have shrunk and the local district role has increased.

Figure 4.4: Decision Making Authority over Facilities Planning and Management, California, 1965-2006



Source: Authors' update of CCSGM (1985)

4.4 HUMAN RESOURCES AND PERSONNEL

4.4.1 Staffing

As noted above, most of the resources devoted to education go towards personnel costs, particularly teaching staff. There is significant evidence that high quality teachers can have an impact on how much students learn. How teachers are hired, compensated and deployed is therefore a critical function for an educational governance system to organize. In California, as in some other states, these decisions are shared among multiple parties.

The Education Code addresses several issues around staffing: Part 5, Public School Personnel includes articles on Health and Welfare Benefits (Section 7000-7008) and on Political Activities of School Officers and Employees (Section 7050-7058); Part 13, State Teachers' Retirement System consists of over 40 chapters, including sections on investments (Section 22350-22364), establishment and control of funds (Section 22400-22403), and employer and state contributions (Section 22950-22956). Staffing issues are also covered in Part 13.5, Health Care Benefits Program and Part 14, State Teachers' Retirement System Cash Balance Plan, a 17-chapter

section. Part 25, Employees, consists of 28 articles on employment, salaries, and rights and duties.

The state influences how schools are staffed in a number of ways.

First, general fund revenues appropriated by the legislature for education are available for hiring and paying staff, and all of the forces that affect this amount come into play including: the legal restraints of Propositions 13 and 98; “horse trading” over budget priorities among politicians, special interests and their lobbyists; and overall economic conditions.

Second, the state operates a system of teacher credentialing through the CTC. As noted in Chapter 3 this body is an independent agency. Teacher credentialing is designed to ensure that teachers meet some minimum level of competency before entering the classroom. Most candidates must have earned a bachelor’s degree in a non-education major, passed the California Basic Educational Skills Test (CBEST), and demonstrated subject-matter competence by either passing approved college courses or the state’s subject-matter exam. In addition, they must complete graduate coursework that includes classroom study and student teaching, earning a Preliminary Credential, after which time the teacher has five years to earn the Professional Clear Credential by completing additional professional coursework. There are also several “alternative” routes to certification. In California, this may include a role for local districts. For details, see, for example, the National Center for Alternative Certification (www.teach-now.org/).

Third, much of the teacher training in the state is conducted by the state university system, notably the California State University’s 23 campuses.

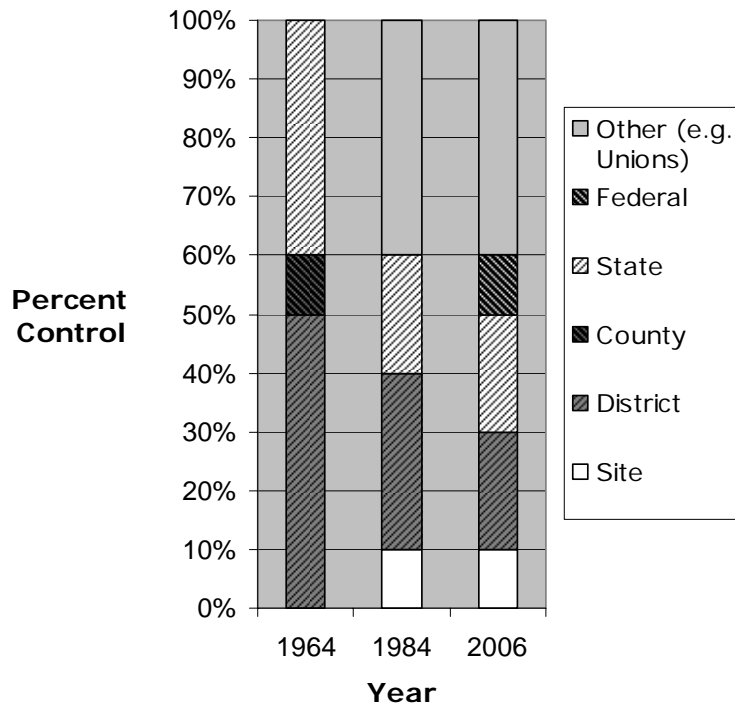
Although these state roles impose some framework, districts have significant leeway over hiring. In most cases, districts add their own local requirements on who can be hired, make selections and allocate staff – often as specified in the collectively bargained labor contract. Some of the superintendents we spoke with said they hired virtually all staff from senior management to teachers and other employees centrally, and they were then allocated to school sites. Others suggested greater involvement of schools, ranging from outright hiring authority to a hybrid proceed, e.g., the district screens new hires and then allows a school principal to hire whomever he or she sees fit.

The major area of concern among our stakeholders was the degree to which labor contracts tended to set limitations on what were generally viewed as management’s right to determine staffing. Most importantly, restrictions on the ability to move staff around to their best assignment, and the lengthy and expensive process of dismissing ineffective employees, were noted. Most commonly, contractual limitations on the ways teachers could be evaluated was elucidated as a major barrier to optimal staffing. Performance evaluation criteria and time frame were typically negotiated as part of the employment contract. One superintendent described the result as “too infrequent and staged”; another said he had been “lucky” that the current contract in the district had relatively few restrictions in it.

Another important aspect of staffing is the fact that unlike the vast majority of professional employees who have individual contracts, educators are rewarded with a uniform salary structure that is specified in a commonly applied contract. The single salary schedule typically rewards teachers on the basis of their years of experience and educational credentials. This ensures fairness in the sense that teachers with the same 'paper' qualifications are treated equally. However, the system gives administrators little flexibility in rewarding outstanding classroom performance. Some agreements allow for extra payments for particular additional duties, or in some cases, teachers in high shortage fields like mathematics and science.

In examining staffing authority over the 1956 through 1985 period, the 1985 Commission noted the major impact that collective bargaining had had on the allocation of staff. Consequently, they suggested there had been a major shift away from district influence to a shared responsibility in which the unions were at least equal. In analyzing the trends since 1985, there has been relatively little change, shown in Figure 4.5.

Figure 4.5: Decision Making Authority over Staffing, California, 1965-2006



Source: Authors' update of CCSGM (1985)

The one major factor that was not present two decades ago is the requirement of the federal *No Child Left Behind Act* regarding teachers. The legislation requires local school districts to ensure that *all* teachers of the core academic subjects (teaching in Title I programs or elsewhere) are "highly qualified" by the end of school year 2005-06. In general a "highly qualified teacher" is one with full certification, a bachelor's degree and demonstrated competence in subject knowledge and teaching. Title II of the Elementary and Secondary Education Act provides federal funding to states and districts for activities that will strengthen teacher quality in all schools, especially those with a high proportion of children in poverty. Funding can be used to support a wide array of activities, including interventions for teacher professional development. As a condition for Title II funds, states must develop a plan that establishes annual, measurable objectives for each local school district and school to ensure that they meet the "highly qualified" requirement. In schools that receive funds under Title II, principals must make a statement each year as to whether the school is in compliance with the "highly qualified" teacher requirement. *NCLB* also requires districts to spend a certain percentage of Title I funds to improve teacher quality.

The 1985 Commission recommended that hiring and firing decisions of school site personnel should be delegated to the school site. As we discuss elsewhere in this report, the issue of whether collective bargaining might be better done at the state rather than the district level was also raised by the Commission, and several of our interviewees also suggested this.

4.4.2 Training/Professional Development

Very much related to staffing is the function of training and professional development. This function is shared among multiple actors in the educational governance structure and is covered by Part 25 of the Education Code. Chapter 2 of the Education Code outlines teacher credentialing requirements, including the role of the Commission on Teacher Credentialing, credential types, and emergency permits. Chapter 3 covers aspects of certificated employees including revocation and suspension of certification documents, standards for professional development, and in-service training. Chapter 3.1 describes the establishment and purposes of school personnel and staff development resource centers. There are also chapters devoted to staff development in certain areas, including math, science, education technology, and reading.

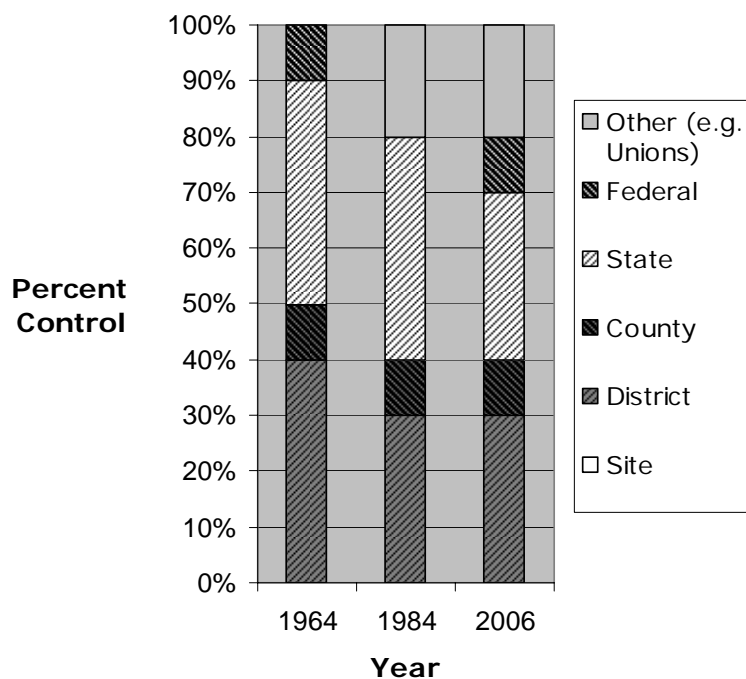
Pre-service training for most teachers is provided by undergraduate colleges and universities, public and private from across the country. The California State University system produces 55% of the state's graduates in teacher education each year (www.calstate.edu/impact/teachereducation.shtml). Many of these are in a major that must then be followed with a teaching certificate; in other cases students may earn a Bachelors degree in Education. The federal and state governments, through student financial aid and other support to colleges and universities, underwrites much of the cost of this system of pre-service training for education professionals.

In-service professional development may be delivered in a number of ways. District-negotiated salary schedules typically provide some modest salary increments associated with additional educational credits or credentials (Masters or Doctoral degrees). Such programs are again offered at a wide array of institutions, and at different costs, a large proportion of which are borne by the individuals acquiring the additional training. In addition, most districts provide a wide array of professional development opportunities in the form of workshops and courses offered on a one off base, and provided by outside consultants. Some of these in-service opportunities may be funded by specific state categorical programs or be in response to state requirements. Additionally, there are a range of federally sponsored professional development options.

The various professional development opportunities at the district level are dependent on resources available and may be subject to employment conditions negotiated as part of a labor contract. One superintendent we interviewed said that a blend of the “associate superintendent for educational services, union contract, and schools decide on professional development.” Counties also have a role in California in providing professional development options, particularly for smaller districts.

This picture suggests very much a shared authority over professional development, as indicated in Figure 4.6. The only change since 1985 has been a modest increase in the function on the part of the federal government.

Figure 4.6: Decision Making Authority over Training and Professional Development, California, 1965-2006



Source: Authors' update of CCGFM (1985)

4.5 EDUCATIONAL PROGRAMS

We now turn to two functions which are critical in affecting the educational program that students actually receive – curriculum and assessment.

4.5.1 Curriculum and Pedagogy

The Education Code goes into great detail about curriculum. In addition to sections on specific education programs such as agricultural education and arts education, Part 28, General Instructional Programs, outlines a host of curriculum programs including required courses of study for grades 1 to 12, exemptions from requirements, diploma and certificate requirements, prohibited instruction (e.g., advocacy of communism), online, evening, and independent study, and work experience programs.

Historically, curriculum and pedagogy has been largely determined in each local district within the parameters set by the state. The state from its earliest involvement has set some requirements on what subjects should be taught, minimum requirements in those subjects, and provided guidance on textbooks. Today, as a result of the standards based reform movement, state requirements and recommendations have an increasingly strong influence on local choices.

The state specifies some subjects that all California public schools must teach as well as curriculum frameworks in all core subject areas: science, mathematics, English-language arts, history-social science, foreign language, visual and performing arts, and health and physical education. The California K-12 mathematics framework alone is 352 pages. Carlos and Kirst (1997) note, "Consistent with the history of local control and flexibility, these frameworks were not meant to be prescriptive, but instead were meant to serve as a way for the state to articulate a common vision and general guidelines about what students should know and be able to do" (p.5). In contrast, the same authors have noted an increasing tendency since 1995, in response to NAEP scores below the national average, to prescribe in great detail curricula and instructional issues in legislation.

Currently, the SBE recommends curriculum materials and instructional approaches. For example, for grades K–8, the SBE adopts several textbooks and other instructional materials for each subject area and each grade level. The state gives school districts funds to purchase materials, and a district must choose a percentage of its textbooks from the approved list in order to receive those funds (Districts can request a waiver if they find non-adopted materials more appropriate for their schools). For grades 9 to 12, the SBE approves a set of curriculum standards, with which all high schools must compare their curricula for each subject and grade level every three years. Ultimately, however, the local school board decides on its own schools' textbooks and curriculum. "California curricular frameworks in science and social studies, for example, are not mandates and provide a framework rather than prescribe a detailed list of content to be taught. Moreover, many local districts use the state curricula framework as a springboard for their solution to a particular local context" (Danzberger, Kirst and Usdan, 1992, p.32).

The CDE maintains a master calendar for the adoption of standards, curriculum frameworks, and textbooks. It typically takes three to four years from the time the

development of the framework begins until new textbooks are approved, selected, purchased, and in place in classrooms. An advisor to the study noted that many of the most severe critics of state-adopted standards, those advocating local control, now acknowledge the positive impact of academic standards on improving student achievement.

The driver of this approach in the past decade has been standards based accountability. The Public Schools Accountability Act (PSAA) was enacted by special legislative session in 1999 and contained 3 major components: 1) the Academic Performance Index (API), designed to give each school a "score" based on a variety of measures of school performance; 2) the High Performing/Improving Schools Program which awarded monetary bonuses to schools and staff for meeting or exceeding API growth targets¹¹; and 3) the Immediate Intervention/Underperforming Schools Program (II/USP) which established an intervention program for schools that failed to meet growth targets. The lowest 10% of schools based on API rankings are eligible for the High Priority Schools Grant (HPSG) program.

In 2001, Congress reauthorized the ESEA under the title *No Child Left Behind Act of 2000* (NCLB). NCLB requires that states adopt academic content standards. Title I schools that fail to make "adequate yearly progress" (AYP) for two years in a row are designated as Program Improvement schools, and subject to successively stronger sanctions: in year 1 of Program Improvement, the school must offer students the opportunity to transfer to another school in their district, with transportation provided and paid for; if a school remains in Program Improvement, in year 2 it must provide supplemental academic services, such as tutoring, to all eligible students; in year 3 in Program Improvement creates the requirement that either the school district or county office of education must begin corrective action, the nature of which is also specified; if the school continues to not make AYP, then in Year 5 it is to be restructured.

PSAA and NCLB affect curriculum in a number of ways.

First, since student assessments are to be standards based, and NCLB requires those standards to be developed in any case, there are now detailed statewide curriculum frameworks that provide a great deal of specificity as to the content of curriculum to be delivered in local schools. These are much more detailed than have been applied to school districts in the past.

Second, schools and school districts are likely to change their behavior in attempting to meet the AYP and API targets – that after all is the intent of the legislation. This would expect them to lead to changes in curriculum and pedagogy tailored towards meeting the measured goals. The extent to which student assessments are aligned with standards will be important. In addition, there is some evidence that schools and school districts have focused on student test taking

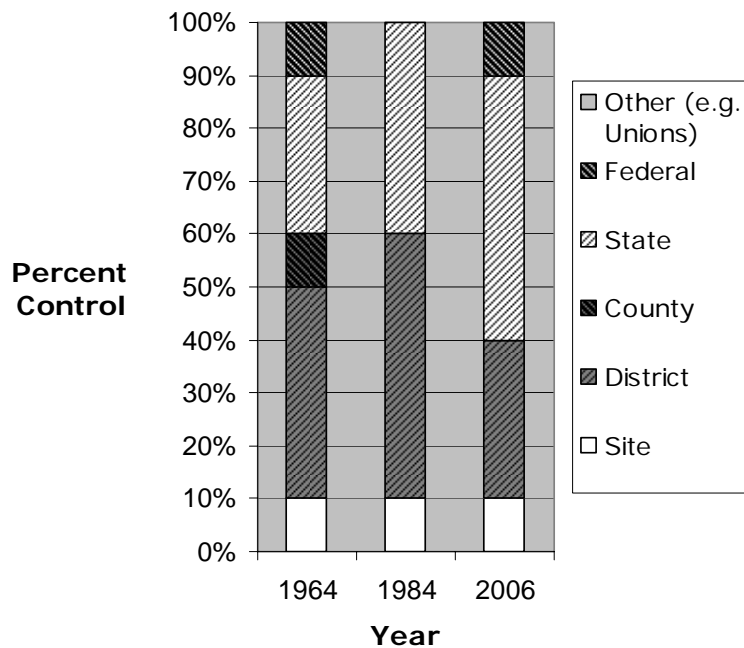
¹¹ These were discontinued in 2002 due to state budgetary pressure.

strategies and fewer subject (“narrowing” the curriculum) in order to help students prepare for the assessments.

Third, sanctions associated with failure under accountability include program intervention and ultimately school restructuring, which undoubtedly radically affects freedom of action over instructional strategies. II/USP likely requires significant changes in instruction in a school. Further, the federal government requires that strategies be “scientifically based”, of which there are relatively few officially “approved.” Federal sanctions do, however, apply to Title I schools only, and so the impact is somewhat limited.

Our assessment of this function is shown in Figure 4.7.

Figure 4.7: Decision Making Authority over Curriculum, California, 1965-2006



Source: Authors’ update of CCSGM (1985)

Although accountability requirements under NCLB and PSAA – as well as money tied to state-adopted curricula – limit school choice over curriculum, the exact teaching strategies and learning activities employed to meet the standards are still up to the discretion of schools and, to some extent, individual teachers, so we assigned the school site one level of power.

4.5.2 Testing/Assessment

Recent additions to the Education Code include a number of sections related to testing and assessment requirements (see the Ed Code historical comparison tables in Chapter 3 of the report for some of these). Part 33 of the Education Code, Instructional Material and Testing, includes sections on:

- California Assessment of Academic Achievement (Sections 60600-60649);
- Review of Electronic Resources Capable of Analyzing Pupil Assessment Data (Section 60660-60663);
- Physical Fitness Testing (Section 60800);
- Assessment of Language Development (Section 60810-60812);
- High School Exit Examination (Section 60850-60859); and,
- California Longitudinal Pupil Achievement Data System (Section 60900).

The PSAA and NCLB have radically altered the student assessment environment over the past decade (see Table 6.2: Changes in State Student Assessment in California, for a history of assessment in California predating the PSAA and NCLB). As mentioned above, the PSAA went into effect in 1999 and includes a measurement of student performance across schools as well as rewards, sanctions and interventions based on this performance. The CDE publicly scores and ranks the performance of schools through the Academic Performance Index (API), a single-number index based on a compilation of other scores.

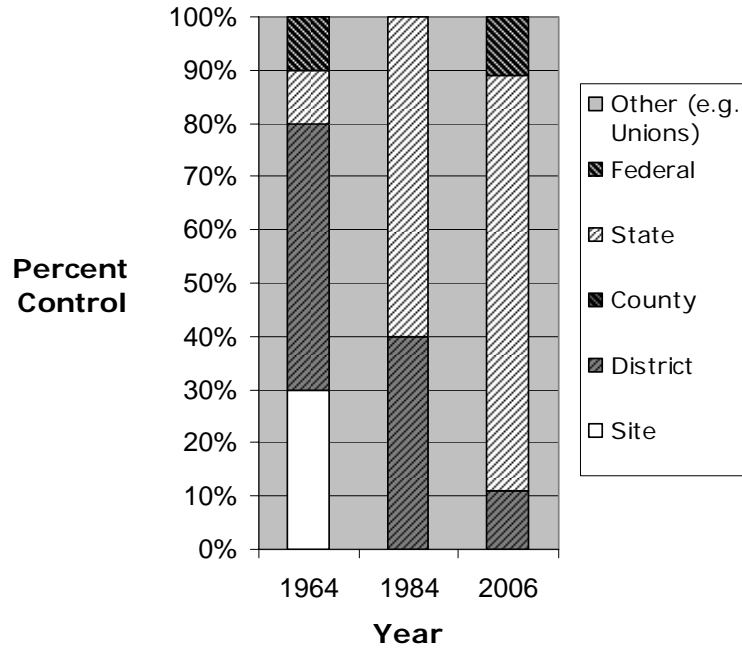
In addition to the state's PSAA accountability requirements, NCLB requires annual reading and math assessments to be conducted; schools that fail to make adequate yearly progress (AYP) toward overall proficiency for five years in a row face corrective action, and after six years, restructuring. Notably, a school can make strong growth in its API score by helping struggling students achieve "basic" performance, yet still not make AYP targets toward all students being "proficient". Conversely, it can meet the AYP targets but not improve its API sufficiently to meet state expectations.

In addition to the API and AYP, which carry consequences for schools rather than students, students must pass the California High School Exit Examination (CAHSEE) in English language and mathematics arts to receive their high school diploma. Initially set to begin with the Class of 2004, the CAHSEE requirement was postponed by the state Supreme Court to take effect with the Class of 2006 instead because of concerns about the large number of students who were not adequately prepared to pass the test and therefore would not have received a diploma if the requirement had been in place.

The players involved in testing and accountability cross organizations and levels. For example, the SBE sets graduation requirements while districts set local writing assessments that supplement state and federal assessments. Figure 4.8 shows our assessment of how decision making authority over student assessment and testing has changed between 1965-2006. As shown in the figure, while the district retains

some control over testing and assessment, NCLB requirements have resulted in a greater federal role.

Figure 4.8: Decision Making Authority over Student Assessment and Testing, California, 1965-2006



Source: Authors' update of CCSGM (1985)

4.6 CONCLUSIONS

In this chapter we have discussed the “what” of California educational governance. As part of this analysis we have examined the role of different institutional players in each of these functions. In other words, we have tried to assess what institutions have most control and impact on each particular dimension of school system activity. Finally, we have considered the two dimensions across time, drawing on the earlier work of the 1985 Commission that examined changes between 1965 and 1985, and adding our own evaluation for 2006. As noted in the introduction to the chapter, this is something of an art, not a science. However, we think it is useful in illustrating several critical points as well as proving pointers for possible future governance reforms. It is worth noting that while on paper there has been a noticeable increase in power at the state level at the expense of local control, it is unclear the extent to which the paper transfer of power translates into real power shifts. Thus, the power shifts we discuss below (and throughout the chapter) are based on changes to regulations, laws, etc., which may or may not result in actual shifts in power.

A summary of our analysis is shown in Table 4.3.

Table 4.3: Distribution of Authority by Function and Institution, 1964-2006

Function	Level																	
	Site			District			County			State			Federal			Other (e.g., unions)		
	64	84	06	64	84	06	64	84	06	64	84	06	64	84	06	64	84	06
Structure/ Organization	0	0	0	4	2	2	2	2	1	4	5	6	0	0	0	0	1	1
Revenue Generation	0	0	0	6	0	0	1	0	0	3	8	9	0	2	1	0	0	0
Resource Allocation	0	0	1	7	4	3	0	0	0	3	2	3	0	1	1	0	3	2
Facilities Planning/ Management	0	0	0	6	2	4	0	0	0	4	7	6	0	1	0	0	0	0
Staffing	0	1	1	5	3	2	1	0	0	4	2	2	0	0	1	0	4	4
Training/ professional development	0	0	0	4	3	3	1	1	1	4	4	3	1	0	1	0	2	2
Curriculum	1	1	1	4	5	3	1	0	0	3	4	5	1	0	1	0	0	0
Testing/ Assessment	3	0	0	5	4	1	0	0	0	1	6	7	1	0	1	0	0	0
TOTALS (Maximum possible 80)	4	2	1	41	23	18	6	3	3	26	38	41	3	4	6	0	10	10

Source: Authors' update of CCSGM (1985)

First, *there are considerable differences in the distribution of authority by function.* Some, such as resource generation, are dominated by a single level (in this case the state), while in others there is shared control.

Second, *there are considerable differences in the distribution of authority by level.* In 1965, local districts were clearly the dominant party. Today, as in 1985, the state is by far the most important player. In fact, our analysis suggests the state has the most, or at least equal authority, in every function shown in Table 4.3

Third, *many of the trends that occurred between 1965 and 1985 have continued.* The "headline" from that report was the growing role of the state, in particular because of the move to a state based school finance formula. Trends since 1985 have not been as great but there has been little reversal. There has been a modest continuing erosion of authority at the district level, and slight increases at the state and federal level, largely due to the role of standards based accountability and rise in student assessment. One of the superintendents we spoke to described how he has seen governance shifting from an equal balance between federal, state, district and local to 50% state by late 90s and 75% state today. Danzberger, Kirst and Usdan (1992) note, "School boards have been the biggest loser in the power shifts of the past 30 years" (p. 27). Counties have seen incremental growth; their ability to grant charters and their oversight of districts' fiscal soundness as per AB1200 gives them some continuing important functions in the system. Additionally, as a result of the Williams lawsuit, county offices are now (somewhat controversially) responsible for direct oversight of districts in the area of adequacy of facilities and curriculum materials.

Fourth, the *federal government has become an increasingly important player* in recent years though *No Child Left Behind* legislation. Although the overall impact is still modest relative to the state and local roles, it is having a noticeable impact particularly in Title I schools, which include over 50% of the public schools in California. Federal accountability requirements affect state accountability requirements which in turn affect what districts can and cannot do. In addition, various federal funding streams have different requirements on them than in the past, and reporting compliance also generates demands throughout the rest of the system.

Fifth, conventional public *school sites have little authority over the important educational functions.* If anything, we see further erosion in school site control since 1985, as NCLB and state accountability that holds districts responsible for continual improvements in student achievement has resulted in the growing usage of district-wide curriculum programs, many of which leave little room for classroom or site changes. Further, collective bargaining contracts have further expanded in scope over this period, resulting in very little flexibility over hiring and staff allocations at the school site level, other than through savvy manipulation of contract and other rules. We don't take a position here on whether this lack of school site control is a "good" or "bad" thing, but it is surprising in light of organizational decentralization that has occurred in many other sectors of the economy, and the fact that the school sites are closest to and in the most contact with the students they serve. The overall trend in conventional public schools has been offset to some extent by the introduction of "special cases" like charter schools. Additionally, it is worth mentioning that even though limited in their flexibility and authority, school sites do

still have the capacity to make critical educational decisions regarding classroom instruction. See, for example, Williams et al, 2006.

Sixth, the *unions play a major role in several critical functions, notably resource allocation and staffing*. Collective bargaining at the local level combined with statewide union political influence remains strong or even stronger than in the past. When combined with state control of revenue generation and use of categorical funding, the result is relatively little flexibility over resources and staffing. Needless to say this severely limits schools' ability to adapt to local conditions and to changing needs over time. We return to this in Chapter 6.

5. THE HOW OF CALIFORNIA'S EDUCATIONAL GOVERNANCE

5.1 INTRODUCTION

Although the configuration of different functions performed by the school system, and who does it, is a large part of the governance picture, it is not the whole story. In addition to being able to choose what the school system will do and who will do it, policymakers can accomplish their goals through very different means.

We first discuss the major formal mechanisms that are used in California to govern the K-12 educational system. These include ballot propositions, legislation, the state Education Code, and district policies. As we noted in the introduction to the report, even this list is a subset of the mechanisms that come into play to affect what schools can do on a day to day basis. Notably, federal regulations and court decisions can have very important impacts on educational governance, but for the purposes of this report, we treat them as "given".

We then discuss how these various mechanisms can be viewed in a broader context of types of policy instrument available: mandates, inducements, capacity-building, and system changing.

5.2 PROPOSITIONS

In 1911, the California Constitution was amended to establish the initiative process in the state. According to a report put out by the Secretary of State's Election Division entitled *A History of California Initiatives: December 2002*, prior to 1911, Californians "voted only on measures and acts that were placed on the ballot by the legislature" (p.3). The change to the state constitution provided for a direct initiative process, which allows a citizen "to place an issue of interest on the ballot for voter approval or rejection" after first submitting a title and summary to the Attorney General and then gathering signatures of registered voters who support the initiative going to the ballot: a minimum of 5% of all the votes cast for the office of governor in the last election for initiatives that would revise a state statute and 8% for an initiative that would amend the constitution. The 1911 change also introduced an indirect initiative process by which citizens could appeal to the Legislature to place a measure on the ballot. However, under Proposition 1A, approved by the voters in 1966, the indirect initiative process was revoked due to the infrequency of which it was used.

Until 1960, initiatives were only permitted on general election ballots; since then, they have been allowed on primary and special election ballots as well. Importantly, unless the text of an initiative states otherwise, approved initiatives are not subject to veto by the governor; likewise, they cannot be amended or repealed by the legislature "without a vote of approval of the electors" (Secretary of State's Election Division, 2002, p.3). In order to assess how prevalent the initiative process is in

forming education policy in California, we conducted a review of initiatives related to education since the initiative process was established through to the present. We were interested in several aspects of this decision making mechanism: the ratio of initiatives introduced to those ultimately passed, whether the use of voter initiatives to form education policy has grown or declined, and the types of education issues deemed important by the public at large. As shown in Table 5.1, the vast majority of initiatives fail to qualify for ballot; indeed, only 48 out of 313 have made it to the ballot in almost 100 years; only 15 of the 48 were approved by the voters.

Table 5.1: Education Initiatives 1913-2005

Years	Qualified for the ballot			Failed to qualify for ballot	Withdrawn from circulation	Total
	Approved by voters		Rejected by voters			
	Amended Constitution	Amended Statute				
1911-1919	0	1	1	2	0	4
1920-1929	1	0	2	1	0	4
1930-1939	0	0	3	3	0	6
1940-1949	1	1	0	0	0	2
1950-1959	1	0	1	0	0	2
1960-1969	0	0	1	6	0	7
1970-1979	0	1	1	15	0	17
1980-1989	1*	1	0	21	0	22
1990-1999	1*	3	4	24	9	40
2000-2005	1*	5	17	178	7	209

*These three initiatives amended both the Constitution and state statutes, so were counted in both columns.

Source: Authors' synopsis of Secretary of State Election Division report, *A History of California Initiatives: December 2002* as well as correspondence with election division staff.

As shown in the table, voter initiatives were used relatively rarely from 1911 through the 1960s. The mechanism gained momentum in the 1970s and continued to become more prevalent throughout the 1990s; with the current decade only half over, it appears the steady climb has not yet peaked. However, despite the rise in the use of initiatives in the 15 years, there had not been a rise in the number that qualified for the ballot or that are ultimately passed by the voters until the present decade. Even in recent years, although a greater number of initiatives overall have passed than in previous decades, the percentage of initiatives that pass remains

quite low, under 3%, suggesting perhaps a limit on the public's willingness to engage in education reform.

Looking at those initiatives that qualify for the ballot, Table 5.2 shows the types of issues the public has addressed.

Table 5.2: Types of Initiatives Qualifying for the Ballot, 1913-2002

Initiative Type	Pass	Fail
Bonds	1	1
School Funding	3	0
Taxation	1	6
Curriculum	1	1
School system organization	3	1
Governance/ administration	0	2
Labor issues	0	2

Source: Authors' synopsis of Secretary of State Election Division report, *A History of California Initiatives: December 2002* as well as correspondence with election division staff.

As shown in the table, it is much more likely to gain voter approval for an initiative that changes state funding for schools than one that changes taxation. Similarly, voters tend to approve initiatives aimed at re-organizing the school system, but not initiatives that affect school governance or administration.

Despite the small number of initiatives that pass the ballot process, voter initiatives remain a significant venue through which the public can actively be involved as change agents in educational decision making. Even initiatives that fail to qualify for ballot increase public – and legislative – awareness of issues. We discuss in Chapter 7 the down side to the public creation and adoption of education policy as viewed by several of our interviewees.

5.3 LEGISLATION

The Legislature introduces a number of bills related to educational governance each year. In order to better understand the role of the Legislature in forming education policy, we conducted a review of legislation introduced and chaptered in select years going back several decades. The purpose of the review was to ascertain how, if at all, the Legislature's role in educational governance has changed over time. Table 5.3 shows a summary of education bills introduced in California since 1983.

Table 5.3: Education Bills Introduced and Chaptered in California, 1983-2005

Subject	1983				1988				1993				1998				2003				2005				Total
	Assembly		Senate		Assembly		Senate		Assembly		Senate		Assembly		Senate		Assembly		Senate		Assembly		Senate		
	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	
Adult Education					2				4	3											6	1	1		17
After School Programs													3	3	1	1	1		2				4	3	18
At-Risk Youth					1		1						1	1			2	2							8
CA Master Plan for Ed							1										2								3
Career/Technical Ed	1	1	3	3	2	2	1		1								3	1	1		8	1	7	1	36
Categorical programs			3	2	3				1																9
Charter Schools													2	2			7	1			7	3	6	2	30
Child/Day Care					23	6	11	2	11	5	7	3	1				1	1							71
Class Size Reduction					1		2						3	2	1	1	4		1		2				17
Curriculum/Inst Materials	2	1	1	1	9	1	8	1	2	2	5	4	7	5	5	3	20	5	6	3	19	3	4		117
District Administration					1		1	1	2		2	1	3	2	2	1	3				1				20
Early Childhood Ed							1		1												4				6
Education Technology									1				2	1									1		5
Educational Programs					14	6	8	2	6	3	2		5	4	5	5	2				4	1			67
English Learners					6	1	5		2		2		1		1		1	1	1	1	1				23
Health					3		3								2		6	3	5	4	17	4	6	4	57
Miscellaneous					10	6	6	2	12	7	14	3	3	1	6	4	12	4	2	1	22	5	7	3	130
Parent Involvement					2								2	2											6
Performance/Assessment					1								3	2	1		8	2	7	4	5		3	1	37
Pupils	2	2			8	6			6	3	1	1	4	1	2	2	1	1			1		2		43
Reform/Accountability					1	1			1	1			3	2	3	1	4	3	4		6	2			32
School Attendance					2		1		3	2			3	2	1	1	8	2	2	2	4	1			34
School Employees	6	5	2	1	28	15	19	6	25	15	20	8	5	2	4	1			1	1	3	1			168
School Facilities	3	2	2	2	31	5	15	3	7	3	9	4	6	4	3	2	24	7	6	4	20	3	3	1	169
School Finance	5	3	5	5	17	4	15	4	29	18	9	4	7	6	8	7	13	4	6	3	14	3	7	2	198
School Safety					4	1	1		2	1			5	1	4	3	4	2	1	1			2		32
Special Education	1	1	2	1	4	2	1	1	4	3	1	1	2	1	1	1	11	4	3	2	6	1	3		57
Teaching Profession					2	1	2	2					15	12	2	1	8	4	3	2	10	1	4	1	70
Transportation					3	1					1	1	1		2	2	1				5				17
Totals	20	15	18	15	178	58	102	24	120	66	73	30	87	56	54	36	146	47	51	28	165	30	60	18	1376

Note: I = Bills Introduced; C = Bills Chaptered

Source: Authors' analysis of legislative summaries for selected year

As shown in the table, the four areas most often addressed in legislation over the twenty year period were curriculum and instructional materials, employees, school facilities, and school finance.

Our analysis of legislation that has been chaptered in the period examined reveals that the content of the legislation ranges from the very broad to the extremely narrow and from the rather general to the very prescriptive. For example, SB 1193 requiring a 180 day school year is very broad in scope, applying to all schools, and very prescriptive, reducing schools' use of pupil-free days for professional development from 8 to 3 days per year. In another case, AB 1626 is also very broad in its requirement for all schools to adopt promotion and retention policies, but general in allowing schools to determine when retention is appropriate. AB 2363, on the other hand, is very narrow in assigning the SPI responsibility over the allocation of start up grants for schools that initiate an International Baccalaureate program, but general in that it doesn't specify criteria for such grants. Finally, AB 1093 is both narrow and prescriptive, reducing the mileage traveled annually from 500,000 to 350,000 miles for the Mariposa Unified School District to be eligible for \$350,000 in home-to-school transportation funding.

Over time, legislation has tended to be more prescriptive. According to Timar (2002), "the pace of legislative activity has intensified" recently as has the "level of intervention and top-down control by state-elected officials into the affair of curriculum policy" (p.56). Our data supports this: as shown in the table, the Assembly introduced 20 bills related to curriculum in 2003 and 19 in 2005, compared with single digits in each of the previous years examined. Timar (2002) also notes the increase in programs and mandates in recent years:

Schools have been flooded with a blizzard of new programs and mandates. The state now bans social promotion and requires schools to provide remedial instruction for students during the summer. Students must pass a high school exit exam in order to receive a diploma. The SBE requires all students to take algebra in the 8th grade. These requirements come on top of class size reduction, high stakes accountability, and increasing restrictions in funding (pp.57-58).

Our analysis of state legislation supports these claims. For example, looking at just the legislation related to performance and assessment, there were no bills chaptered in the first three years examined (1983, 1988, 1993), two in 1998, six in 2003 and one in 2005. Similarly, there were just two bills related to reform and accountability chaptered in the first three years examined, and eight in the last three. These bills include AB 36, which requires the SPI to rank all schools by STAR score and AB 953 which established the Early

Warning Program to identify LEAs in danger of being identified as program improvement under NCLB.

Increases in the number of new legislation each year, in addition to the actual regulations they contain, has the additional effect of providing an excuse for stagnancy. It is easier for a superintendent or principal to avoid change under the weight of complying with a pile of new legislation. We would think that the number of new regulations is likely proportional to the ease of finding an excuse not to innovate – or, alternately, the height of the hurdle for those who would otherwise try out new methods or ideas.

It is also important to note that while the level of prescription has increased, the time spent formulating legislation often has decreased. Timar (2002) notes, “Increasingly, major decisions about education are the products of last-minute deals made by a handful of people during budget negotiations. For example, the Class Size Reduction Program enacted in 1996 ... was introduced and passed into law in one day” (p.58). This program, while politically popular, “exacerbated the problem” (p.58) of teacher shortages in some districts and suffered implementation problems in rural districts and “districts with severe space shortages” (p.59). Some shortcomings of the process through which education policy is enacted are discussed further in Chapter 7.

5.4 THE EDUCATION CODE

In addition to the state constitution, California law consists of 29 Codes, made up of state statutes, bills chaptered by the Secretary of State after passing through both houses of the legislature. The Codes – updated annually to include the most recent statutes – cover a diversity of topics, everything from the Elections Code to the Fish and Game Code to the Education Code.

California’s Education Code¹² is currently comprised of three major sections, called Titles: General Education Code Provisions, Elementary and Secondary Education, and Postsecondary Education. Within each Title, there are a number of Divisions, (e.g., Division 2: State Administration), broken down into Parts, Chapters, and Articles. For example, the responsibilities given to the Superintendent of Public Instruction can be found in: Title 2, Elementary and Secondary Education; Division 2, State Administration; Part 20, State Educational Agencies; Chapter 2 Superintendent of Public Instruction; Article 2, Powers and Duties. This article covers code sections 331100-33133, which

¹² In addition to the more than 100,000 sections of the Education Code, there are sections in the Government Code that pertain to schools. The three identified by an advisor to the study were: prohibitions on contracting out; use of closed public school buildings for charter schools; and the availability of closed schools’ park space to be purchased by City Park districts at the cost when built adjusted for inflation.

detail everything from the provision that the “Superintendent of Public Instruction may employ one Deputy Superintendent of Public Instruction and necessary clerical and expert assistants” (Section 33110) to “The Superintendent of Public Instruction may enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the technical schools of the public school system, except the California State University” (Section 33115) to “The Superintendent of Public Instruction shall, not later than the 25th day of July in each year, prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and furnish a certified copy of the estimate to each county or city and county superintendent of schools” (Section 33118).

The Education Code has grown significantly since its inception in 1943.¹³ It is revised each year to reflect the adoption of new legislation, amendments to legislation, and repealed or outdated legislation. A surface analysis of the Education Code (in terms of the number of pages and major sections) every ten years from 1945 through to 2005 was conducted to examine changes over time. We sought to gain a better understanding of the role of the Education Code in shaping education governance over time. For example, a smaller Code over time might suggest more flexibility and innovation encouraged throughout the system, one of the five indicators of good governance we discuss in Chapter 6. Or, a Code that delineates clear lines of authority might enhance accountability, another of the governance indicators we discuss in Chapter 6.

Our analysis found that in its early years, the Code was shorter and less exhaustive and has grown steadily over time. For example, in 1945 it was 550 pages long not counting the index and had just 13 major sections called divisions; by 1955 it had more than doubled in length to 1271 pages but with the same number of divisions (with a sizable addition of chapters and articles); in 1965 it shot up to 2464 pages and 22 divisions. 1976 saw a reorganization of the Code into its current format of 3 titles and the addition of “parts” as subheadings under the divisions; by this point the code had reached 4 volumes, one of which was devoted entirely to the index and cross-reference. At this point, there were 2015 pages not counting the index volume and in 1985, it grew to 2587 pages without the index. In the 1990s, “desktop” or “pamphlet” versions of the Code were established, condensing the full text of the Code into one volume of ultra-thin paper. The 1995 pamphlet version of the Education Code was a slim 1685 pages, but it again shot up in 2005 to 2155 pages without the index.

¹³ Before the establishment of the Education Code, the “Schools Code” detailed regulations governing schools in the state. Although our analysis doesn’t include the Schools Code, we acknowledge that rules existed prior to the first version of the Education Code in 1943.

This growth of the Code over time reflects both the addition of new code sections (e.g., after the passage of the state's charter school law in 1992, a completely new section, Part 26.8, Charter Schools, was added with six chapters and eight articles, and one article was added to each of three existing sections: Part 1, General Provisions; Part 10, School Bonds; and Part 30, Special Education Programs) and also a proliferation of chapters and articles within existing sections. For example, Division 2, Local Administrative Organization, of the 1945 version was the lengthiest section of the Code at that time, reflecting perhaps the high percentage of authority given to local agencies and relatively lesser role at the state level. This division consisted of 16 chapters with a total of 112 articles among them. The corresponding section of the 2006 Code, Division 3, Local Administration, has 57 chapters (organized under seven parts) with a total of 186 articles among them.

More striking is the growth of the sections on state and county administration. One of the smallest sections of the 1945 code, Division 1, State and County Administrative Organization had only two chapters and six articles. By 1965, state and county had become two separate sections, Division 2, State Educational Agencies, and Division 3, County Boards of Education. In the 2006 edition, the sections corresponding to state and county administration, Part 2, County Educational Agencies and Part 20, State Educational Agencies, had a combined total of 17 chapters and 57 articles.

In addition to examining growth in pages and sections of the Education Code over time, sections pertaining to the roles and responsibilities of state, county, and local agencies were examined to assess changes over time. These can be found in table form in Chapter 3.

Although the breadth and level of detail of the Education Code makes it seem like the Code is very prescriptive and limiting, the permissive environment described in section 3.4 of Chapter 3 added a great deal of flexibility. Before this section was added, the "general rule of law" was that a government agency "can only do what is authorized by statute; it cannot do or undertake any program or activity simply because it is not prohibited" (Education Code Reform Task Force, 1995, p. iii).

The permissive code section, in effect, reversed that practice for local school districts, county boards of education, and county superintendents. According to the language of the Code, the reasoning behind granting this local control is the recognition that local areas have "diverse needs unique to their individual communities and programs" so there should be "flexibility to create their own unique solutions" (Section 35160.1.a).

Part of this permissive section is very broad, such as the stipulation that gives local agencies discretion over "expenditure of funds for programs and activities which ... are necessary or desirable in meeting their needs and are not inconsistent with the purposes for which the funds were appropriated"

(Education Code Section 35160.1.b), while other sections are more prescriptive, requiring that certain policies be created, but giving the local agency prerogative over the content of the policies. For example, local agencies are required “as a condition for the receipt of an inflation adjustment ... [to] establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive ... [which] shall ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period” (Education Code Section 35160.5.a) but the specifics of this policy are left to the local agency to decide. Similarly, another part of this section states that “as a condition for the receipt of school apportionments from the state school fund ... [local agencies must] adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district” (Education Code Section 35160.5.b) but again the particulars of this policy are left to the discretion of the local agency.

The permissive code section is often cited in court cases as a way to determine the legality of a school district’s actions. One notable example comes from the 1993 case of *Choice-in-Education League v. Los Angeles Unified School District* in which the Superior Court of Los Angeles reversed an earlier decision against LAUSD for broadcasting a board meeting in which the members of the board took a position opposing a voucher initiative. The residing judge found that Education Code section 35160 gives local agencies “broad authority to carry on activities and programs ... in meeting their needs ... [and] although the Education Code sets out some permitted activities of school districts, there is no statute expressly dealing with the issue of the authority of a school district to adopt a position on a state wide initiative” (retrieved from LexisNexis July 24, 2006). In other words, since the Education Code doesn’t prohibit the action LAUSD took, it was legal for them to do so. When the lower court used a prior case, *Stanson v. Mott* to reach their decision against LAUSD, the appeals court noted in their reversal of the trial court’s decision that “Stanson involved a state administrative agency, and not a local school board granted broad powers and fiscal authority by the Legislature in Education Code sections 35160 and 35160.1” (retrieved from LexisNexis July 24, 2006).

In addition to the permissive code section, another aspect of the Code that gives school districts leniency is the waiver authority granted to the State Board of Education (SBE) as per 1981’s Assembly Bill 777. As specified in Section 33050, “Waiver Authority,” the SBE can grant waivers to school districts allowing them exemptions from certain aspects of the Education Code. As required by law, the CDE’s Waiver Unit compiles an annual synopsis of which Code sections have been waived during the year. We reviewed these waiver reports in order to assess the prevalence of this mechanism for local control. Our purpose was twofold: we wanted to see whether the use of waivers has changed over time with increases in state control, and what specific types of waivers are requested and granted. Table 5.4 below

summarizes the frequency of waivers requested and granted for certain sections of the Code since this section was added to it.¹⁴

Table 5.4: Education Code Waivers 1982-2005

Report on Year	Approved	Denied	No Action	Withdrawn	Total	% approved
1982	615	30	29	39	713	86.2
1984-85	1169	9	1	15	1194	97.9
1985-86	971	5	0	4	980	99.1
1986-87	612	9	0	12	633	96.7
1987-88	786	7	0		793	99.1
1988-89	778	5	0	37	820	94.9
1989-90	949	18	0		967	98.1
1998	246	3	86	24	359	68.5
1999	712	12	86	29	839	84.9
2000	215	10	39	21	285	75.4
2001	599	60	79	39	777	77.1
2002	506	8	123	47	684	74.0
2003	400	20	25	71	516	77.5
2004	489	18	25	44	576	84.9
2005 ¹⁵	225	7	21	24	277	81.2

Source: Authors' compendium of CDE Waiver Unit reports, 1982-2005

From the table, in the first seven years after the waiver section was added to the Education Code, an average of 871 waiver requests were made, an average of 96% of which were granted. Although both the average number of waivers requested and the average number granted decreased dramatically – 539 and 78%, respectively – in the years since the office was disbanded in 1990 and then reestablished in the 1997, waivers remain a viable means for school districts to exercise local control.

In addition to the change in the average number of waivers requested and the percentage granted over the years, there have been changes over time in the types of waivers requested, reflecting the changing requirements placed on districts over the years. Table 5.5 shows the most common areas (10 or more requests in a year) for waivers requested and granted.

¹⁴ It is important to note that there were no comprehensive waiver reports compiled during 1990-1998 because the waiver office was dismantled in 1990 and re-established in 1997. During the intervening years, individual departments were tasked with keeping track of waiver requests but no comprehensive reports were issued.

¹⁵ The data for 2005 are in draft form – final numbers may differ.

Table 5.5: Education Code Waivers: Category of Waivers Requested, 1982-2005

Code Section	1982	1984 -85	1985 -86	1986 -87	1987 -88	1988 -89	1989 -90	1998	1999	2000	2001	2002	2003	2004	2005
ADA Calculation, weekend classes	13/13														
Algebra I graduation requirement														190/ 191	
API											20/83				
CBEST		187/ 189	143/ 145	74/76	109/ 109	127/ 127	137/ 137								
Charter Schools								34/40						9/15	6/18
Charter School Attendance									10/11	14/16	10/12				
Class size	6/12	37/37	45/ /45	22/23	48/48	31/31	42/43	19/29							
Community Day Schools								24/28	43/56	9/16	8/12	8/11			
Degree Requirement for Substitutes					25/25	20/20	27/27								
Driver's Ed, Credential	2/16	13/14	16/16	11/12	12/12	17/17	15/15								
Driver's Ed, Program	224/ 224	41/41													
Election Consolidation	173/ 173														
Equity length of time												14/15	17/19	23/25	
Federal Waiver													16/29	34/35	43/46
Golden State Seal Merot Diploma													83/83		
High Priority Schools Grant Program												12/97			

Code Section	1982	1984 -85	1985 -86	1986 -87	1987 -88	1988 -89	1989 -90	1998	1999	2000	2001	2002	2003	2004	2005
II/USP										97/97	21/23				
Independent Study								11/15	12/15						
Instructional materials availability hearings								24/25	497/535				50/53	24/26	
Instructional Materials Fund											47/48	59/61	11/16		16/22
Instructional time and PD Reform Program								22/23	14/14		9/12		14/16	15/15	
Library Services Credential							39/39								
Math Professional Development											91/92	13/15			
Mentor Teacher		7/11						45/45	46/58						
Middle School Program Review Cycle					25/25										
Miller-Unruh Credential Requirement					56/56	62/62	74/75				21/21				
Minimum funding for SIP						31/32	29/29								
Out of State Use of Funds												19/19			
Peer Assistance/ Review Program											9/11				
Petition												11/13			
Primary Language Instruction						42/48	51/51								
Program Quality Review Alteration					34/34	43/45	44/44		18/21						

Code Section	1982	1984 -85	1985 -86	1986 -87	1987 -88	1988 -89	1989 -90	1998	1999	2000	2001	2002	2003	2004	2005
Prop 227								0/44							
Purchasing	10/10														
Sales and Lease of Property	12/16	62/62	37/37	20/20	29/29	30/31	11/14		10/10						
Schiff Bustamante											23/36	9/10			
School Holiday	254/ 255	665/ 668	448/ 448	37/38	60/60	60/61	182/ 182								
School site council: attendance area					17/17										
Single school site council for two sites							12/12								
SIP fund Disbursement					34/34	28/28									
Special Ed											73/10 2	89/11 2	35/54	39/57	31/37
State Meal Mandate	37/39	106/ 108	216/ 217	168/ 170	200/ 200	132/ 133	126/ 126	15/27	15/19	14/16	196/ 211	202/ 233	123/ 172	106/ 139	69/77
Totals	731/ 758	1118/ 1130	905/ 908	332/ 339	649/ 946	623/ 635	761/ 766	194/ 276	665/ 739	134/ 145	528/ 663	438/ 586	349/ 442	440/ 503	165/ 200

Note: Numbers reported by #approved/#requested

Source: Authors' compendium of CDE Waiver Unit reports, 1982-2005

As shown in the table, although the code sections for which waivers are requested has changed to some extent over the years, there is also a recurrence of certain areas, suggesting that perhaps the sections of the Education Code dealing with these areas should be amended. The most striking of these is the state meal mandate, a school's requirement to provide food for students who qualify for free or reduced lunch. Not only is this the only code section for which waivers have been requested every year of waiver reporting, the number of waivers requested was consistently high throughout the 20 year period.

There are a large number of Code sections that seem superfluous. For example, does the state government really need to legislate that school districts are allowed to "for the purpose of providing practical instruction in agriculture, establish one or more school farms for any one or more of the schools of the district whenever in its judgment it is advisable to do so" (Section 52700)? Or, in another example, does the Code really need a section specifying that, "All printing or binding required by the Superintendent of Public Instruction or the State Board of Education, or by any educational institution, except the California Community Colleges and the University of California, supported entirely out of state funds ... shall be performed by the Department of General Services in the form and manner and at the prices of other state printing, and be paid for in like manner" (Section 32300)?

We are not the first to suggest such a culling of code sections: SB 57 in 1985 specified the intention to "identify references that are inconsistent, ambiguous, obsolete, or otherwise inappropriate" partly to relieve districts of the "administrative burden of seeking waivers of inappropriate provisions" (Education Code Section 37220) and to provide maximum flexibility to districts in how they implement policy and programs. To this end, School Services of California, Inc (SSC) performed an analysis of the Education Code for the Legislative Analysts Office to identify outdated codes and codes that placed unnecessary restrictions on local school districts. Their report identified several hundred Code sections that could be deleted, including one that required the Superintendent to ensure that the district's lights were turned off at the end of each day, an unimaginable task in modern urban districts. The SSC report classified the sections they deemed as superfluous in one of three ways: technical, modest policy or political impact and major policy change. The codes in the first category were deleted from the Education Code; those in the other two categories were left as is.

A decade later, an Education Code Reform Task Force was created under SPI Delaine Eastin with the mission of establishing a "simplified" Ed Code more understandable to parents, teachers, school employees and students and "to facilitate student learning by promoting increased flexibility through the exercise of greater local discretion under the permissive education code" (Education Code Reform Task Force, 1995, p.21). The five main recommendations coming out of this task force were:

1. To repeal all statutes in the Ed Code granting permission to school districts for certain programs or activities, as this is superfluous since the addition of the permissive Ed Code section.
2. Limit additions to those deemed necessary to accomplish "a policy of statewide application" (Education Code Reform Task Force, 1995, p.1).
3. Limit the Ed Code to policies related to K-12 education.
4. Remove "legislative findings, purpose, and intent language" (Education Code Reform Task Force, 1995, p.2).
5. Include "non-binding guidance or non-precedential, private rulings" (Education Code Reform Task Force, 1995, p.2) to limit the need for new legislation or court action.

None of these changes were ultimately implemented, but certainly the case for a similar kind of analysis and action plan today seems as strong as ever.

There are a number of additional regulatory mechanisms available to the state to affect the activities of school districts and schools. This includes Coordinated Categorical Review (CCR) whereby the CDE conducts compliance monitoring of specially funded programs, and the Financial Crisis and Management Team (FCMAT) which monitors the fiscal health of school districts as well as facilities. These are discussed in greater detail in Timar (2002).

5.5 SCHOOL DISTRICT POLICIES

In addition to legal requirements on school districts that flow from the federal and state levels, individual schools and classrooms are subject to an array of district policies passed by local school boards and administered by the district superintendent and other central office staff.

The California School Boards Association distributes a CD of "sample" policies – some mandatory and some optional – for school districts to adopt to meet the needs of their district. The sample policies include nine major sections:

1. Philosophy, Goals, Objectives and Comprehensive Plans, which covers everything from creating a district mission statement to a technology plan.
2. Community Relations, addressing such topics as media relations, citizen advisory committees, and relationships between private industry and the schools.
3. Administration, which outlines the superintendent's responsibilities and duties and administrative leeway.
4. Business and Noninstructional Operations, covering budget, transportation, food service, etc.
5. Personnel, including policies for certificated, classified, and confidential personnel.
6. Students, addressing a range of topics including evaluation of student achievement, conduct, dropout prevention, and health care services.

7. Instruction: school calendar, class size, courses of study, extracurricular activities, high school graduation requirements, etc.
8. Facilities, covering topics such as evaluating existing buildings, facility financing, and naming of facilities.
9. Board Bylaws, providing sample policies for terms of office, meeting conduct, conflict of interest, etc.

The topics under each section are explained in detail, providing sample language for a district to adopt. For example, under the optional policy for school-based decision making, it states:

The Governing Board desires to improve student learning by giving decision making opportunities to the people who are closest to the students. The Board shall adopt policies which support decision making appropriate to the site level and shall oversee district accountability for such policies....
The Board desires to support staff decision making responsibilities with appropriate in-service training, to encourage creativity at school sites, and to evaluate staff performance in relation to school objectives. The Superintendent or designee shall help school decision teams establish planning processes, make efficient use of resources and staff, and develop new programs based on the needs, interests and resources at their individual schools (California School Boards Association, 1999, Section 420.5).

For schools operating within districts, the combination of district regulations combined with state and federal regulations and reporting requirements undoubtedly significantly affect what can and can't be done in all aspects of day to day decision making.

An interesting exercise would be to obtain samples of district policies from a range of school districts to determine the extent to which there is significant variation in the flexibility given to schools by districts. This would be a useful analysis in part because it would also permit a validation (or otherwise) of many of our superintendent interviewee's claims that the state was the source of most regulation, rather than their own district boards.

5.6 COLLECTIVELY BARGAINED LABOR CONTRACTS

As noted in Chapter 3, various employee associations are important players in educational governance. They are very active at the state level in political affairs including lobbying for specific pieces of legislation and contributing to political campaigns for ballot propositions and for candidates for elected offices. A network of local affiliates often actively works for candidates sympathetic to the association's position in state legislature and gubernatorial races and in local school board races. Through voter mailers, advertising and 'street' level

organizations, employee associations can and do have a significant impact on election outcomes.

Employee groups are also critical because, as we discussed in Chapter 4, they affect the way resources in the educational system are allocated. One of the major instruments of school governance, therefore, is the labor agreements reached by the various employee associations and employers. Although the CDE and county offices employ some staff, the vast majority of those employed in K-12 schools are employees of a particular local school district.

Collective bargaining in California education is supported by a series of underlying statutes. Most notably, in 1976, as membership in the CFT and CTA continued to increase, SB 160, the Rodda Act, was enacted. The Rodda Act established collective bargaining for public employees and allowed organized teachers' unions to develop a more traditional labor versus management posture with respect to the state's school districts. The act also required school districts to share with employee unions the authority to set school funding priorities. The strong position of unions in California is in strong contrast to other states – 23 states prohibit teacher collective bargaining and 10 more allow districts to decide whether to bargain or not.

To get a sense of the extent to which labor contracts govern what takes place in schools, we conducted a content analysis of sample collective bargaining agreements from districts of varying sizes, namely:

- Charter Oak Unified, with 10 schools serving 7,110 students;
- Tulare Joint Union, with 5 schools serving 4,350 students;
- Fremont Union, with 6 schools serving 9,320 students;
- Evergreen Elementary, with 17 schools serving 13,111 students;
- San Francisco Unified, with 118 schools serving 56,236 students; and,
- Los Angeles Unified, with 721 schools serving 741,283 students.

Collective bargaining agreements generally cover a period of 3-4 years, after which they must be renewed. Although varying greatly in terms of length (Evergreen's was the shortest, with 89 pages to San Francisco's 209 pages to Los Angeles Unified's 319 pages), there were common areas addressed in each document, including:

- Personnel matters: Staffing and assignment, counselors, deans, head counselors, department heads, evaluation, personnel files, grievance procedure, due process for complaints, day-to-day substitute teachers, promotional opportunities for substitute teachers, librarians, special assignment teachers, teacher interns, itinerant teachers, peer assistance and review, physical and mental examinations;
- Educational Programs: child development programs, special education, bilingual education, summer school, Saturday school, evening school;

- Work requirements: Parent-teacher conferences, days and hours of employment for K-12 teachers, class size, professional development, and preparation time allocated to teachers;
- Financial matters: Leaves, salaries, increments, and classification changes, fringe benefits, liability insurance, pre-retirement/early retirement program; and,
- Miscellaneous: Health and safety, restructuring, mentor teacher program, union building committee, living contract committee, disciplinary action, consent decree

As we have noted elsewhere, our stakeholder interviews suggested that some local level managers (i.e., superintendents) felt constrained by the labor agreements signed with their teachers' unions particularly in regard to provisions around work requirements. Labor contracts are of course agreements that are signed by *two* parties – employee unions and board-approved district negotiation teams. It is not therefore correct to imply that these contracts are attributable solely to unions. In principle at least school boards are equal parties in the negotiation. This process is somewhat distorted, however, in a number of ways. For example, unions are free to influence school board composition. In some cases, local unions provide financing to back the campaigns of particular candidates, and those elected may be teachers or members of other employee unions. If this is the case, the bargaining process is compromised to some extent because the board is not fully independent of the employees they are bargaining with. Although there is little hard evidence on the effects of this process, or how widespread it is, it is a concern that is commonly voiced, and was mentioned by several local superintendents in our interviews. In some states, there are limitations on the extent to which organized interests – be they unions or other groups – can contribute to school board candidates in elections, and in making school district employees ineligible to run for school board offices. Restrictions of this kind would help minimize both the perception and the reality that the bargaining process is somehow an impediment to good resource allocation.

Another important aspect of collective bargaining is the influence of state level organizations. Although each district bargains itself, the resulting agreements have considerable similarity across districts. For example, almost all labor contracts for teachers base compensation on a salary schedule that rewards teachers based on years of experience and credentials. The California Teachers' Association on the one hand, and the California School Boards Association on the other, bind together the local representatives and assist in the negotiations process. Consequently, there is less local variation than might otherwise be expected.

Several superintendents interviewed viewed the collective bargaining influence as a 'negative' because they perceived that it limited their ability to allocate resources in a flexible and creative manner. Some suggested repeal of the Rodda Act or similar measures to limit the scope of bargaining. Others decried the huge amount of time that their districts were forced to spend on the negotiations process, and suggested that the time and energy devoted to the process might be better used on other issues. A recent bill, SB1655, altered current union rules that require

principals with an opening to hire teachers who leave a school voluntarily by no longer requiring principals in schools with API scores in the bottom three deciles to hire voluntary transfers (Gledhill and Yi, 2006).

Several interviewees suggested moving to some sort of statewide salary setting process. This might be viewed as a logical extension of what is already a largely state-determined school finance system. According to the Education Commission of the States, no states negotiate teacher salaries on a statewide basis, but 22 states have statewide teacher salary schedules that set the statewide minimum salaries for teachers. Local districts may exceed the minimum salaries without any limits. Typically, statewide schedules include adjustments based on experience and educational qualifications.¹⁶ Of the 22 states with statewide salary schedules, 12 have state teacher collective bargaining laws and 10 do not.

In a sense, a statewide salary schedule could be viewed as a more “honest” recognition of the balance of authority between the state and local jurisdictions. Since the state already seeks to dictate most of what districts do and state bodies heavily influence bargaining, runs this argument, why go through the costly process of local bargaining? A statewide salary schedule would at its core tie up almost all resources available to local school districts at the state level, but it would simplify and clarify relationships. On the other hand, proceeding in this policy direction to some extent “gives up” on the notion of local control, or at least severely circumscribes its scope. It would likely strengthen the employee unions further.¹⁷ A more promising approach might be to ensure the balance of forces at the local bargaining tables.

5.7 CONCLUSIONS

In this chapter we have detailed some of the major mechanisms that make up the formal governance structure. Through propositions, legislation, and the state Education Code, the state determines much of what goes on in schools. Some of these provide for basic standards, both for student health and safety and educationally. Since the amount of money given to school districts is determined

¹⁶ See ECS, *Statewide Teacher Salary Schedules*, March 2004. Only Washington sets both a minimum salary and a maximum average salary each district may pay. The maximum cannot exceed the average salary under the state schedule. Districts may still negotiate one-year supplemental contracts for pay for responsibilities beyond basic educational duties. But all other salary increases, such as cost-of-living adjustments, must be made by legislative appropriation.

¹⁷ Even with local bargaining, the educational employee unions, particularly the CTA, exerts considerable influence over the system because of its ability to contribute to electoral campaigns of individual legislators as well as run statewide advertising and make use of its local organizational tools. In other state-run institutions that bargain at the state level – for example, prison guards – the employee unions are widely perceived as even stronger than in education. Whether this can be traced to the existence of local bargaining units in K-12 schools is unclear, but it certainly seems plausible.

largely by revenue generated and allocated at the state level, it is not surprising that state level actors are important in determining much of what districts do.

There is a good deal of regulation in the state Education Code that appears superfluous or the result of narrow interests that over time accumulate. Although each section taken in isolation seems reasonable, together they add up to a framework which imposes significant burden on schools and districts. This burden in part is simply the time and expertise it takes to understand whether a particular decision a district makes is in compliance with the regulations. Because of the need to check, to be in compliance, we suspect that there is a dampening effect on innovation and a cautious approach is taken to trying new things. The burden is in part the “compliance mindset” that having a large prescriptive code requires. On top of these are state and federal reporting requirements – as well as legal decisions, court orders and so on – on a multitude of topics ranging from student discipline to personnel to facilities management. In addition, through test-based accountability and various categorical funding streams, the state is able to significantly influence the kinds of instructional program and business and personnel practices that the districts must follow.

Districts operate under this complex network of rules, and in turn have their own set of policies and procedures which the district’s schools must follow. Districts do have considerable flexibility in the allocation of resources in that general fund revenues are by far the bulk of the resources districts receive. Most of these funds go to pay district labor costs, the largest category of which is for teaching staff. Because the state has established a legal framework that requires collective bargaining, the level of salaries and accompanying benefits, workload and other staffing procedures are established through a process of negotiation between school boards and employee unions. These contracts effectively tie up 70% or more of all of the resources available to districts. Over time, as the scope of these bargained agreements has expanded, they have encroached more and more on a range of organizational decisions that significantly affect the ability of district and school management to hire and fire staff, to allocate personnel to different purposes, to vary workload and so on. Employee unions do have considerable protection in California, more so than in most other states. Because districts are required to bargain over working conditions as well as compensation, labor contracts are often extremely lengthy and complex.

In the introduction to Chapter 3, we noted that although our framework for discussing governance makes a normative judgment to place the “what” before the “who”, the reality of the governance system in California is that the state doesn’t do things functionally, but by institution, so we ended up discussing the “who” before the “what” to reflect this. Similarly, in Chapter 2 we presented four governance instrument types: mandates, inducements, capacity-building, and system-changing. Our intention was to organize this chapter around these instrument types, describing key mechanisms under each instrument type. However, when we researched the major mechanisms – propositions, legislation, the Education Code, school district policies, and collectively-bargained labor contracts – it became apparent that they don’t fit nicely into the four instrument

types. For example, legislation can be system changing, such as the charter school law that introduced a host of new players into educational service delivery, or it can be an inducement, such as the class-size reduction law (which is voluntary although often seen as mandated). Thus, as with our discussion of the “what” and the “who”, our discussion of the “how” resorts to reporting the reality, that there are a host of mechanisms employed through varying instruments.

Despite the lack of a clear-cut distinction among mechanisms and instruments used to employ them, we think it is important to consider the mix of instruments that are common in California educational governance. The need to consider more closely the type of instrument used, not just the functions and who does them, is made all the more relevant by the introduction of standards based accountability. The basic premise is to require school districts to reach certain performance targets. In this context, the state’s role is to set the targets, which include curriculum standards, and to administer student assessments to determine if the targets are being met. However, this kind of outcomes based accountability is based on the notion that the units being held accountable – in this case, school districts – have the flexibility to determine for themselves how resources should be deployed.

6. EVALUATING CALIFORNIA'S EDUCATIONAL GOVERNANCE

In this chapter, we discuss how well California's educational governance structure stacks up on each of the five characteristics identified in Chapter 1. In doing so, we consider a set of indicators and measures of each of the characteristics delineated in Chapter 1.

Table 6.1: Indicators of the Five Characteristics of Good Governance

Characteristic	Indicators and Measures
<i>Stable</i>	Revenue fluctuation from year to year, state and district levels Continuation of specific categorical programs/revenue streams Sudden changes in specific policies (e.g., use of state tests) Consistent enforcement of regulations Turnover in legislative committees, SBE, CDE, district boards and administrative jobs Length of time programs in place before change Investments in planning tools Perceptions of stakeholders
<i>Accountable</i>	Number of governance entities Overlap/separation of formal authority Monetary/other incentives in legislation Perceptions of stakeholders
<i>Innovative, Flexible and Responsive</i>	Investments in evaluation Mechanisms for idea generation Support/resources for scale-up Perceptions of stakeholders
<i>Transparent and Open</i>	Number of candidates in school board races, their background and voter turnout Campaign spending in school board and SPI elections Parental participation at school level Incidents of corruption and bribery Disclosure requirements by political candidates and public officials Availability of public information on the performance, finances, resource use of educational institutions, auditing Publication of judicial, legislative and administrative decisions Open decision making processes Competitive system of public procurement Meritocratic recruitment of public sector employees Perceptions of stakeholders
<i>Simple and Efficient</i>	Timeliness from decision to implementation Policy is coherent (e.g., no inconsistencies across institutions) Decisions across multiple domains and levels are coordinated to minimize duplication and waste Time/resources devoted to regulatory compliance at all levels Perceptions of stakeholders

6.1 STABILITY

A stable system is one in which policy is made and implemented in a way that is known as far in advance as is reasonably possible, enabling a rational and planned approach to decisions and long term investments in capacity. Stability can be detected by looking at revenue fluctuations, continuity and changes in policy and in the tenure of leaders in all parts of the system.

On this criterion, California does not rate too highly. The manifestations are multifaceted and the effects complex.

First, revenue fluctuations are common. This is to some extent inevitable given California's system of school finance. Because a large fraction of total school spending derives from general fund revenues, it is subject to cyclical economic trends. Thus, even though Proposition 98 (which guarantees public education in California a minimum 34% of the state's revenue) was designed as a measure to increase stability, in fact this has not been the case. The combination of *Serrano* and Propositions 13 and 98 mean that California has more equitable school spending, but also overall lower levels and greater fluctuation from year to year.

The uncertainty in revenues, lateness of the state budget and administration of the finance system combine to constrain local districts. A large amount of time and effort is expended on trying to make sure funds are used within a budget year. Since school boards no longer have the ability to raise their own revenue through local taxes, their ability to "smooth" funding over time is greatly reduced; several superintendents we interviewed viewed this as a major challenge to improving schools.

Second, the legislature has added and taken away multiple categorical programs over the past two decades.¹⁸ These categorical funds can only be used for a specific purpose, often regardless of whether the district itself needs those funds or the specific materials or services being purchased. Stakeholders we interviewed at all levels noted issues with revenue fluctuations and shifts in policy that created an environment that made planning as well as day to day decision making problematic. Thus as Timar (2002) notes, "Significant amounts are expended for programs or projects that are not well conceived and not integrated into a long-term school plan. There are stories about schools having two weeks to spend over 100 thousand dollars to close out the budget year.... [Local districts] do not know what form revenues will take.... It depends entirely on how ... the various political constellations are aligned in the education policy universe in Sacramento" (p.67). He concludes that "California schools are in the unenviable position of living with a finance system that is both unpredictable and inflexible – the worst of both worlds" (Timar, 2002, p.67-68). Our analysis of the period since Timar's report was

¹⁸ The specific details of revenue sources and the various mechanisms of school finance in California, including categorical programs, are discussed in several other reports being prepared for the Governor's Committee.

completed, suggests that this characterization continues to be accurate. Our stakeholder interviews clearly indicated that this was a huge area of concern.

Third, and related to the shifts in categorical spending, are fluctuations in policy. There are many examples of this over the past two decades. Those most commonly referred to concern student assessment and curriculum. For example, California's student assessment program included the California Assessment Program (CAP) tests from 1972-92, followed by California Learning Assessment System (CLAS) from 1993-4, a period when there were no state tests (1995-7) to the current Standardized Testing and Reporting (STAR) program.

Table 6.2 shows a chronology of assessment in the state, illustrating that since the early 1990s student assessment has been far from stable. The reasons for the shifts in policy are numerous, but the effects at the classroom level have been uncertainty and instability.

Table 6.2: Changes in State Student Assessment in California

1961	Legislation established first statewide testing program in reading, written expression, and mathematics at grades 5, 8, and 10 with individual pupil achievement tests chosen by districts.
1965	Miller-Unruh Reading Act added uniform reading tests statewide at grades 1, 2, and 3. Education Code Section 12821 amended to read "The State Board of Education shall require a minimum [physical performance] testing program in all school districts and shall adopt rules and regulations governing the frequency and methods of administration of the testing programs."
1969	State testing reauthorized and changed to grades 1, 2, 3, 6, and 12 through the California School Testing Act.
1972	Assembly Bill 665 created the California Assessment Program (CAP) to test students with a multiple-choice test in reading in grades 2 and 3; and reading, written expression, and mathematics in grades 6 and 12.
1972-82	Matrix sample tests for grades 3, 6, and 12 developed and refined for CAP to focus on California curriculum and program evaluation.
1983-84	Senate Bill 813 expanded CAP, adding grade 8 with more applied questions within a multiple-choice format. SB 813 also established the Golden State Examination (GSE) to recognize students in grades 7-12 who demonstrate outstanding achievement on end-of-course examinations in core academic subjects.
1985-86	History-social science tests added to CAP
1987	CAP direct writing assessments added at grades 8 and 12, requiring students to produce writing samples as part of testing. GSE debuted first two tests in first-year algebra and geometry.
1990	GSE expanded to U.S. history and economics. CAP tests last administered as full program.
1991	Senate Bill 662 authorized establishment of what became the California Learning Assessment System (CLAS) to develop and administer tests and report student, school, district, county, and state results at grades 4, 5, 8, and 10; reauthorized GSE.

	GSE added biology and chemistry tests.
1992	Budget action allowed CAP test at grade 8 only.
1993	Newly developed performance-based CLAS assessments administered in reading, writing, and mathematics at grades 4, 8, and 10; produced group scores at the school, district, county, and state level.
1994	CLAS added history-social science and science at grade 5; CLAS tests administered included multiple-choice and written-response questions; produced group scores at the school, district, county and state level. Senate Bill 1273 to extend CLAS through 1999 vetoed by the Governor. Test in second-year coordinated science added to the GSE.
1995	No state testing administered in California except for the GSE. Assembly Bill 265 reauthorized the GSE. Assembly Bill 265 established Pupil Testing Incentive Program (PTIP) to test students in grades 2-10 in reading, writing, and mathematics with tests from state-adopted list; required adoption of statewide content and performance standards; authorized development of Assessment of Applied Academic Skills after standards are adopted in reading, writing, mathematics, history-social science, and science at grades 4, 5, 8, and 10; re-established physical fitness testing with a state-approved test for grades 5, 7, and 9.
1996	Senate Bill 430 fine tuned the process for the development of state standards begun in AB 265. Assembly Bill 3488 authorized the Golden State Seal Merit Diploma to recognize graduates who have mastered the high school curriculum, using achievement on Golden State Exams for eligibility. Test in written composition added to the GSE.
1997	Senate bill 376 replaced PTIP with Standardized Testing And Reporting (STAR) program; required testing of all students in English with State Board-approved, nationally-normed test in reading, spelling, written expression, and mathematics at grades 2-8; in reading, writing, mathematics, history-social science, and science at grades 9-11; provided funding for testing to districts; required individual student, school, district, county and state results. Test in government/civics added to the GSE. More than 1,300 graduates received the Golden State Diploma. Assembly bill 748 authorized an English language development test in listening, reading, speaking and writing skills in English.
1998	Testing in reading/literature and high school mathematics added to the GSE. State Board-adopted STAR test administered.

Source: California Department of Education, 1998. Accessed at <http://www.omsd.k12.ca.us/instruct/star/time.html>

Curriculum issues have been as controversial over the same period, resulting in changes in policy made at the state level. Carlos and Kirst (1997) document swings in curriculum policy in detail, tracing shifts in policy to the struggles between the SBE, CDE, governor and legislature. The most obvious change was from a language arts framework that emphasized a “whole language” approach (developed in the 1980s under the leadership of SPI Bill Honig), to one that stressed “phonetically-based” instruction. Curriculum instability breeds public distrust and frustration with public education in the state.

Although these two examples are the “poster children” for policy instability, they helped create a strong level of frustration among stakeholders at all levels in the California system. A recent PPIC poll (Harris Interactive, 2006) of 1300 voters found that 71% strongly or somewhat agreed with the statement, “Just as important as standards is stability. It seems like public schools change directions every year or so. They need to get a plan and stick with it.” Policy changes over time create an atmosphere of resistance to innovation and an unwillingness to go beyond formal requirements needed for compliance with rules. As Koehler et al. (2003) in their review of LAUSD noted, “The system is devoid of trust at all levels.... No one trusts that any reform will be sustained” (p.9).

Reflecting a common view among superintendents interviewed, one superintendent expressed concerns over how programs are implemented by the state, saying, “I think the current governance system allows for a lot of political influences to direct which direction we go, and allows us to continue to change programs right in the middle before we see the results of the program we just previously started.” Timar (2002) suggests that, “Annually, schools are shell-shocked by a barrage of new legislation, some of it well-intentioned but poorly conceived, some of it benefiting special interests” (p.71).

As we noted in Chapter 4, the volume and prescriptivism of legislation seems to have increased in the past two decades. Revenue fluctuations that have occurred because of economic conditions have helped drive some of the policy shifts. But they are also the result of a governance system that at the state level does not support long term policy development and planning. Term limits and staffing reductions at the CDE, LAO, and Senate Office of Research, plus the demise of the Assembly Office of Research, minimize the likelihood of expertise and continuity in drafting legislation; they also increase the reliance on special interests and lobbyists in proposing and drafting legislation. The presence of multiple bodies serving different masters fragments the policy process and results in tussles for control between the bodies. The proposition process further increases the possibility of shifts. The lack of a good student level data system – despite the passage of SB 1453 in 2002 and appropriation of funds to create one, called the California Longitudinal Pupil Achievement Data System, or CALPADS – or a “culture” of using data and evidence to judge the effects of programs, reinforces a short term perspective and willingness to make sudden swings in policy.

Finally, instability is reflected in part in turnover of officials at all levels of the system. We have already alluded to proposition-based legislative term limits which deliberately force changes in state Assembly and Senate members. As noted in Chapter 3, the SBE has seen an increase in turnover in recent years with 85% of members serving one term or less. In addition, there is significant concern about district level personnel stability. As shown earlier in Figure 3.10, over half of local school board members have tenures less than 6 years. Given that these are elected positions, this may not be surprising. More important perhaps, is the perception that board policy shifts are common as individual members and majorities on boards change. It is difficult to get hard data on this phenomenon at the state level. Since local school board races are not widely documented and

because they are non partisan, one has to know a great deal of local contextual knowledge about a district's politics and particular candidates and election cycles to be able to draw conclusions about major swings in board membership. Perceptions have undoubtedly been influenced by high profile cases in recent years, notably in San Diego Unified School District and in Los Angeles Unified School District where known "slates" of allied candidates have been elected with a majority of board seats, only to lose their majorities at the next election cycles. Changes in school board composition may affect district policies in more subtle ways as well, given the need to establish new working relationships among board members and the superintendent and his or her staff. New board members are less likely to have a working knowledge of state finance, curriculum and testing requirements, and other mandates. They are also more likely to have their own "hot button" issue or issues on which they seek to make a difference early in their tenures on the board.

The 1985 Commission report suggests that voter turnout would improve if school board elections were held to coincide with general elections. Similarly, rules that allow for staggered terms so that a majority of the board is less likely to switch in a single election would increase stability. The idea of term limits on school boards were universally opposed by the district superintendents we interviewed; one state-level respondent felt that term limits "would really destroy school boards."

Instability in local board composition increases, other things equal, the probability of policy shifts and changes in district personnel. District leaders we interviewed had significant concerns about the often short tenures of superintendents, especially in urban areas, which limits policy stability in a district. Several suggested the need for longer superintendent contracts. School board member training was also mentioned as a way to help promote shared understanding of roles, context and constraints.

6.2 ACCOUNTABILITY

There has been much discussion of "accountability" in public K-12 education in recent years in terms of federal and state governments requiring that local school districts meet certain student academic achievement targets. For educational governance purposes, however, the meaning is broader. A governance structure with strong and clear accountability is one in which there are clear lines of authority between the various parts of the system, with limited duplication of functions, so that it is possible to identify the source of decisions and there are consequences for good/bad behavior and outcomes. In a system with strong accountability, the various players understand their roles and have incentives to accomplish their goals.

Effectiveness of educational accountability is hard to measure with objective indicators. However, based on self reported perceptions, this characteristic is the one in which stakeholders we interviewed suggest that California is most lacking.

Representatives from all levels feel that accountability is an area that needs major improvement.

Few, if any, felt that the lines of authority were clear. One district superintendent pointedly said:

“California’s governance system is not only the worst that I’ve ever seen, it is absolutely the worst I can imagine. What you have is you have a series of entities which all have a piece of the governance pie, and you really have no one that has ultimate responsibility to be held accountable.”

Another district superintendent stated that “it’s very difficult to be able to put your finger on who is in charge.” A county superintendent echoed similar sentiments by saying, “I think there’s a lot of disagreement across the state in what the lines of authority are.” Our impression, gleaned from numerous interviews, was that many within the system do not have a clear idea of who is responsible for what and a surprising number seemed unable to elucidate clearly their own role.

Fragmentation is clearly an element that contributes to a perceived lack of accountability. As we have noted throughout this report, California is a large and diverse state and educational governance institutions are numerous. There are a thousand districts, county offices, and multiple state level bodies. As the functions of schools have become more complex, as revenue generation and allocation has shifted to the state level and education policy has become more political in its profile in both gubernatorial and legislative elections, who is responsible for what has become less clear. A related way in which stakeholders think accountability has been weakened is the perceived diminution of local control. Schooling decision making is viewed as being primarily done “farther” from those most affected (i.e., students in classrooms). It certainly seems the case that decision making authority generally does not lay where the knowledge (of the topic of the decision) is greatest.

Timar (2002) likens schools in California to “puppets on strings controlled by a dozen puppet masters, none of whom communicated with one another” (p.62). He argues that the current system is “without a center of gravity,” where “everyone is in control, yet no one is in control.” The activities of the major state players are not coordinated: “they are all independently developed and administered” (p. 63). In his view, “the entire governance system suffers from a severe, and perhaps terminal, case of institutional fragmentation.... Centralization has not concentrated authority.... [It] has created diffused arenas for decision making so that it is difficult to locate clear lines of authority and responsibility at any level, but particularly at the state level” (p.71). Similarly, the 2002 Master Plan report argues, “Efforts to improve accountability in public education are complicated by overlapping responsibilities among local, regional, and state entities and by a lack of alignment between the responsibilities assigned to various entities and the authority they have been provided to carry out those responsibilities” (p.77).

Others, including national experts we spoke with, agreed. One claimed, "There's no question that the multiplicity of actors ... is an enormous problem in the California case. There are just too many ... cooks ... and that makes it very hard to know what's going on and for what purpose." Another said, "It's a remarkably crazy quilt of interacting authorities that are not aligned, for purpose of accountability or action."

Several other states, as we will discuss in the next chapter, haven't taken the opportunity to reexamine their institutional configurations in recent years. Often in conjunction with standards-based accountability, they have eliminated elected state commissioners in favor of clearer lines of authority to the governor, created K-20 systems, and reduced the role of the State Department. In the California case there was no consensus on who ultimately should be responsible for education. Some felt that the governor should have direct accountability, while others would eliminate the Secretary of Education and give all responsibility to the SBE. Still others wanted to see more authority granted to the county and district offices because they were closer to the students. It is clearly much easier for stakeholders to agree that the current system lacks clear accountability, than it is to devise a different set of institutional arrangements that all agree would be superior.

The final point on accountability is critical: there is a striking lack of alignment both between the different formal systems of accountability with each other, *and* between the formal systems and the rest of the institutional setup that governs education. The relative newness of federal and state standards-based accountability requirements has resulted in a complicated set of outcomes expectations. The current system of parallel public reporting on a school's performance under NCLB (with AYP) versus its performance under the state accountability system (with API) is confusing for parents and sends mixed signals to educators. As mentioned earlier, it is possible to meet the state's targets but not federal targets for example, to have to worry about sub-group scores for one test but not another, and so on. Clearly there is some way to go to ensure that the federal and state systems of accountability are aligned so that the incentives for individuals and institutions throughout the system work together in a congruent manner.

Further, the discussion of accountability systems in recent years has focused on the roles and responsibilities of institutions rather than individuals. But as Koehler et al. (2003) have noted:

School level accountability is becoming clearer, but individual accountability at all levels is still unclear. For example, it is still very difficult to remove ineffective staff or alter a school team that has proved dysfunctional. Similarly, accountability for central office functions is challenging because responsibilities are not clearly outlined.... Unclear lines of responsibility, authority and accountability make it difficult to build a

sense of internal focus and responsibility for improving student performance (p.11).

As we have discussed earlier, the combination of state categorical funding and programmatic mandates, combined with district wide contracting arrangements, severely limits the ability of lower level actors in the educational system. If schools and districts are not able to reallocate resources in order to pursue their preferred strategies for meeting their outcome targets, then there is a clear misalignment of incentives. Actors at the lower levels will likely become demoralized, and are less likely to meet their targets.

To take another example, California's high school exit exam is the first attempt to hold individual *students* accountable for performance; other tests are generally "low-stakes" for students but high stakes for schools and school districts. But teachers are not held accountable for their contributions to students passing the test, nor are districts held accountable for providing the resources or support necessary to meet its targets, and there is little parental accountability anywhere in the system.

Our stakeholder interviews clearly revealed a great deal of concern about the confusing and ineffectual system of accountability in California's educational governance. It is hard to believe that a clearer and more systematic alignment of institutional and individual responsibilities is not possible.

6.3 INNOVATION, FLEXIBILITY AND RESPONSIVENESS

Innovation, flexibility and responsiveness are essential for an educational system to adapt to changing needs and ensure cutting edge knowledge is used. An innovative, flexible and responsive governance structure is one that is adaptable to changing context and able to respond appropriately to new short and long term external demands upon it. New approaches are encouraged; many are generated and spread throughout the system. It is important to differentiate innovation from the top down from innovation that stems from the classroom or school. The former can leave local educators feeling that they have to implement the "reform de jour", a root problem for some of the system's instability described above.

Our stakeholder interviews did not reveal much about this important aspect of governance. Whether this is indicative of a lack of creativity, a sense of helplessness about any individual's ability to effect change, or an acceptance of the status quo cannot be gleaned.

One sense in which interviewees commented upon the system's responsiveness was in the context of the high degree of perceived bureaucratization, the "compliance" mentality exhibited by the CDE, reflecting the demands of the legislature and the SBE. The most telling quote may have been from one county superintendent, who said that "the Education Code kind of restricts the ability to be creative unless you become a charter school, and you shouldn't have to seek a

waiver to be innovative." This quote embodies the frustration with the restrictions imposed by the state Education Code, which some thought should enhance, not limit, the ability of administrators to best serve students. The perceived "one size fits all" approach taken by the state was not popular at lower levels. A recent PPIC poll of California voters (Harris Interactive, 2006) found that 71% of respondents strongly or somewhat agreed with the statement, "While standards are important for holding students, teacher and parents accountable, we need flexibility in instruction in order to customize education to the needs of individual students." Educators at the school district level clearly share this view.

The CDE, along with County Offices of Education, have a role in supporting innovation and spreading best practice. However, with tight resources and staffing cutbacks, these agencies' ability to provide much supports is certainly limited. Timar (2002) points to a lack of responsiveness on the part of the CDE, noting that they process data as required but do not make an effort to use data to respond to obvious needs. For example, he notes "little engagement by the department beyond what was mandated by law" in terms of how they interact with external evaluators mandated by PSAA requirements. He describes school improvement in the state as simply "proceduralism and compliance monitoring...state oversight focuses on minutia – if forms are properly filled out – and ignores the bigger picture" (p.64).

An examination of California legislation seems to suggest that the state legislature prefers "one size fits all" solutions, rather than presenting lower level units with an array of options. This is, of course, inherent in the many categorical funding programs that the state uses, as well as in broader testing and curriculum policies.

Class size reduction (CSR) is a good example of such an approach. As noted earlier, the CSR program was put into place by the legislature after relatively little debate, at the suggestion of Governor Pete Wilson who had a temporary windfall of tax revenue that had to be spent on education. Given that the Governor did not want the collective bargaining process to have access to these additional funds, a massive new categorical program resulted. The CSR program provided additional funding to reduce class sizes in grades K-3 to 20 students per teacher. The program was nominally voluntary but the program was so popular with teachers and parents, and the funding substantial enough, to induce almost all of California's school districts to adopt it. "There was no way that the legislature could resist the allure of class size reduction.... The bill that passed – without a dissenting vote in either house" was voluntary but "it quickly became so popular that Wilson justifiably called it 'almost a mandate' for local districts" (Schrag, 2006, p. 8). A detailed review of California's approach, as well as evidence on its effects may be found in CSR Consortium (2002).

Unfortunately, the uniform policy of 20:1 statewide resulted in a mammoth implementation challenge in which districts were forced to dramatically ramp up teacher hiring, as well as find sufficient space for the new classes that were created. The passage of the legislation gave districts barely any time to plan. Districts were required to use everything from utility closets to band stands to

equipment rooms to meet classroom requirements. In addition, although the research evidence suggested that CSR policies were most effective when highly targeted to poor students, California adopted a one size fits all approach. Some districts that were already at 20:1 received a windfall of cash and were able to reallocate funds to other programs; most had to create many extra classes. Other states took a more planned approach both to the design of the policy and to its implementation. Wisconsin for example, committed resources to reducing class sizes to 15-17 in the poorest underperforming schools. Finally, the “CSR program wasn’t well enough integrated and aligned with California’s standards based circular and accountability reforms” (Schrag, 2006, p.12).

It is worth asking what was it about California’s educational governance system that produced this outcome – a last minute single educational improvement strategy that was poorly designed and implemented. The policy costs the state around \$2 billion annually, and it is hard to believe that such a use fosters innovation or experimentation with different approaches. Undoubtedly part of the answer lies in the particular configuration of individuals and the political context of the time. But several features of the system at least helped. First, the centralization of school finance at the state level and commonality of categorical funding made the strategy policy. In a state where local districts controlled more funding, it would be harder to introduce such a massive new program. Second, the legal and political framework for strong collective bargaining clearly contributed to policymakers’ fears that extra no-strings-attached resources for schools would be bargained away by local school districts in salary negotiations. Third, the strong popularity of class size reductions made them palatable politically to multiple legislators and the public at large. Politics clearly triumphed over more creative policy making. There was little inclination to use research- or evidence-based approaches towards setting priorities. Fourth, the dearth of legislative analytic support that could have resulted in better written legislation, as well as a lack of planning infrastructure that could have meant better implementation, contributed to the problems. Fifth, an essential ingredient for spreading innovation is data collection, research and evaluation. These functions allow decisions to be made with full and objective information, permitting sensible course corrections and informed decision making. California lags many states in this regard and in the CSR case did not have the data, or the culture of using data, to inform policy. The evaluation of the massive program was initiated by a group of non profit research organizations and only with some prodding did the state partially pay for an evaluation. The recommendations made for tweaking the program were largely ignored.

Innovation is likely to be more forthcoming when lower level units have autonomy to try new strategies. One mechanism California has used to promote innovation from the state policy level has been in the area of charter schools. California’s charter school law was passed in 1992, and there were 575 of these state-financed but independently operated schools throughout the state during the 2005/2006 school year. As mentioned earlier, 1 in 20 schools in California is now a charter school and one in 50 students attend a charter school. For a discussion of the

Charter framework, and evidence on charter school effectiveness in California, see Zimmer et al. (2004) and Zimmer and Buddin (2006).

Charter school laws differ from state to state in the extent to which they provide an environment conducive to the expansion of these schools. California's charter law is ranked as a "B" by the Center for Education Reform (See www.edreform.com), indicating that it is moderately permissive. One potential weakness is that California has limited authorizers. Although the SBE and counties may grant charters, most are granted by school districts. Unfortunately, districts do not always have an incentive to support charters and there is anecdotal evidence of hostility. This slows the creation of charters and also sets up an "us versus them" mentality that is not conducive to spreading best practices. Indiana's charter school law for example, permits the Indianapolis mayor to authorize charter school (Hassel, 2004). Michigan and several other states permit universities to authorize charter schools.

The theory of action behind charter schools is that they will create diverse schooling alternatives. Although it is hard to measure with certainty whether charter schools have generated significant new innovations, there is certainly some evidence that many are doing things differently from their conventional public counterparts (See for example, <http://www.usc.edu/dept/education/cegov/>). While the CDE's Charter School Office is responsible for administering planning, implementation, and dissemination grants to both new and operating charter schools, spreading innovative practices is not supported by the state in any coherent manner. Rather, networks of charter school educators, operators and authorizers have arisen. In some states (and countries) there are publicly financed and structured activities designed to collect information about promising educational strategies and ensure that they are available to others to adopt and adapt. The U.S. federal government has performed some of this role through the Office of Innovation and Improvement at the Department of Education.

One question that several of our interviewees asked was why it was not possible for the state to grant charter-like waivers from regulations for traditional public districts and schools. Across the nation, some states and districts are experimenting with further novel forms of governance, largely in the spirit of granting greater autonomy to schools. New York City, Boston and Chicago have adopted a "portfolio" model in which multiple kinds of schools with differing approaches and degrees of autonomy have been or are being developed. Boston's 14 pilot schools were developed through a partnership between the local teachers union and the school districts: "through an innovative teachers' union contract, each school has autonomy over its budget, staffing governance, curriculum and assessment, and school calendar. These areas of autonomy provide increased flexibility to organize schools and staffing to best meet students needs" (French, 2006). They are exempt from district policies and mandates. Governing boards of each school hire the principal and approve a yearly budget. In New York City, Chancellor Joel Klein recently has experimented with "autonomy zones" in which over 40 school are "being given relief from some districts rules (for example, the requirement to use specified reading and math curricula) in exchange for agreeing

to meet or make specified progress towards certain goal" (Roza and Hansen, 2005). Beginning in the 2005-06 school year, Chicago designated around 80 schools as "autonomous management and performance schools" with some ability to control resource allocation. Many of these kinds of innovation do not require state level intervention.

Overall, it would seem that California could do more to encourage innovation from the state level. No one particular aspect of the existing governance structure is singularly responsible, but clearly the combination of state level control of finance combined with significant regulation, plus districts' contractual obligations and desire for uniformity across schools within its jurisdiction, results in relatively little room for flexibility at the school site level. Koehler et al. (2003), analyzing LAUSD, probably an extreme case, noted:

Both governance and structure are geared to serve narrow interests rather than the overall education needs of students across the system.... Elected board members ... often focused on parochial concerns of those who elected them rather than the academic needs of students, central office administrators ... fear sanctions for noncompliance with rules or reporting requirements if funds are used in innovative ways.... Such realities strengthen resistance to change and make it nearly impossible to reconceptualize programs in ways that might better meet student needs (p.9).

6.4 TRANSPARENCY

An educational governance system that is transparent and open is one in which it is clear to the public and all stakeholders how decisions are made and who makes them. Openness encourages participation at every level, is less subject to "capture" by special interests, to corruption and bribery, and is most likely to encourage public engagement and support of schools.

There are several possible indicators of an educational governance system's transparency, in addition to anecdotal evidence and stakeholders' perceptions. The educational system operates within a larger structure of laws that govern everything from who can run for office to conflicts of interest for government officials to requirements for public meetings. Procurement processes are generally governed by rules designed to ensure fairness. Public officials are required to disclose conflicts of interest. In addition, institutions are arrayed in a comprehensive checks and balances structure with significant oversight, auditing and compliance checks in terms of finance and operations. Relative to many less developed countries, it would be reasonable to conclude that California has a reasonably successful system in this regard. There are of course no systematic data on incidents of corruption, but none of the stakeholders we spoke with suggested any concerns. Occasional newspaper reports and the odd scholarly work

have uncovered incidents of outright fraud and malfeasance but there is no way of knowing how widespread this is (Segal, 2004). Occasionally, stakeholders noted incidents of nepotism at the local level in hiring staff and contractors, but there is no way of knowing whether this is widespread either (Strauss et al, 2000). Certainly, we don't have any indication that California has a significant problem in absolute terms or relative to other states.

Our stakeholder interviews revealed one major area of concern in terms of openness: the role of "special interests." According to a county superintendent, "The governance at the state level is largely a product of special interest groups."

No interviewee named any specific special interest groups of particular concern with one prominent exception: at every level, participants expressed concerns about the influence that unions have over education in California. Many expressed the view that the unions, and particularly the teachers' unions, hold "too much" power. A district superintendent stated bluntly that "the union is very powerful in California." A state administrator echoed this sentiment: "I have consistently been concerned that we have union special interests.... The unionization of school districts is, I think, an unfortunate circumstance."

One dimension of the concern was the perception of a significant degree of influence at the state level in terms of access to legislators and involvement in state level election campaign funding and organization. A second dimension was the influence of the union at the local level in the bargaining process over contract wages and working conditions. More significant was the view, expressed by several superintendents, that unions were able "to buy school board seats" through their involvement in school board races. Anecdotally, the impact of this reality on governance may not be as strong as some think, as even members whom the unions help elect may not feel compelled to do the union's bidding once they are in office. The lack of systematic information about the involvement of special interests in local school board elections is a concern, and suggests room for improvement on the transparency dimension.

Participation in the educational governance system can be measured in a number of ways. For example, overall voter turnout in statewide elections for SPI and in local school board races is one. Another is the degree to which school board races are competitive, i.e., they attract candidates to run for positions. Overall public engagement can also be gauged through polling data. Harder to obtain but as important is likely the extent to which parents are involved in the activities of their schools. Involvement can come in a number of ways including volunteering, attending school functions and fundraising, as well as activism in school and district school board decision making. Systematic data on this phenomenon are hard to come by, and there is little evidence to suggest California does any worse or better on this score than other states, or that it has changed over time. Some states and districts do have systematic governance structures for involving parents, notably school site councils. The only data point from our interviews was some suggestion that the public had "lost faith" in public schools, and in particular

had shown little willingness to approve increased resources for schools, indicating a general dissatisfaction with the system.

Finally, a few of our interview participants felt that the general public were not aware of the actual functions of each entity within the governance system and therefore are easily confused by who does what and who they should turn to for specific help. This is hardly surprising in some respects given our earlier discussion about the stakeholders' own confusion; if the professionals working within it believe the system is complex and muddled, the parents are likely to be more so. As one county superintendent put it, the lines of authority "can be confusing to people who are not that familiar with the school system." Such a concern illuminates the overall feeling that the transparency of the governance system is suspect at best; as one county superintendent said, "It's total bureaucracy."

6.5 SIMPLICITY AND EFFICIENCY

A simple and efficient educational governance system is one in which decisions are coherent, coordinated across domains and levels, and made in a timely manner. Duplication and waste are minimized.

We have noted in the preceding discussion that the widespread perception is that California's educational governance system is complex and fragmented, and that policy is often incoherent. This suggests a lack of simplicity. Overall, the governance picture is a muddled one. As one superintendent says, "The fact is that we have a Secretary of Education, a State Board of Education, a California Department of Education, we have county offices, we have districts and we have schools, and the question that I ask my class that I teach on school governance is, 'Who's in charge?'"

The reality for schools is a hierarchical and bureaucratic structure based on compliance with rules and regulations determined by state, county and district level bodies. Timar (2002) notes:

Schools have become enmeshed in a massive regulatory superstructure. In the absence of a coherent system of governance, there is instead a loosely connected system of state and local organizations and agencies that are tied together by myriad rules, regulations, programs, and policies.... The result is a state system of education that is a 'system' only in the most general sense.... What it lacks as a system is a center, a sense of coherence and consistency (p.61).

Several district superintendents we interviewed felt that state policies make it very difficult for them to do their jobs well. One district superintendent quite candidly stated that, "What is screwing this whole puppy up is the legislators who are creating these incredible bills that continue to make the workings of this pretty

effective ... structure almost impossible to work in." Another would like to see a return to "the old days when the state stays the hell out of our business and let's us do our thing, but I don't think that's gonna be accepted anymore." As we have noted, the fragmented and politicized nature of educational policy making in California has generated many examples of major changes of direction, reducing policy coherence. The bottom line for those at the district level is that they feel they should be given more control so that they may, in their opinion, more effectively deliver educational services to students.

Another theme to emerge from our interviews was the notion that complying with the state's regulations was burdensome and wasteful. For example, one county superintendent pointed out the time demands imposed by poor planning from the state level. Another suggested the mindset at the state level was more punitive than productive: "It's not that I want them to be soft on us, it's just that this looking down the nose and coming through and using this white glove test to test for dust in all corners is not ... productive, it's burdensome, and it doesn't foster relationships, and it should be more focused on training, and less on 'gotcha'."

Whether schools in California operate "efficiently" is difficult to discern. In principle, efficiency in this context would mean that schools could not produce more with the same level of resources they currently have, or alternatively they could not produce the same with fewer resources. Needless to say this relatively straightforward concept is hard to translate to the school setting because of the multiple outputs schools are expect to produce, most of which are not formally measured. Outcomes are cumulative as well, potentially reflecting the influence of many resources over a long period of time. Resources themselves include not just the labor, materials and facilities used for schooling but also the student, family and community characteristics that educators have to work with.

Although determining efficiency is difficult, it is more likely to be present the more flexibility there is over resource reallocation decisions. In other words, the easier it is to move funding from one purpose to another, the easier it is to hire, fire and assign staff, the more likely it is that optimal decisions will be made. Another reasonable assertion is that in general, since the outcomes of concern are produced in classrooms and schools, the greater the level of resources that are utilized and are manipulable in these settings, rather than in higher level entities like districts and state departments, the better.

In this regard, California does not stack up well. As we have seen, the considerable volume of state level prescription over use of funds and programmatic design significantly reduces the flexibility of lower level decision makers to make allocations best suited to their local needs. Districts in turn further inhibit the flexibility of resource use at the school level because district wide collective bargaining ties up the vast majority of resources available for allocation both because salaries are a large fraction of the total budget and because contracts typically contain restrictions on the use of labor. This environment adds up to one of considerable "rigidity" rather than flexibility.

The point here is about flexibility of resource use rather than “waste” per se. Overall student achievement performance in California, and levels of spending on education, has been examined by others, but it is hard to infer much from crude correlations at this level. Similarly, although California does have multiple institutions involved in educational decision making at the state and county level, the dollars involved are minimal relative to the much large amounts spent in school districts. Districts themselves of course have some administrative burden. Cumulatively, the layers of ‘bureaucracy’ do consume resources, but it is unlikely that this is the biggest source of inefficiency in the system. Rather, the inability to control resources at the site level is striking. California has overlaid outcomes based accountability upon an educational system built on input-based regulatory compliance, but has not given lower level institutions the ability to manipulate resources to attain the outcomes.

7. OPTIONS FOR CHANGING EDUCATIONAL GOVERNANCE

7.1 INTRODUCTION

As we have argued in Chapter 6, there are notable weaknesses in California's educational governance structure. Although we are skeptical that a 'perfect' governance system could be designed, it seems likely that improvements could be made.

The current structures build on a set of blocks – schools, school districts and the state linked hierarchically – that suited a set of conditions very different from today. It is hard to believe that in a 21st century world of technology that removes many of the constraints of space and distance, and allows for the utilization of labor on a global basis, that one would design a school system much like the one that exists today. We have begun to witness glimmers of how a different system might look: the formation of networks or communities based on interest and need rather than geography or hierarchy; the development of charter schools outside many of the regulations that were once deemed essential to operate public schools, separating government financing from government operation; and the rapid spread of forms of computer based and online learning and assessment. A consideration of these developments may generate useful suggestions for governance reform.

A radical overhaul of California's educational governance structure could include some of these elements. For example, one could reject the idea of organizing schools into a hierarchy based solely on geography, and instead simply have individual schools funded by the state based on attendance (see for example, Chubb and Moe, 1990). Schools would be free to organize themselves into network or "virtual" school districts based on interest. These might be geographically based but would not necessarily be.¹⁹ Services would be provided to these schools by a diverse set of providers, including, potentially, entities that looked like existing school districts or county offices of education. A version of this approach would allow these individual schools to operate free of much existing state and school district regulation, bargain over salaries and working conditions themselves, and so on. A more radical version still would essentially give a dollar amount to individual students and their families and allow them to attend any school, public or private (Such voucher proposals have been rejected by California voters in the past). In a different variant, one could reconceptualize the role of the school districts as acting as authorizers of a group of schools rather than as the primary operator; the idea of such "charter districts" has been widely discussed. Such an

¹⁹ The 1985 Commission report recommend changing current district boundaries to reflect "realistic communities of interest" (CCSGM, 1985, p.23) as well as allowing students to attend schools near their parents' workplace instead of their residence to "strengthen parent/child/teacher relationships" (p.24) or allowing open enrollment within "communities of interest" (p.24).

approach is likely to enhance flexibility and responsiveness, generate greater innovation, and encourage efficiency in resource use at the site level. On the other hand, it assumes a level of capacity at the district and school level that thus far the state has been reluctant to acknowledge.

Although it can be useful and informative to think about such radically different visions of the way schooling is organized in California, the reality of policy making in the state is that incremental change is much more likely. Most of the stakeholders we talked with, who are of course ‘incumbents’ within the current structure, either did not see the need for huge changes in the governance structure or (more commonly) were resigned to the belief that major change was not possible. Given this, the task becomes one of making changes at the margins of the existing system, or more ambitiously, trying to *create the conditions* under which a more far reaching transformation for governance becomes possible.

There is no shortage of suggestions for reforming educational governance in California. In this chapter, we consider several possible changes using the framework for description (who, what, how) and evaluation (stability, accountability, innovation, transparency, simplicity) we have laid out in this report.

7.2 RECOMMENDATIONS MADE BY PREVIOUS CALIFORNIA STUDIES

Throughout this report we have drawn upon the evidence and recommendations compiled by previous efforts to evaluate the educational governance structure in California. Though there have been many such attempts over the years, four provide a comprehensive menu of suggestions for reform that is a good starting point for a discussion of future options. In Table 7.1 we summarize the main recommendations as made by the CCSGM, LAO, Master Plan and Timar. Details of the specific changes proposed can be found in the source documents.

Table 7.1: Some Proposed California Educational Governance Changes, By Source

Proposed change	CCSGM (1985)	LAO (1999)	Master Plan (2002)	Timar (2002)
Increase district control of finances	X	X	X	
Increase state role in teacher training programs	X	X	X	
Increase local control over hiring	X	X	X	
Clarify roles of different state actors	X	X	X	X
Transfer some district roles to regional units	X		X	X
Transfer collective bargaining from district to state level	X		X	X
Redefine role of local school boards	X		X	X
District reorganization into P-12 unified			X	

Proposed change	CCSGM (1985)	LAO (1999)	Master Plan (2002)	Timar (2002)
districts and consolidation of smaller districts				
Clarify role of county offices of education	x		x	
Decentralize CDE compliance functions to regional service centers	x			
Establish forward funding guarantees	x			
Increase open enrollment opportunities	x			
Transfer authority for adult education to Community College system	x			
Redraft Ed Code	x			
Increase parent involvement			x	
District provision of learning support services for struggling students			x	
State responsibility for facilities			x	
State support for school-to-work programs and staff development in technology use			x	
Increased role for governor in overseeing K-12 education			x	
Decrease role of SBE			x	
Increase SPI authority, except over finances			x	
Create California Education Commission to oversee planning			x	
Expand API indicators and rewards and interventions			x	
Create California Quality Education Model to determine adequate level of funding and increase funding stability			x	

Source: Authors' analysis of respective reports

An examination of the suggestions reveals that several are suggested more often than others. All four reports believe it is necessary to clarify the roles of the state level actors in the system, although they do not all offer a blueprint as to how the roles should be redefined. The other striking theme is a two fold strategy of both a stronger state role over teacher training and in setting of salaries (e.g., with state level collective bargaining), and the need for a return to a greater local control over resource allocation. Redefining the role of local school boards is seen as an important task as well.

How do these recommendations fit with our description and evaluation of California's existing system? In Table 7.2, we have attempted to map the proposed changes in terms who and what is affected.

Table 7.2: Proposed Governance Changes in Terms of Who and What is Affected

Proposed change	Who is affected			What is affected		
	State level	District level	County level	Business services and finance	Human resources and personnel	Educational programs
Increase state role in teacher training programs	X				X	
Increase district control of finances	X	X		X		
Increase local control over hiring	X	X			X	
Clarify roles of different state actors	X			X	X	X
Transfer district role to regional units		X	X	X	X	X
Transfer collective bargaining from district to state	X	X		X	X	
Redefine role of local school boards		X				X
District reorganization into P-12 unified districts and consolidation of smaller districts		X		X	X	X
Clarify role of county offices of education			X	X		X
Decentralize CDE compliance functions to regional service centers	X		X			X
Establish forward funding guarantees	X	X		X		
Increase open enrollment opportunities		X				X
Transfer authority for adult education to Community College system	X					X
Redraft Ed Code	X	X	X	X	X	X
Increase parent involvement		X				X
District provision of learning support services for struggling students		X				X
State responsibility for facilities	X			X		
State support for school-to-work programs and staff development in technology use	X					X
Increased role for governor in overseeing K-12 education	X			X	X	X
Decrease role of SBE	X			X	X	X
Increase SPI authority, except over finances	X			X	X	X
Create California Education Commission to oversee planning	X			X		X
Expand API indicators and rewards and interventions	X					X
Create California Quality Education Model to determine adequate level of funding and increase funding stability	X			X		

Source: Authors' analysis of respective reports

The table suggests that the recommendations for governance changes are spread across all levels, particularly the state and the district levels. They also apply across all the major functional areas of the system.

How do these proposed governance changes stack up in terms of their likely impact on the key characteristics of good governance that we delineated in Chapter 6? In other words, are they likely to improve stability, accountability, innovation, transparency or efficiency? We attempt to show this in Table 7.3.

Table 7.3: Proposed Governance Changes in Terms of Characteristics

Proposed change	Characteristic affected				
	Stability	Accountability	Innovation	Transparency	Efficiency
Increase state role in teacher training programs		X			X
Increase district control of finances	X	X			
Increase local control over hiring					X
Clarify roles of different state actors	X	X	X	X	X
Transfer district role to regional units		X			X
Transfer collective bargaining from district to state		X	X		
Redefine role of local school boards			X		
District reorganization into P-12 unified districts and consolidation of smaller districts					X
Clarify role of county offices of education					X
Decentralize CDE compliance functions to regional service centers					X
Establish forward funding guarantees	X		X		
Increase open enrollment opportunities		X	X		
Transfer authority for adult education to Community College system					X
Redraft Ed Code	X	X	X	X	X
Increase parent involvement			X		
District provision of learning support services for struggling students		X			
State responsibility for facilities		X			
State support for school-to-work programs and staff development in technology use			X		
Increased role for governor in overseeing K-12 education	X	X	X	X	X
Decrease role of SBE					X
Increase SPI authority, except over finances		X			
Create California Education Commission to					X

Proposed change	Characteristic affected				
	Stability	Accountability	Innovation	Transparency	Efficiency
oversee planning					
Expand API indicators and rewards and interventions		X			
Create California Quality Education Model to determine adequate level of funding and increase funding stability	X				

Our analysis suggests that most of the proposals suggested by prior reports are geared towards enhancing accountability throughout the system, and its efficiency. These are the two characteristics that, in Chapter 6, we suggested the state has the farthest room for improvement. Relatively little attention has been given to transparency, perhaps reflecting as did our analysis that this is the area where the state has the least work to do.

7.3 RECOMMENDATIONS FROM CALIFORNIA EDUCATIONAL STAKEHOLDERS

In our interviews with California stakeholders, we asked about potential changes to the educational governance structure. We received many suggestions. Needless to say, opinions were diverse and sometimes contradictory. There were relatively few new or innovative proposals, however. In the section we attempt to summarize what we heard.

An important caveat is worth restating here. Our sample was of academics, state officials, statewide interest groups (including teachers, administrators and school boards), and county and district superintendents, with the largest number from the latter two groups. We do not claim the sample is large enough – nor random enough – to make any claims about the representativeness of the data. In other words, we cannot know whether a majority of stakeholders agree with these suggestions. The additional caution, of course, is that the view of stakeholders within existing organizational structures is not likely to yield suggestions for radical changes; the interviewees make their living within the current system and as such there is a built-in bias in favor of the status quo. Representatives of businesses, community organizations, teachers, parents and students are all critical groups that we did not interview, and these groups might have very different suggestions for change.

There were two major themes. First, stakeholders almost universally agreed there was a need to simplify and clarify the role of the state and specific institutions at

the state level, particularly in light of accountability. The state could also do more in terms of capacity building throughout the system. Second, there was a strong desire to figure out how to reinforce local control and give districts greater authority over more decisions than they currently have. These two themes are to a large degree interrelated. We discuss each in turn.

7.3.1 Clarifying the Role of the State and Simplifying State Level Institutions

Our interviewees recognized the importance of the state role. Most accepted that the system of revenue generation and allocation, combined with standards based accountability, had led to a realignment of authority over the past thirty odd years. Several sought to see this new structure more clearly stated: as one superintendent suggested, the state should set standards, funding mechanisms, and provide a centralized information management system. This would mean, as another put it, reducing the state role in a number of ways as well:

- Reducing reporting requirements;
- Minimizing the use of categorical funding for specified purposes to increase flexibility;
- Thinning the Education Code to remove unneeded sections that limit local flexibility.

Of course, the “devil is in the details” for any of these ideas. As noted earlier, for example, when any individual section of the Education Code is examined it may appear reasonable on its face. However, when all the individual sections are piled on top of each other, the burden becomes great and difficult to navigate. In fact, the 1985 Commission report recommended a “complete redrafting of the Education Code ... as part of any major restructuring” (p.25).

In terms of state level institutions, interviewees had mixed and diverse opinions about the Secretary of Education, SBE, SPI and CDE. Some suggested abolishing the Secretary of Education, some the SPI, some the SBE and even some the CDE!

The most frequent suggestion was for *the ‘unofficial’ position of the Secretary of Education to be clarified*, usually in conjunction with changes to the SBE or SPI. For those that said retaining both positions was fine, the perception was that the Secretary of Education should be in charge of all policy decisions and the SPI should be responsible for effective administration. It was welcomed that the Secretary serve on the SBE. Another common suggestion was for the State Board to appoint the SPI (or a Commissioner of Education), rather than retaining that as an independently elected position. This would require a constitutional amendment. Such a model is more in line with that used by local school districts as well as governing boards in other fields in which the chief executive serves at the pleasure of the board. It is also found in several other states (see below).

Others, however, believed that having the SPI elected gave the position more authority and allowed them to advocate for public education. As we have discussed

previously, there is a tension between a desire for strong accountability in which the governor appoints the SBE and the SBE appoints the SPI, and one which provides some sort of check and balance on the governor or the SBE, albeit in a limited way. Opinions ranged from “the governor should be singularly accountable” to requiring even more balance between the legislature, elected SPI and the governor and SBE. In the latter vein, at least one interviewee suggested that an effort be made to stagger representatives on the state school board, so that they represent 2-3 governors, and provide more political balance.

Although these kinds of changes were often strongly advocated for by particular interviewees, in general, none were deemed the key to improving educational governance. Much of the concern lay with the use of voter-supported ballot propositions – as one stakeholder told us, the key change needed was to get rid of the initiative process (“not [a] way to have effective government and good policy decisions”). Another often voiced problem, as perceived by our sample of stakeholders, was term limits and the legislature’s lack of focus and expertise.

One other recommendation was made by officials at all levels: *reconsidering the role of the County Offices of Education*. Our sample contained several County Superintendents and they, in addition to others, saw themselves as playing an important role in the delivery of educational services in California. Several previous reports on California educational governance had recommended the complete abolition of the county districts and offices, in part because they were perceived as an unnecessary layer of bureaucracy. However, this proposal was not forthcoming from our interviewees. Rather, there were several suggestions made to *strengthen* the role of the county. In this approach, the counties would essentially become the regional branches of the CDE, closer to local districts, providing a mix of oversight and support. As one superintendent put it, “regionalize more of the state Department of Education and its services.” This is somewhat akin to the role the counties played early in California’s history. The model would devolve support services and other functions away from Sacramento, adding responsibilities to the county offices. In some cases, where counties had very small populations, they could be combined into regional authorities. The counties would provide a mix of services as requested by districts and oversight, as they do now on fiscal issues. This latter recent addition was generally welcomed by all stakeholders as having been a positive development. One official described the possible amended role like this: “Counties should have more power to mediate between districts and the state.”

Several interviewees suggested that at the same time as State Department functions were operated more through the counties, the link between counties and districts could be strengthened, in order to increase accountability and responsiveness to district needs. In part this could be done through some structural changes. One idea was to have the county governed by an association of local school district board members, with one or two appointed by the local districts within that county. Boards would appoint county superintendents rather

than have them elected (as happens in a few cases today).²⁰ These ideas are interesting and might provide a promising avenue towards devolving some authority away from the state level. Implementing them would require considerable planning, however, to ensure that the state, county and district functions were clearly delineated, and additional confusion or an added layer of bureaucracy was not the result.

The role of the state in capacity building was mentioned by officials at all levels. The feeling was that the state could do more in this regard. Most commonly requested was state legislated funding and/or provided (mandatory) training for school board members. As one superintendent wryly remarked, "This is the only industry where you can have someone that's a GED directing PhDs." While this is clearly an overstatement, as other forms of local public governance from cities and counties to water, sanitation, fire and hospital districts have citizen or lay boards directing highly educated professional staff, the sentiment that boards need training is nonetheless valid. At the state level, a desire was expressed to increase the capacity of legislative support (e.g., through the LAO) in the hope that the quality of legislation would improve. This is problematic in part because of the restrictions precipitated by Proposition 140 in 1990. The 1985 Commission recommended the creation of an Institute for Governance and Management to train school board members "to ensure articulation throughout the system, to broaden community perspectives, and to maximize the potential for equity in educational opportunities and school leadership in the state" (p.21).

Several other topics also emerged in our interviews.

First, with regard to teachers, several interviewees would prefer that teacher credentialing be put back into the CDE, abolishing the CTC. This was in line with the ALO report, mentioned in Chapter 3, that The LAO's report recommended replacing the CTC with an advisory committee that would report directly to the SBE. In addition, respondents at all levels would like to see some adjustments to the collective bargaining process. This included the repeal of the Rodda Act, to create more of a "level playing field" between boards and unions at the district level. A handful thought the state should consider a statewide salary schedule, removing the burden of bargaining from local districts. As noted above, previous Commissions have suggested this as well.

Second, several interviewees noted that an important role for the state was in the area of information provision. At one level, there was frustration that a great deal of data was reported to the state at considerable cost and time, but that much of it was not available in a format that assisted in local decision making. As one superintendent put it, the state should "come up with systems that are very easy to input information, and you know retrieve it, and disaggregate it in different forms." National experts noted that several other states such as Florida and Texas had developed extensive student level information systems that permitted data to

²⁰ At the other extreme, another suggestion was to simply have the county offices run by an official appointed by the SBE or the SPI.

be utilized in decision making to a much greater degree than in California, where no such state database yet exists, as mentioned earlier. Several believed that the presence of these data systems had over time had a very significant impact on the way all stakeholders in the educational systems worked – from legislators all the way down to schools and parents. The “culture of data use” took time to develop but once everyone knew that there was information available that could help guide decision making, it became more widely used, reducing the likelihood of narrowly specified legislation, radical changes in policy midstream, and so on. In addition to the utility such a data system would provide for practitioner and local level leaders, a data structure that provides a unified student identifier and the matching of students and teachers would also be valuable for researchers and policymakers, as it is difficult to have transparency and accountability without a data structure that provides the opportunity to make clear what is really going on in the state’s schools. The need for improved data systems has been recognized in California for some time, but there are a host of political and fiscal issues that have prevented much progress being made.

Third, there were concerns about current charter school laws. Although there was little consensus on how the oversight, financing and number of schools should look, a number of respondents did suggest that more authorizers would be helpful, perhaps removing from local districts the task of authorizing and oversight, which some regarded as a distraction from their core duties. Currently, the SBE can authorize charters in addition to local districts, although until recently the Board did not grant many charters. As mentioned earlier, some other states allow other entities such as universities or cities to grant charters and there is some evidence that this may have positive effects on the system. Either would be possible in California. Certainly, many charter school advocates resent the need to convince local districts who can be viewed as “competitors” for the same students to authorize or renew their charters; some district superintendents at least would also prefer to not have to deal with charters.

Many district superintendents would like the ability to grant charter-like waivers to individual schools. Although districts already have some ability to do this if they choose, the state might explore ways to allow and encourage alternative forms of site level governance as has begun to be developed in cities like Chicago, Boston and New York, noted earlier.

Fourth, although not commonly mentioned, one or two interviewees would like to see better coordination between K-12 with higher education, particularly in teacher preparation. Specific suggestions on how this could be done were not forthcoming, however. We return briefly to this issue in our discussion of other states in the next section.

7.3.2 Enhancing Local Decision Making

Most stakeholders we interviewed perceived the role of the state as the dominant player in educational governance. This was largely viewed as the result of *Serrano* and Propositions 13 and 98 which had transformed the system into one in which

almost all funding was generated and allocated from the state level. Although school districts retain autonomy over the allocation of general fund revenues, legislation and various SBE and CDE regulations and requirements limit the flexibility of local districts to make decisions in key areas, as we discussed in Chapter 4. Although collective bargaining over employee compensation and working conditions is a bilateral arrangement, it was commonly perceived as heavily favoring employees, and as such most agreements also served to considerably limit the flexibility that districts would like over the way they allocate resources.

Several suggestions were made by the individuals we interviewed that can be viewed as ways to “correct” the imbalance that they perceived. The most common are noted below. It is worth noting that we do not know whether localities, freed from regulatory constraints, would really do things very differently or whether political realities would limit the exercise of power. It is also important to add that few stakeholders mentioned *all* of these changes as part of a package.

First, most interviewees wanted to *increase flexibility over state financing* that is sent to school districts, but they did not want those dollars be available for employee contract bargaining process. The idea of combining existing funding streams into larger block grants for particular categories of expenditures was noted by a few superintendents as a promising approach, since it would simplify finance and allow more flexibility, while protecting resources from the collective bargaining process. One interviewee believed that “moving the funding back to more of a local control mechanism” was key “because I think he who controls the money has a lot to say about what’s gonna happen.”

Second, it was hoped that the state could *revisit the options for school districts to raise their own local revenues*. As one superintendent stated, “If school boards can’t tax/raise revenue, then they can’t truly govern.” This interviewee suggested considering parcel taxes or revisiting passage thresholds for local taxes. Although what is and what isn’t legally possible in this regard is complex and subject to much heated debate, there was clearly a desire to better align the responsibility to raise revenues with the spending decisions.

Third, as we have noted repeatedly in our analyses, district stakeholders wanted to see a *reduction in the overall regulatory burden imposed by the state*. Although few specifics were forthcoming in our interviews, a common theme was the need to reduce the requirements laid forth in the state Education Code, reporting requirements and compliance checks.

Fourth, another suggestion was to *charge Districts with fewer “peripheral” functions*. A handful of interviewees believed that districts had to contend with too many functions that distracted them from their core business of focusing on educational outcomes of students in schools. This included, in some cases, issues around student welfare and nutrition, as well as the authorization and oversight of charter schools. The 1985 Commission suggested the transfer of adult education from K-12 districts to the Community Colleges.

Fifth, *various changes to district structure and governance* were suggested. Although in general the district superintendents we talked to had good relations with their local school boards currently, they had numerous experiences or knowledge of difficult Board-Superintendent relations. Observational work of CSBA has found that in any given county at any given time there could be 10-20% of the districts that might be having governance problems, but that publicity about this minority often overshadows the 80-90% of districts who were not having governance problems. A range of remedies that might help was suggested. For example, a couple recommended longer terms for board members would be helpful and likely increase the tenure of superintendents, as well as expertise of all parties. This would help ensure more policy 'savvy' and continuity. Having board elections only in general election years, and staggered terms so that board majority coalitions were more stable, was also suggested. Some of the stakeholders we talked to would like to see a reduction in employee union influence over school board elections. How this might be done is not necessarily simple, but presumably new legislation would be needed. Formally restating the scope of boards' responsibilities in state legislation was mentioned by a couple of stakeholders but in general wasn't thought as important as the other kinds of changes mentioned. Finally, a handful of interviewees believed that the state should attempt to encourage the further consolidation of school districts in the state, to reduce the number from the current 1000+ to something well under this number. This could be done through financial inducements.

7.4 IDEAS FROM OTHER STATES

7.4.1 Introduction

Our third source of ideas for improving educational governance is other state systems.²¹ Educational governance and reform are political hot topics and other states can provide examples of innovation. Although it is not feasible to provide a detailed overview of every state system, nor provide an in-depth analysis of what works and what doesn't in these other jurisdictions, we can find a handful of prominent trends that California might wish to emulate.

As we have noted at several points in this report, we believe that while good governance can help in creating an effective public education system, there is not one specific structural form that guarantees success. The fact that there is not strong evidence for a preferred governance system is given *prima facie* support from a cursory examination of governance arrangements across states, which shows considerable variation. Some states have hundreds of small school districts, others, particularly in the South, have county (and city) level school districts. Some, like California, have both local districts *and* county level offices of

²¹ More ambitious still would be consideration of governance models used in other countries besides the United States. Some interesting analyses of alternative options may be found in McGinn (1992), Timar (2002), and Danzberger, Kirst and Usdan (1992).

education. Some have school boards with members elected 'at large', others by ward, and still others with members appointed by a mayor.

At the state level, there is considerable variation in how state school boards and state superintendents or chief state school officers are chosen. For example, an Education Commission of the States analysis reveals at least four different 'models' covering 36 states with 14 states not conforming to any of these. In one model, the governor appoints the state board of education, and the state board of education appoints the chief state school officer; in another the state board of education is elected, and appoints the chief state school officer; in a third, the governor appoints the state board of education but the chief state school officer is elected; and in a fourth model the governor appoints the state board of education and the chief state school officer (ECS, 2004). The picture is further complicated by the existence of additional state level commissions and other agencies established from time to time. California's current educational governance system is the largest in the country and falls under Model 3: the governor appoints the state board of education, but the chief state school officer is elected. At present, nine other states also follow this model (ECS, 2004).²²

In the following two tables we illustrate the kinds of variation that exist in governance models, and provide some additional comparative information.

Table 7.4: Comparison of Six States with California

State	Intermediate Governing Body	# of Districts	# of Schools	# of Teachers	# of Students	% of Children in Poverty	Graduation Rate
CA	Yes, by counties	1,053	9222	304,311	6,413,862	19%	71%
FL	Yes, by counties	67	3427	144,955	2,587,628	18%	57%
IL	Yes, by regions	896	4267	127,669	2,100,961	17%	75%
KY	No	176	1370	41,201	663,885	25%	72%
NC	No	120	2260	89,988	1,360,209	22%	65%
NY	Yes, by regions	707	4514	216,116	2,864,775	21%	61%
TX	Yes, by regions	1041	7843	289,481	4,331,751	23%	67%

*Calculated by the EPE Research Center

Sources: Education Week: Quality Counts 2006 state reports; CDE, 2006a and NASBE state profiles; individual state departments of education.

²² The nine other states include Arizona, Georgia, Idaho, Indiana, Montana, North Dakota, Oklahoma, Oregon, and Wyoming (ECS, 2004).

Table 7.5: A Multi-State Comparison of State Level Educational Governance

State	State Board of Education (SBE)	Voting SBE Members	Term Length	Chief State School Officer	Role of Chief on SBE	Unique Feature of SBE	Special Notes
CA	Appointed by Governor	11	4	Elected, Nonpartisan Ballot	Secretary & Executive Officer	SBE includes one student member with full voting right	
FL	Elected	7	4	Appointed by SBE	Secretary & Executive Officer	SBE comprised of elected cabinet members	SBE has jurisdiction over state university and community college systems
IL	Appointed by Governor & approved by Senate	9	4, limited to 2 terms	Appointed by SBE	Executive Officer	Requirements for regional balance	
KY	Appointed by Governor	11	4	Appointed by SBE	Executive Officer	SBE members must at least hold a 2 year Associates Degree	Dept Education is 1 of 9 agencies in Kentucky Education Cabinet
NC	Appointed by Governor	11	8	Elected, Partisan Ballot	Secretary & Chief Admin. Officer	SBE has 1 teacher of the year and 2 student advisors	Separate higher education and community college
NY	Appointed by state legislature	16	5	Appointed by SBE/Board of Regents	Executive Officer & President of Univ. of the State of NY	Responsible for higher education as well as cultural institutions	
TX	Elected	15	2 or 4	Nominated by SBE and appointed by Governor	Executive Officer	Some board members have two year transitional terms	SBE also oversees vocational education

Another interesting comparison comes from looking at the Education Codes across states. Other than Texas', California's appears to be the most exhaustive: as detailed in Chapter 5, California's Education Code consists of approximately 500 chapters and over 1250 separate articles, which themselves also contain numerous sub-articles. In comparison, Florida's state code consists of about 14 chapters, 60 articles, and related sub-articles. North Carolina's education code is split into 5 sections consisting of approximately 300 policies. Illinois employs about 60

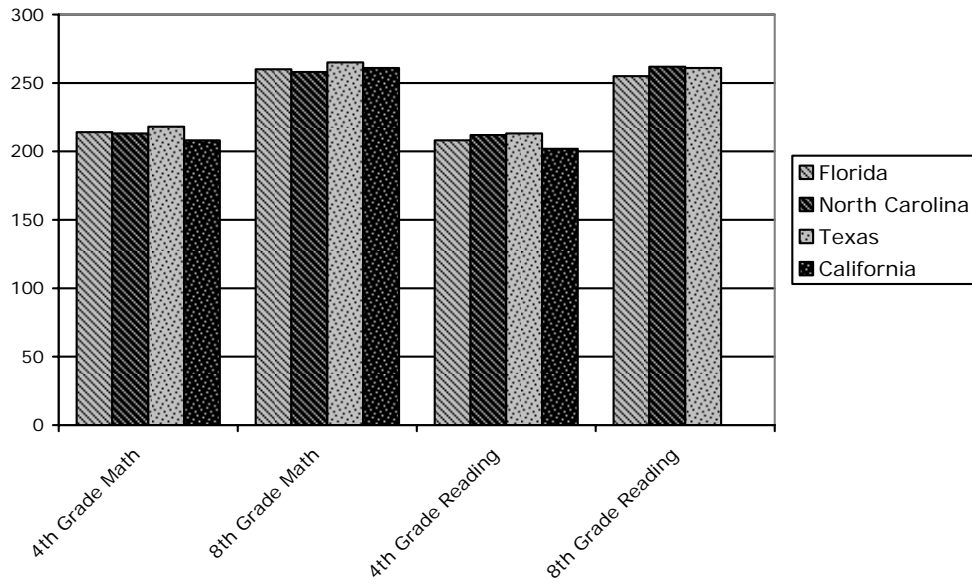
separate articles. New York's state education code consists of approximately 115 separate articles. Texas' state code consists of nearly 3600 separate articles.

Examining other jurisdictions is useful, but drawing conclusions about governance is tricky. As we have argued, governance arrangements are complex and they develop over time in response to the desires and needs of a particular community. Some features may be 'accidents' of history. Some may align with another state (e.g., configuration of state level institutions, or the utilization of numerous local school districts as the main delivery vehicle for educational services) but may differ significantly in other dimensions (e.g., in terms of intergovernmental fiscal relationships). One only has to consider the ballot propositions in California which have radically reshaped educational governance without formal changes to institutions, to realize that cross-state comparisons are useful but not always applicable.

Several states have attracted considerable attention from policymakers and scholars in recent years. Part of the interest lies in the reconceptualization of the state role that has occurred with the development of standards based state accountability systems. Although in California, the PSAA introduced a framework by which the state would develop curriculum standards and utilize standardized student assessments to measure progress towards those standards, it did not embark on other changes that altered other aspects of educational governance. Rather, standards based accountability was layered on top of existing structures and legislation. Other states, however, took the opportunity to consider the roles of the various players within their governance structure ("who") and to some extent their functions ("what"), as well as the kinds of instruments ("how") they used to ensure that all parts of the systems worked towards achieving the state's goals.

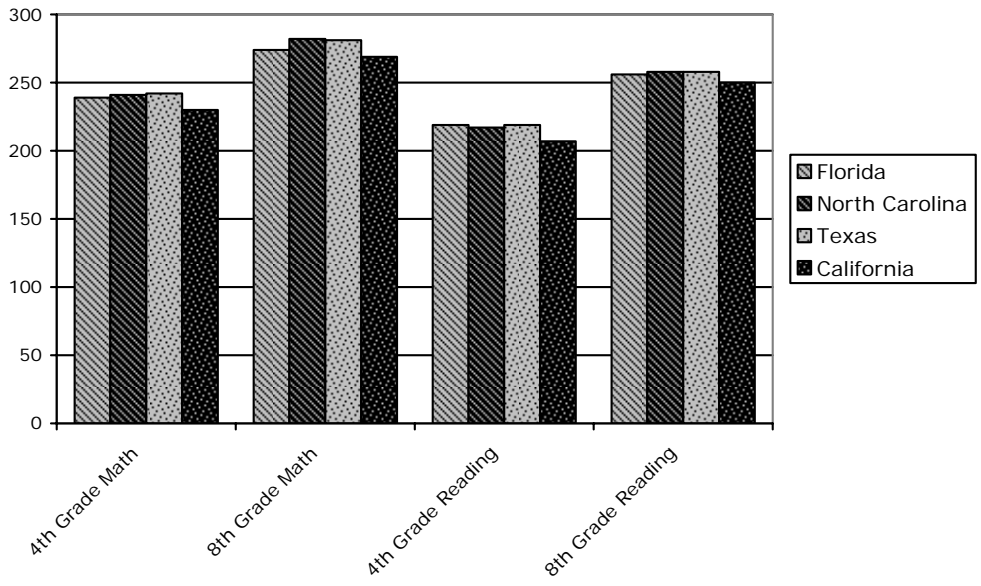
The other factor that has led to interest in other states has been the examination of state level National Assessment of Educational Progress (NAEP) test scores. Some states, notably Texas and North Carolina, are perceived as having made significantly more progress at raising student achievement on these measures, than have other states. Average NAEP scores from these states, as well as from Florida, are shown in Figure 7.1, Figure 7.2, and Figure 7.3. Figure 7.1: Average NAEP Scores, Four State Comparison, 1992

Figure 7.1: Average NAEP Scores, Four State Comparison, 1992



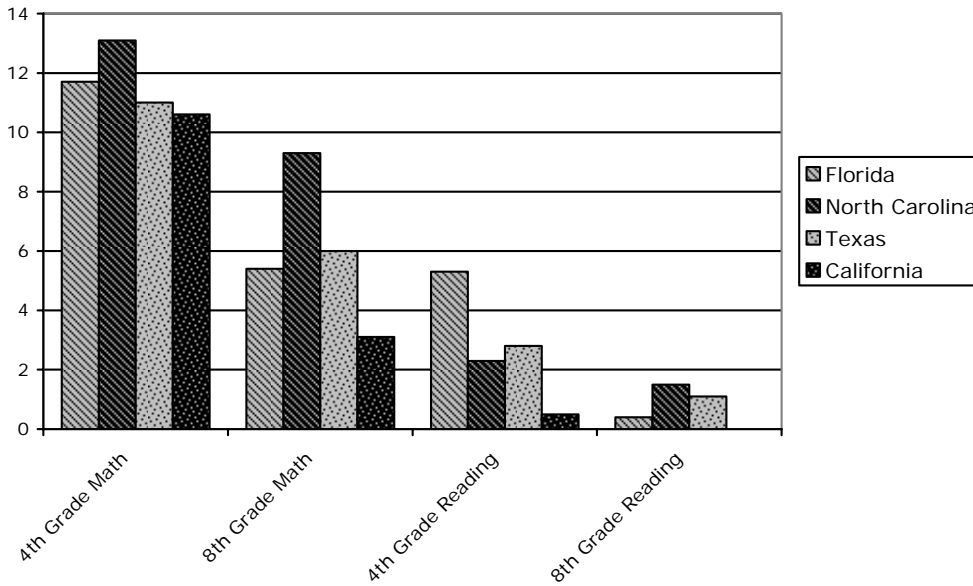
*8th grade Reading scores are for 1998, as no scores were available for 1992
Source: <http://nces.ed.gov/nationsreportcard/nde/>

Figure 7.2: Average NAEP Scores, Four State Comparison, 2005



Source: <http://nces.ed.gov/nationsreportcard/nde/>

Figure 7.3: Average NAEP Scores, Four State Comparison, Percent Change



Source: <http://nces.ed.gov/nationsreportcard/nde/>

The figures show that California students generally perform at lower levels than students in other states in both 4th and 8th grade, and in both reading and mathematics. In addition, California's rate of growth has generally been lower than other states. A further examination of scores by racial/ethnic subgroups provides a similar picture.

Although we cannot draw a direct *causal* linkage between NAEP performance and a state's system of educational governance, several researchers have hinted that there might be a relationship (e.g. Grissmer, et al., 2000), and policymakers have certainly become interested in the possible reasons for the success of Texas and North Carolina in particular. It is beyond the scope of this report to provide a detailed examination of the governance structures of other states, or present a detailed comparison with California. However, in this section we do present a brief overview of some of the most important changes of interest in these states, and highlight some themes that emerge in terms of governance reform.

7.4.2 North Carolina

In 1992 James B. Hunt was elected as North Carolina governor for his third term, with a focus on public education. At the time, the governor, the state legislature,

the State Board of Education (SBE), and the State School's Superintendent collectively governed North Carolina's education system. As the drive for increased accountability grew in the mid-1990s, the General Assembly directed the SBE to critically evaluate the structure and functions of the current public school system with the goals of improving student performance, increasing local control, and promoting efficiency. In response, the SBE developed "The ABCs of Public Education", which was approved by the General Assembly in 1996. The ABCs of Public Education created a school accountability system and restructured the shape and functions of the Department of Public Instruction (DPI).

Since abolishing the role of the State Superintendent would require a state constitutional amendment, the legislature 'reshaped' the role of that office. First, the General Assembly gave the SBE authority to guide and approve the decisions of the State Superintendent. Second, the State Superintendent's duties in governing schools transferred to the SBE such that it determined statewide assessments and school achievement goals, as well as the ability to intervene at schools designated as low performing and reward high performing schools. The high stakes accountability model was initially piloted in 10 school districts across the state. In 1996, implementation expanded to all K-8 schools and high schools the following school year.

The reallocation of power was designed to increase accountability; the SBE is now largely responsible for education in North Carolina. The new alignment in authority was designed to reduce much of the overlap in power and struggles for control between the SBE and state superintendent. The SBE is comprised of the lieutenant governor, the treasurer and 11 members appointed by the governor, approved by the state legislature.

In order to increase efficiency and further decentralize the state's power in public education, The ABCs of Public Education reduced the size and budget of DPI to nearly half its size (485 positions from 783) and the budget reduced from \$53 million to \$32 million (Drew, 1995a and 1995b; DPI, 2006). The money was shifted to local school districts from regional services; local districts used the money to establish their own regional alliances for staff development and other needs. While The ABCs of Public Education is a comprehensive school improvement plan, it encourages local schools to increase student achievement through an incentive plan in contrast to largely prescriptive programs.

The ABCs of Public Education was not implemented in isolation. In the same year, North Carolina voters approved a \$1.8 billion bond referendum to provide state funds to assist with school construction costs and elected a new state superintendent. The new superintendent had a strong background in education and worked to enhance the implementation of the ABCs. The General Assembly also approved charter legislation authorizing 100 charter schools across the state (a number reached by 2001).

7.4.3 Texas

The Texas Education Code has seen some major revisions in the last several decades. In 1981, William Clements signed legislation creating the first statewide curriculum and then a couple years later, Governor Mark White created a special committee to examine public education and propose recommendations. The majority of the committee's recommendations were enacted as part of House Bill 72, which implemented a new governance structure. Structural changes included reducing the 27 member State Board of Education (SBE) to 15, which now had authority over the Texas Education Agency (TEA) and Texas College and University system. The Commissioner of Education now reported to the SBE. The creation of a legislative oversight committee, Legislative Education Board (LEB)²³ also took place in 1984. The restructuring resulted in loss of decision making authority at the local level, but put in place basic standards of operation. For example, teachers and administrators were required to pass the Texas Examination of Current Administrators and Teachers (TECAT) exam, a reading and writing competency test in order to be recertified, high school seniors had to pass an exit exam, and athletes could no longer play sports if they did not make a certain grade point average.

In 1995 the Texas legislature revised the state Education Code further, refining state standards based accountability and providing for some increase in local autonomy. The revised code reduced the size of the Texas Education Agency (TEA) and shifted decision making authority to the local districts. Districts must meet strict accountability standards but now have more discretion over staffing decisions, student discipline, and textbook selection. For example, schools can determine 'good cause' in regards to employee dismissal; state waivers can be requested for hiring uncertified teachers; schools have the authority to impose school uniforms; teachers have the discretion to permanently throw an unruly student out of class; and school districts have greater freedom of selection of state-financed textbooks. Thus, while local superintendents and principals must meet state mandated standards they can develop independent programs tailored to meet the specific needs of their community. Local control is somewhat limited by the presence of a statewide salary schedule (Texas Education Code, section 21.402), though this sets minimum salaries that districts can supplement.

Two other changes are noteworthy. A parental 'bill of rights' was written into the Education Code, requiring that parents have reasonable access to the school principal and student records and that every school have parent teacher committees with parents involved in making districtwide decisions. Further, as well as expanding charter schools, "Home-Rule Districts" were permitted whereby districts can, through a voter referendum process, bypass many state curriculum

²³ The LEB is comprised of the lieutenant governor, the speaker of the house of representatives, the chairman of the House Public Education Committee, the chairman of the Senate Education Committee, the chairman of the House Appropriations Committee, the chairman of the Senate Finance Committee, two representatives appointed by the speaker, and two senators appointed by the lieutenant governor.

and regulatory requirements. Home-rule school districts must, however, continue to meet state accountability standards and administer achievement tests.

7.4.4 Florida

Florida is another state that adopted accountability early. In 1984 the state began planning for a data system tracking individual student progress in order to build a more flexible, integrated database at the state level that could be used to guide policy decisions. The system facilitates more efficient and rapid exchange of information within and between levels of the state education system (Dukes, 2006). The data system tracks a variety of information including student demographic data, attendance, grades, test scores, and parent information (FL DOE, 1998).

In 1998 Florida voters approved a constitutional amendment that radically changed the governance of their education system; Amendment VIII and the pursuant Senate Bill 1162 made several changes. First, Florida voters gave up their right to elect the Commissioner of Education and the State Board of Education (SBE); the amended constitution authorized the governor to appoint both the commissioner and the seven member state board. Second, there was a major reorganization of the Florida Department of Education, designed to create a 'seamless' K-20 model. The new SBE oversees everything from K-12 to community colleges to state universities. The Board of Regents for the State University System of Florida was abolished and replaced by separate governing boards; each state university now has its own 13 member Board of Trustees. Governor Jeb Bush appointed Jim Horne as Florida's first appointed Commissioner, and the K-12, community college, and state university budgets were combined into a single budget. A thorough overhaul of the education code was undertaken for the new K-20 system. The motivation for this new governance system was a desire to create a comprehensive kindergarten to graduate school system in which all education functions are under the jurisdiction of the appointed SBE and Commissioner of Education, allowing for better program alignment, continuous monitoring of student performance, and increased accountability by clearly tying responsibility for educational decisions to the governor. The new governance structure is still early in its implementation phase, thus it is difficult to measure empirical results as a function of the reorganization.

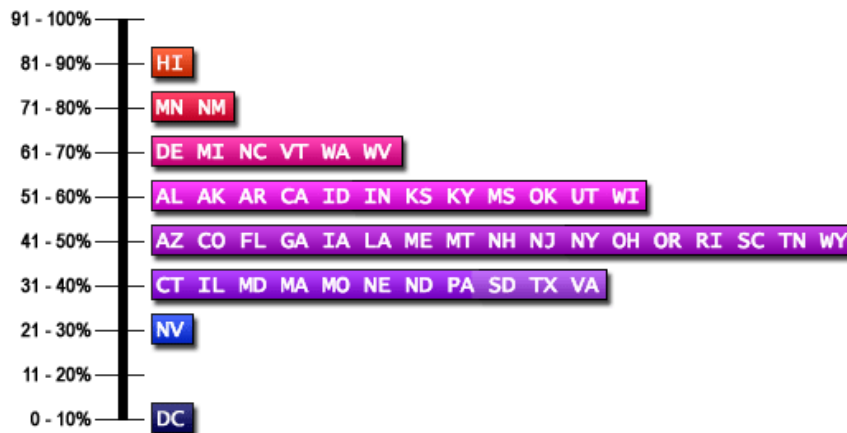
7.4.5 Implications for California

These state cases suggest some common elements and provide an indication of what can be accomplished when stakeholders come together to streamline their educational governance system. Of course, each state has its own quirks and failings, and some of the changes have yet to take full effect. And, as noted earlier, no one change can be said to have had detectable or proven effects on student achievement or other outcomes of the system. A more systematic investigation of the origins, development, and implementation of the various modifications, as well as perceptions of stakeholders in these states as to their

effects, could be a valuable exercise should California decide to proceed with governance changes of its own.

Significant contextual differences also make some changes easier in these states than in California. The fiscal arrangements in these states are different from the Golden State. Notably the share of school spending provided by state as opposed to local sources is lower in Florida and Texas than in California, as shown below in Figure 7.4. Notably, however, this is not the case with North Carolina, so this factor may not be limiting.

Figure 7.4: State Revenue as a Percentage of Total Revenue for Public Elementary and Secondary Schools: School Year 2002-2003



NOTE: Classification is based on the unrounded amount. State average: 48.7%. Median: Arizona 48.4%.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core Data, "National Public Education Financial Survey" http://nces.ed.gov/edfin/graphs/graph_index.asp, accessed September 2006.

More salient, perhaps, none of these three states have the same level of protections for collective bargaining; teachers' unions in particular have far less influence over the political process. In addition, although Florida and Texas are large and diverse states, they have very different political traditions from California. This does not mean that any of the changes suggested are inappropriate (in fact in some cases, they may be *more* needed in the California context) but it does mean that their implementation would be complex. Undoubtedly some degree of consensus around proposed changes is important, and it would be necessary to build such support in California.

What then are the main "takeaways" from this brief examination of other states?

One obvious implication for California would be to *strengthen the lines of accountability at the state level, focusing on the governor*. Our stakeholder interviews suggested a considerable degree of confusion at the state level among the multiple offices and agencies and this fragmentation does not contribute to clear lines of accountability. A change that these other state cases suggest could be the abolition of the elected SPI position, replaced by a governor-appointed SPI or Commissioner. Because of the need to implement this through a constitutional change, North Carolina avoided the issue by redefining the office's responsibilities.

Another suggestion that emerges from this brief examination of other states is the *alignment of the responsibilities of all institutions in the governance structure in light of strong standards based accountability*. In some respects California adopted an accountability framework without reexamining the roles and responsibilities of the various institutions within the system. Consequently, even though the basic proposition behind accountability was that high level entities (in this case the state) should set results-oriented targets and then give the lower level units (in this case school districts and schools) the freedom to reach those targets as they chose, in the California case there were no substantial changes to the flexibility of the lower level units. In fact, the system of state-dominated revenue generation and allocation combined with state-supported collective bargaining, along with an extensive state Education Code, mean that accountability was viewed by many stakeholders as "yet another set of regulations." In other words, schools and school districts were being held accountable for outputs as well as having their inputs regulated. Although, as we have suggested, school districts do retain some flexibility over decisions in some areas (and particularly to the extent school boards are able to avoid excessive restrictions of staffing assignments in labor contracts), this characterization of the California case is largely accurate.

Other states, either at the introduction of their accountability systems, or in refinements to it, realigned their systems or gave local districts more autonomy to meet state standards in the manner in which they chose. It is probably fair to say that these states already had less "activist" legislatures inclined to proscriptive legislation, but they also revisited their extensive education codes and streamlined them some. The shift was also easier because the state position was not as strong as in California because there were greater resources of local tax revenue over which localities were legitimately viewed as having primary control. Florida, in addition, has only 67 county level districts as opposed to the 1000+ in California. A full evaluation of the extent to which local school districts have greater flexibility in the three states we have highlighted, as compared to California, would require a much more in depth study. However, based on our review of existing literature and conversations with those knowledgeable about these states, the perception at least exists that this is the case.

Two other changes, both of which also were mentioned in our stakeholder interviews, strike us as important in examining these other states.

- *Extensive student level information systems* allows for reliable and useful information to guide policy decisions. Several interviewees noted that in the

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Florida case in particular the long established collection of individual student level data that permits tracking of performance through the entire K-16 system was very important, affecting legislative policy making and school and school district behavior.

- Florida and to a lesser extent Texas have attempted some degree of *integration of K-12 and higher education systems*. An integrated governance structure clearly makes conceptual sense, in light of the large number of K-12 graduates going on to some form of public higher education. In recent years an increasing disconnect between the performance of high school students and the skills needed for college has resulted in a proliferation of remedial programs. Since taxpayers are essentially “paying twice” for the preparation of these students, efforts have been made to ensure a better alignment between high school course work and expectations and college entrance requirements. However, efforts in this regard are still in their infancy. California lags other states in developing ways to better align the K-12 and higher education sectors. A full analysis of this issue, including a review of six state’s policies (California, Georgia, Illinois, Maryland, Oregon and Texas) can be found at the Stanford Bridge Project (www.stanford.edu/group/bridgeproject/).

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Our cursory examination of several other states suggests some possible promising directions for California governance reforms.

7.5 CONCLUSIONS: OPTIONS FOR CHANGING EDUCATIONAL GOVERNANCE

In this report we have attempted to present a picture of California’s educational governance. This is an ambitious task given how complex and expansive the system is, consisting of many interrelated institutions and millions of individuals who work together in different formal and informal ways. We have drawn on previous analyses of California’s governance structures, new analyses of primary source documentation, and more than forty interviews conducted over the past year.

Our starting point was that governance *can* matter. How the state decides to organize its educational decision making and delivery structures can have a significant impact on the quality of students’ experiences in classrooms. But there is no proven “magic formula” that a state can adopt that will guarantee good governance. We agree with Danzberger, Kirst and Usdan (1992) that “governance must be reformed, but we do not believe there is one perfect structure” (p. 82).

Indeed, given the multiple aims of the educational system, good governance in itself is not always easy to recognize. One of the goals of this report was to use expert and stakeholder views as well as previous literature to present a picture of the kinds of traits that a good system might have. The five characteristics we focused on, stability, accountability, innovation, transparency and efficiency,

provide a framework for thinking about governance as it exists today and in evaluating possible changes to the system.

In the same vein, our description of the existing system was laid out in such a way as to provide a blueprint for policymakers. First, decide what it is you are trying to do. Given a set of broad goals, what are the functions that need to be accomplished? Second, consider the best form of the institutions that can accomplish those tasks. Should they be public or private, centralized or decentralized, hierarchically organized, tightly linked or some other configuration? And third, consider the way those institutions should carry out their work. Should they use rules and regulations, market driven incentives, or some other tools to ensure the desired outcomes?

This exercise in itself is revealing. For example, in describing California's educational governance system as it operates today, it is very hard to present the description in terms of functions; it is much easier to talk about the institutions. In fact, most of the discussions of governance center on a particular entity or another, as if these institutions were themselves the ends to be accomplished. Similarly, the balance of types of instruments used to operate traditional K-12 public education systems – and particularly in California, is primarily one of regulation with reporting and checking to ensure compliance. Although the rhetoric of accountability is commonplace, with outcome standards defined, the state continues to devote a great deal of attention to describing the configuration of inputs schools are expected to use. And even if the state itself does not tie the hands of the lowest level delivery units, the schools, collectively bargained contracts impose a layer of rigidity that impedes local level flexibility. Further, the incoherence of the governance structure as a whole, developed over time in piecemeal fashion, results in very mixed incentives for the actors in the system.

The description of the educational governance system that we provide in this study is far from complete. We have not, for example, devoted much to the perceptions of school level stakeholders, nor have we discussed the court system and its impact, or provided much information on interest groups that affect legislation at the state level and resource allocation decisions at the local level.

Even so, the system we have laid out is one that is clearly complex and fragmented. It has accumulated over time without clear redefinition of the roles and responsibilities of all the elements. Today, the picture is one of weak accountability, efficiency and stability, and only moderate transparency and innovation. Maybe for a state as large and diverse as California this is a satisfactory state of affairs, but it certainly seems likely that the state can do better.

It is not the purpose of our study to present a set of recommendations for governance reform; this is the task of the Governor's Committee. We are mindful too of the many caveats that must be born in mind when considering such changes. For example, as others have found:

- “Education is a complex enterprise and the governance that at one level best serves a group’s goals many not be as effective at another level.” McGinn, 1982, p. 163)
- “A neat organizational chart does not guarantee sound governance...what really matters is structure, individual people, and political culture, considered together as a whole” (National Association of state boards of education, 1996, p. 10).
- “Most changes in governance...have generally left institutional deposits that made school structures more rather than less complex’ (Cohen, 1990). A typical response to outside demands for changes has been to add a new department, a new layer of government or an agency. Such accretions rarely disappear. This fact prompts a caution: do not assume that through the reform of governance... the old will evaporate; it seems more likely that accommodating to new demands will complicate, not simplify.” (Tyack, 1993, p.24)
- “Experience shows that there are no ‘magic bullets’ and simplistic, abrupt governance ‘reforms’ can have unintended consequences that create new difficulties, including administrative chaos and significant morale problems” (National Association of State Boards of Education, 1996, p. iii).

Yet even with these cautions, we believe that change is needed. Our interviews, examination of previous reports, and the actions of other states provide some surprisingly clear indication of the direction that is needed, albeit without agreement on the details.

First, stakeholders almost universally agreed there was a need to simplify and clarify the role of the state and specific institutions at the state level, particularly in light of accountability. The state could also do more in terms of capacity building throughout the system. Second, there was a strong desire to reinforce local control and give districts greater authority over more decisions than they currently have. These two themes are to a large degree interrelated.

California has overlaid outcomes-based accountability upon an educational system built on input-based regulatory compliance, but has not given lower level institutions the ability to fully manipulate resources to attain the outcomes. This clearly needs some attention. In fact, California has a good opportunity to consider ways to “create a new tight-loose structure: tight on outcomes but loose on methods that autonomous schools choose to use” (Koehler et al., 2003, p. 24). We echo the view of the National Association of State Boards of Education (1996) which suggests creating “an organizing principle of granting as much autonomy as possible to the lowest possible level, as long as essential governance responsibilities are maintained through reliable methods of accountability” (p. iii). We interpret this to mean that an effective governance structure supports the appropriate roles for each level and provides flexibility and authority

commensurate with those roles. This may require more flexible funding streams that reach schools directly, and creative changes to the way collective bargaining affects the way those dollars can be used.

Taking this approach requires something of a leap of faith on the part of those in Sacramento, something that has been lacking in the past two decades. It can be done, though, if the approach is gradual and accompanied by significant attention to *building capacity* at the local level – everything from school board training to enhanced school budget tools to a statewide data system that permits the easy collection and analysis of data on resources and performance.

Any reform of this type also requires openness to new ideas. The goal of the system is to serve the children of the state, not the adults who work in the institutions that have been created to operate it. Governance reform may mean reconfiguring those institutions in ways that cause some dislocation and puts an end to old ways of doing things. It also requires state and district policymakers to deliberately establish a policy environment that encourages new and innovative approaches (See, for example, Kolderie, 2004).

A recent poll (Harris Interactive, 2006) found that the following statement resonated with the voters of California; 51% of respondents “very much” or “somewhat” agreed that:

Low funding levels are a problem, but so is the inefficient use of funds, as well as the entrenched interests that are playing politics with the educational needs of our children.... We can reform education, but only when everyone puts the needs of the children first to build a practical system based on standards, accountability, openness and responsibility. More money for education will make a difference only when there is a structure in place to make a difference.

We think the analyses we have presented in this report provide plenty of fuel, and hopefully some ideas, for the implementation of this approach.

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APPENDICES

Appendix A: Interview Protocol

Appendix B: California Educational Governance Timeline

Appendix C: California Constitution, Article IX

APPENDIX A: INTERVIEW PROTOCOL

Center on Educational Governance How Can California's Educational Governance System Be Improved?

Interview Questions

1. What is your position and how long have you been in this position?
Provide a brief overview of your experience both inside and outside the education system. [If they have any out-of-state experience, get their views on how and why CA is better/worse.]
2. You are a county/district leader. What do you see as the primary role of the district/county? And your role as its leader? Are there functions you think you should have, or shouldn't?
3. What is your relationship with your board? What could be done to improve board-superintendent working relationships?
 - a. Do you think an elected board facilitates effective decision making? What could be done to improve board effectiveness? (Role of unions, in regards to providing funding for specific candidates.)
 - b. Do you think that it would be helpful to more precisely define the roles of the board?
 - c. What are the time demands of working with board members? With the state?
4. What is your relationship with the state [if district superintendent, ask similar set of questions about relationship with the county office], specifically the State Department of Education, the State Board of Education, and the Secretary of Education? How can these relationships be improved? Are the roles clear?
5. Should the functions of the state department be expanded, reduced or left about the same? If you think they should be changed, what other institutions should take on the roles? Should the CDE provide more services to districts and if so, what kind?
6. In terms of structure and organization, what is the role of each level? Are there clear lines of authority between the levels? Who controls the organization of schools and school districts? What kind of delegated and reserved powers do officials at each level have?

7. We want to understand how different parts of the governance structure are involved in the decision making process.

Resource allocation

- a. Who controls the distribution and uses of monetary and non-monetary (e.g., personnel) resources among various units?
- b. Does the school require authorization from another authority to spend school funds? Does the district require state approval?

Staffing and professional development

- a. Who hires teachers, administrators, and non-teaching personnel?
The school or the district?
- b. Who determines the number of staff members needed at a school/district?
- c. Who determines the requirements for training/certification of educational personnel?
- d. How are salaries set?
- e. Does collective bargaining hinder teacher accountability?
- f. How are teaching personnel reallocated/transferred within and among schools?
- g. How much control does the school/district have over the criteria for evaluating teacher performance?
- h. Who determines the requirements for training/certification of educational personnel?
- i. How much control does the school/district have over the frequency, length, and content of teacher professional development?
- j. Does each level offer development or other training opportunities to teachers?

Educational Program/Testing

- a. How are the timing of instruction and the groupings of students set?
- b. Who sets graduation requirements?
- c. How much control does the school/district have over selecting interventions for low-performing students?
- d. How much control does the school/district have over the selection of student assessment measures in addition to the required state assessment?

8. How much would each of the following help you to improve outcomes for students in your district?
- a. More flexibility in allocating dollars or resources – for schools? For districts?
 - b. More dollars in the budget overall
 - c. Fewer requirements from the state

9. What is one thing the state can do to make the superintendent's job easier? What is one thing the school board can do to make the superintendent's job easier?
10. What is your opinion of the charter movement?
 - a. Should there be more charter authorizing bodies?
 - b. Is there proper oversight of charter schools?
11. What is your overall impression of the effectiveness of California's current educational governance system? Do you think the lines of authority are clear in California's current educational governance system? Do you think California's current educational governance system facilitates timely decision making?
12. In addition to the suggestions you have already made, are there any other important aspects of California's governance structure you would change?
13. Do you have any suggestions on who else we could contact for interviews for this study?

Thank you for your participation.

APPENDIX B: CALIFORNIA EDUCATIONAL GOVERNANCE TIMELINE

- 1848: Sam Brannan, publisher of San Francisco's California Star, argued forcefully for the erection of public schools, which led to the election of a five-member school board in San Francisco.
- 1849: Article IX of the California Constitution established the legal foundation for a system of common schools, providing for a state permanent fund to support schools and established the office of the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), and county offices of education. The SPI is to be elected by qualified electors of the state at each gubernatorial election, and may not serve more than two terms. The state was required to (1) provide to each district a minimum of \$120 per student, and (2) provide free textbooks for use in grades one through eight.
- 1851: San Francisco's city council enacted a Free School Ordinance, providing for the establishment, regulation, and support of free common schools. The ordinance created a board of education that was linked to the city government. Powers of the board included authority to appoint a superintendent of schools, purchase property, build schools, prescribe a course of study, hire teachers, and inspect the schools twice or more each year.
- 1851: John G. Marvin, the First State Superintendent, elected.
- 1852: Legislation approved the apportionment of school funds among towns and cities "in proportion to the number of children residing therein between the ages of 5 and 18." Also called for a state school tax of five cents on each \$100 of assessed property value. In addition, incorporated towns and counties were permitted to levy a school tax of not more than three cents.
- 1853: Legislation allowed counties to raise by taxation any amount they desired for school purposes.
- 1855: State Superintendent Paul Hubbs exhorted members of the legislature to support schools generously, but with minimal success.
- 1857: Andrew J. Moulder became the third State Superintendent and brought to the superintendency a greater comprehension of school procedures and policies
- 1866: State Superintendent John Swett pushed through an omnibus school bill entitled "An Act to Provide for a System of Common Schools," which increased public funding of the school system, required each school district to furnish children at public expense all school supplies except textbooks, extended the school term from three months to five months, and provided for the establishment of separate schools for nonwhite children.

- 1874: Legislation passed to establish compulsory attendance for children between the ages of 8 and 14. The major concern of educators during this period was to extend the benefits of education to more of the general public.
- 1875: The California Educational Society became the California Teachers Association (CTA); the organization's key issues included the need for greater state support for public education, free textbooks for children, improved training of teachers, compulsory attendance, and expanded opportunities for manual training in the schools.
- 1895: Amendment of the state High School Act of 1893, which permitted any city or incorporated town with a population of a thousand or more to establish a high school district.
- 1897: State supreme court ruled in *Mitchell v. Winnek* that the legislature could prescribe the requirements for teacher certification. The constitution had previously given county superintendents and boards control over teachers' examinations and teaching certificates. The ruling still allowed counties to issue certificates, but regularly licensed teachers were required to possess a state credential before the county could issue a certificate.
- 1902: Constitutional amendment of 1902 required that all revenue derived from the state school fund and school tax be applied to the support of primary and grammar schools, but also authorized the legislature to levy a special tax for the support of high schools and technical schools.
- 1904: With the start of state financing of public high schools came dramatic enrollment increases in grades nine through twelve.
- 1919: Legislation increased the compulsory school attendance age to sixteen.
- 1920: Proposition 16, a multifaceted amendment to the state's constitution, passed, which added kindergartens to the state school system, established teachers' colleges to replace the two-year normal schools, provided for a stronger base of state and county school support, and required all state aid, plus sixty percent of county funds supporting local school districts, to be used for teachers' salaries. In addition, Proposition 16 mandated an annual minimum state contribution of \$30 per pupil in grades one through twelve, and counties were obligated to raise revenues sufficient to match that amount for elementary schools and double it for high schools.
- 1921: State Department of Education established, mainly to professionalize education, particularly its administration, and standardization of practices, such as developing curricula, publishing textbooks, and administering state teacher colleges.

- 1935: New laws allowed elementary and high school districts to combine into a single district under one board of education defined as a "unified" school district.
- 1945: Passage of the Optimal Reorganization Act, which addressed the problems that resulted from the past practices of school district organization. The Act resulted in the formation of the Commission on School Districts, which was created to conduct surveys, establish committees, and make recommendations to the SBE.
- 1949: Commission on School Districts was disbanded, and the responsibility of school district organization fell to the SBE. Provisions were also made for counties to carry on the work that the Commission had started. To assist the counties in this effort, the California Department of Education (CDE) established the Bureau of School District Organization, which acted as an advisory group within the Division of Public School Administration.
- 1964: Assemblyman Jesse Unruh's AB 145 passed, which offered new incentives to school districts that reorganized and new disincentives for districts that chose not to reorganize. AB 145 provided a mandate for unification, but was primarily a financial measure, as unified districts received increased financial support.
- 1965: Congressional passage of the Elementary and Secondary Education Act, which included three major programs aimed at: 1) providing assistance for the education of children from low-income families; 2) providing library resources, textbooks, and instructional materials to schools in low-wealth areas; and 3) establishing supplementary educational centers and services in areas with a concentration of low-income families.
- 1967: SB 1, the "Magna Carta of Education," enacted to strengthen local control. SB 1 allowed school districts to establish their own graduation requirements.
- 1970: The Ryan Act, which demonstrated the state's continued efforts to influence teacher preparation, passed and created the California Commission on Teacher Credentialing. The act increased hours of student teaching needed for newly certified teachers, curtailed the number of courses in professional education that institutions could require prior to student teaching, and required state-supported teacher preparation institutions to make it possible for teacher candidates to finish their programs in four years.
- 1971: In *Serrano v. Priest*, the state supreme court ruled that the public school system could not be financed based upon the value of property in the community. The court ruled that the parents, pupils, and taxpayers from low-wealth districts were being denied equal protection of the law because the state's school financing system permitted great inequalities to exist. The court mandated state action to reduce differences in general purpose funding among districts.

- 1972: SB 90 enacted, with the goal of beginning the equalization process and to limit local discretionary funding (taxing) support for the public school system. SB 90 contributed to the shift from local to state control, which put a squeeze on the financial support for CA's K-12 public school system.
- 1972: The California Assessment Program (CAP) developed and implemented to assess the performance of CA's public school system.
- 1975: AB 65 established the statewide School Improvement Program (SIP), which was initially implemented at the K-3 level of the public school system. Due to funding difficulties and a perceived lack of success, SIP has not been expanded significantly.
- 1976: SB 160 enacted, which included the Rodda Act. The Rodda Act established collective bargaining for public employees and allowed organized teachers' unions to develop a more traditional labor versus management posture with respect to the state's school districts. Required school districts to share with employee unions the authority to set school funding priorities.
- 1977: AB 3408 enacted, which established strict competency standards for high school graduation. Students receiving high school diplomas had to now demonstrate minimal proficiency, as determined by the local board, in reading, writing, and computational skills.
- 1978: Proposition 13 enacted, which prohibited school districts from imposing local ad valorem taxes and took away the opportunity to obtain public school construction money through general obligation bond financing. State assumed responsibility for determining the level of school funding and how funds are spent.
- 1979: AB 8, a comprehensive measure that attempted to clarify and resolve the fiscal crisis that was brought on by the passage of Prop. 13, enacted. However, AB 8 included a "deflator" clause that left local government and public schools in a constant state of fear of unanticipated cuts in funding for local operations.
- 1983: SB 813, a major educational reform bill, enacted to help revitalize CA's K-12 public school system. SB 813 established the CA Commission on School Governance and Management.
- 1994: SB 1537 enacted, making significant adjustments to school district organization statutes. The effect of the legislation is that elementary school districts can exist within the boundaries of a unified school district.
- 1998: Proposition 98 approved, which reduced state flexibility over funding levels for K-14 education. Increased focus on the state budget as a policy tool.

- 2000: Williams v. State of California filed, alleging that the state is not exercising its constitutional responsibility for oversight of K-12 education. According to plaintiffs, conditions in schools throughout the state deprive children of equal access to education. Such conditions include unqualified teachers, lack of textbooks and instructional materials, deteriorating and unhealthful facilities, and the absences of adequate instructional programs.
- 2002: Proposition 45 approved, authorizing \$13.05 billion in bonds for the repair and modernization of kindergarten to university facilities.
- 2004: Proposition 55 approved, authorizing another \$12.3 billion for same purposes as Prop. 45.
- 2004: After more than four years of litigation, the parties involved in the case of Williams v. State of California reached a settlement agreement. Gov. Schwarzenegger signed into law five bills (SB 550, AB 2727, AB 1550, AB 3001, and SB6) implementing the legislative proposals set forth in the settlement agreement. The settlement has established new standard and accountability systems that apply to all CA public schools.

APPENDIX C: CALIFORNIA CONSTITUTION, ARTICLE 9 EDUCATION

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. No Superintendent of Public Instruction may serve more than 2 terms.

SEC. 2.1. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from state civil service and whose terms of office shall be four years.

This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to state civil service.

SEC. 3. A Superintendent of Schools for each county may be elected by the qualified electors thereof at each gubernatorial election or may be appointed by the county board of education, and the manner of the selection shall be determined by a majority vote of the electors of the county voting on the question; provided, that two or more counties may, by an election conducted pursuant to Section 3.2 of this article, unite for the purpose of electing or appointing one joint superintendent for the counties so uniting.

SEC. 3.1. (a) Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools, and for these purposes shall classify the several counties in the State.

(b) Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools or the joint county superintendent of schools, respectively.

SEC. 3.2. Notwithstanding any provision of this Constitution to the contrary, any two or more chartered counties, or non chartered counties, or any combination thereof, may, by a majority vote of the electors of each such county voting on the proposition at an election called for that purpose in each such county, establish one joint board of education and one joint county superintendent of schools for the counties so uniting. A joint county board of education and a joint county superintendent of schools shall be governed by the general statutes and shall not be governed by the provisions of any county charter.

SEC. 3.3. Except as provided in Section 3.2 of this article, it shall be competent to provide in any charter framed for a county under any provision of this Constitution,

or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office.

SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law. The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and state colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.

SEC. 61/2. Nothing in this constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such districts under such general laws as have been or may hereafter be prescribed by the legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; provided, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.

SEC. 7. The Legislature shall provide for the appointment or election of the State Board of Education and a board of education in each county or for the election of a joint county board of education for two or more counties.

SEC. 7.5. The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute.

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the

period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph. In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and

kept free there from in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

SEC. 14. The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and community college districts, of every kind and class, and may classify such districts. The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.

SEC. 16. (a) It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

(b) Notwithstanding Section 3 of Article XI, when the boundaries of a school district or community college district extend beyond the limits of a city whose charter provides for any or all of the foregoing with respect to the members of its board of education, no charter amendment effecting a change in the manner in which, the times at which, or the terms for which the members of the board of education shall be elected or appointed, for their qualifications, compensation, or removal, or for the number which shall constitute such board, shall be adopted unless it is submitted to and approved by a majority of all the qualified electors of the school district or community college district voting on the question. Any such amendment, and any portion of a proposed charter or a revised charter which would establish or change any of the foregoing provisions respecting a board of education, shall be submitted to the electors of the school district or community college district as one or more separate questions. The failure of any such separate question to be approved shall have the result of continuing in effect the applicable existing law with respect to that board of education.