

# GOVERNANCE OF EDUCATION IN CALIFORNIA

## INTRODUCTION

This study guide begins by taking a look at the state level of educational governance in California. It asks several questions and explores a variety of responses that have been offered by government agencies, blue ribbon committees, educational experts, and others.

Basic questions explored in this guide include:

- What is the purpose of education governance?
- Who is accountable for public education in California?
- Who governs public education on the state level?
- What systems do other states use to govern their education establishment?
- What are principles that promote effective school governance?
- What are major proposals for change in state-level governance; who has proposed them?

Before looking at specifics of education governance, however, it is necessary to establish a more general framework. The remainder of this section does just that.

### **What Is the Purpose of Education Governance?**

According to the *Governance Working Group Final Report* submitted in 2001 to the legislature's Joint Committee to Develop a Master Plan for Education—Kindergarten through University, "Governance addresses the education system's ability to meet its expectations and solve problems within its structure. Governance is essentially structure and control: What officials or entities should be making and carrying out decisions, and within what structures? To answer these questions, the goals of the education system must be clearly articulated. The goals then provide a basis for the configuration of structures and the designation of responsibilities and decision-making authority."

*The California Master Plan for Education*, as submitted to the legislature in 2002 after four years of extensive study, stated its finding that the governance structure is not designed to meet the goals of the system, which are defined in the report as 1) employing student achievement as the measure of success; 2) improving accountability; and 3) ensuring coordination between K-12 and postsecondary education and among the several postsecondary institutions. (See page 4 for more information about the Master Plan.)

### **A Brief Historical Perspective**

A brief review of California's constitution might lead one to conclude that the operation of a public school system is the primary purpose of California state government. The public schools are accorded unshared first priority for state expenditure; appropriations for the public schools alone among all major categories of state expenditure require only a simple majority for passage; and provisions under Proposition 98 set forth a unique and elaborate mechanism for determining a required, substantial minimum amount of state funding for the public schools each fiscal year.

The constitution from its inception has included an elective state officer whose particular charge is to oversee public education. The superintendent of public instruction (SPI), unlike other elected constitutional officers, is uniquely charged with responsibility for one specific category of government services,

education. Reforms, however, have reduced the powers of the superintendent and have allocated substantial state-level power over K-12 education to the governor through control of the state Board of Education. Since 1913 the superintendent has been excluded from direct membership on the state board, and the governor has had the authority to appoint all of its members.

In 1920, a Department of Education was created, with the superintendent as its ex officio director. Conflicts of interest did not arise for 33 years as four successive superintendents came into office initially by being appointed. Nevertheless, since 1945 there has been a succession of proposals calling for change. The Strayer Report recommended that the state board appoint the superintendent (1945). In 1958, voters defeated a constitutional amendment that would have the superintendent appointed by the state board with the approval of the Senate. Ten years later, recommendations by a Constitution Revision Commission included a provision that by a two-thirds vote of the legislature, subject to approval by the governor, a statute could eliminate the election of the superintendent, bypassing the constitution. Voters defeated this measure. Finally, in 1996, the Constitution Revision Commission recommended that the governor appoint the superintendent, subject to Senate confirmation, that the duties be set forth by statute, rather than in the constitution, and that the state board be removed from the constitution, making it open to statutory redefinition. No action has been taken on this recommendation.

Meanwhile, little significant change has impacted the state Board of Education. These appointees gather for two or three days of formal sessions once a month, and have almost no staff. The superintendent, in contrast, has the state Department of Education as his/her staff. In addition, governors, by executive order, since the 1990s have appointed a succession of cabinet-level secretaries for education.

Voters continue to have a strong conception of the SPI as their directly elected representative and spokesperson with regard to the public schools. In an interview with study committee members, the current superintendent stated his agreement with this position.

### **Perspectives on State-Level Governance**

While sound organizational theory would propose that the governor alone be held accountable for K-12 public education, the current mixed system of shared accountability has had its proponents and opponents. Education reforms have proceeded. Establishing the office of Secretary for Education in statute, as proposed by former Governor Wilson, along with the transfer of responsibility for the administration of the state Department of Education from the superintendent to the secretary might achieve clearer lines of responsibility. However, while establishing the governor's accountability, it could also dilute the primacy of public education symbolized by the elected superintendent. This situation would also result should there be a constitutional amendment eliminating the election of the superintendent.

Among the criticisms of the current structure, despite recognizing the confusing and conflicting lines of authority and responsibility, Professor Jeannie Oakes of UCLA states that her "emphasis...is on the development of an accountability system that focuses on opportunities as well as outcomes, that specifies the rights and responsibilities at each level of the system, and that ensures a legitimate and powerful role for local parents and communities." (Written interview with Jeannie Oakes, April 2004.)

## **Principles That Promote Effective School Governance**

### **Unity vs. Balance**

- **Arguments for unity:** Proponents for revision of the state constitution provisions on education governance claim the present system is so dysfunctional and accountability is so diffused among many state entities that no significant improvement can be made in the desired outcome—student learning—until major changes are made in the state governance structure. They claim that there are so many entities involved in state education decision-making that no single one can be held accountable for inadequacies in California public education. They point to constitutional roadblocks that prevent proposals for improvements in the delivery of education to California’s students from being adopted. A constitutional revision that approves the appointment of an SPI could result in that office implementing state policies that are consistent with the governor’s budget and program priorities—a clear voice to local districts speaking from Sacramento on education issues with direct accountability to the voters.
- **Arguments for Balance:** On the other hand, opponents warn of the danger of the unintended consequences that might occur if major constitutional changes in state education governance were made. Those supporting the status quo point to the fact that voices for systemic change in state governance are seldom heard when economic times are good. They tend to speak out in poor economic times, arguing that changing the funding structure of the education system is needed, rather than systemic change in state education governance. The proponents for balance add that California electoral history shows that proposals for changes in state governance have not been supported at the ballot box. They believe that an elected SPI, acting in the best interests of students and speaking for him or herself, rather than representing the governor’s interests, provides an informed, independent voice to local school districts and to voters.

### **Local Control vs. State Control**

- **Local Control:** The student populations of districts vary greatly in their educational needs. Proponents of local control say that the local school district is best able to provide programs that meet those needs. In a state as large and diverse as California, it is difficult or even impossible for state officials to be well informed on all the school districts and their varying needs. People at the local level have the greatest stake in the success of their school districts; they should be the ones making program decisions. Local control would encourage innovation and the development of creative ideas for resolving educational problems.

Over the years, the state’s role in K-12 education has been expanded by changes resulting from court rulings, voter initiatives, and legislative actions. The result has been an erosion of the state’s previous long-term policy of local control. Many stakeholders in the education enterprise recognize the need to distinguish which functions of governance should be locally controlled and which ones are best performed at the state level.

- **State Control:** The state has the ability to address issues that districts are either unable or uninterested in resolving; it has the ability to assure equity across the system. An example of this is the plight of students in poorly managed districts. State funding is here to stay. It would require constitutional amendments to abolish Proposition 13 and Proposition 98; a highly unlikely scenario. Therefore, since the state has the power of school financing, not local school districts, the state should be accountable

for the success of the educational system. State control ensures that there is a minimum level of program services for every student in California. It can make sure that there is a more even distribution of funding to school districts. Discussion of court rulings regarding the constitutionally defined role and responsibility of the state can be found on pages 55-56 of this study guide.

### **The Work of the Joint Legislative Committee to Develop a Master Plan for California Education**

A Joint Committee of the Legislature was formed in 1998-99 to develop a master plan for education with Senator Dede Alpert as chair, Assemblymember Elaine Alquist, co-vice chair, and Assemblymember Virginia Strom-Martin, co-vice chair.

The executive summary of the plan states that the Master Plan had two primary goals: 1) “to provide every family with the information, resources, services, and support it needs to give every child the best possible start in life and in school”; and 2) “to provide every public school, college, and university with the resources and authority necessary to ensure that every student receives a rigorous, quality education that prepares him/her to become a self initiating, self-sustaining learner for the rest of his/her life.”

To achieve these purposes, seven working groups were formed. Key people both from within and from outside of the educational community were called on to serve on each of the working groups. After four and a half years of study, presentations by experts and much discourse, fifty-six recommendations were made covering every aspect of pre-K to university education.

In the summer of 2003, on-line Web Dialogue discussions regarding the recommendations of the Master Plan gave interested citizens, as well as state officials, the opportunity to make input into the Master Plan process. Discussion of the recommendations continues as a nonprofit, public interest group called the Office of the Master Plan for Education holds meetings throughout California.

### **The Governance Working Group**

One of the working groups was the Governance Working Group (the Group), which had 25 members who worked together for over a year to develop their recommendations. On page one of its final report, the Group recommended improvements in the structure of education governance to meet three goals:

- Employing student achievement as a measure of success
- Improving accountability—a clear delineation of responsibilities and consequences
- Ensuring coordination between K-12 and post-secondary education, and between the Universities of California, California State Universities, and California Community Colleges.

The Group’s charge was to “determine desired outcomes of the California public education system, recommend structural governance forms that offer the greatest promise to yield the desired outcomes, and assign roles and responsibilities within the structures.” It concluded that state-level pre-K through 12 and Adult Education had no clear lines of accountability due to multiple entities having overlapping responsibilities. It found that key players in the state-level governance of public schools include:

- The Superintendent of Public Instruction (SPI): One of seven statewide elective offices specified in California’s constitution. The responsibilities of the SPI are specified in statute.

- The State Board of Education: An 11-member board appointed by the governor. The SPI serves formally as secretary to the SBE, but is not considered staff to the board. The board maintains a nominal staff of its own to handle its business.
- The Secretary for Education: Originally created in 1991 as Secretary for Child Development and Education. This office has never been formally established by constitutional provision or statute. ...Over time, there has been a gradual accretion of authority assigned to the position as well as an increased amount of responsibility for program administration and policy interpretation on behalf of the governor. Currently, the Secretary for Education has a small staff.
- The Governor: By virtue of budget authority assigned to this office, the authority to appoint members of the SBE and the selection of the Secretary for Education, the governor has significant influence over what public education can do. In addition the governor is nearly always the final arbiter of policy priorities by virtue of the veto authority assigned to the position.

The Group further found that local education leaders cite the existence of these multiple entities, each of which have a significant impact on education policy, and the lack of a clear delineation of roles among them, as impeding accountability for public education.

### **Working Group: Desired Outcomes, Guiding Principles**

The following are Working Group statements of desired outcomes and guiding principles of effective governance, followed by their recommendations for more effective state-level governance. (Governance Working Group, *Final Report*, page 5)

#### ***Desired Outcomes***

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

### *Guiding Principles of Effective Governance*

- State-level governance should provide for long-term planning based on clear standards and expectations.
- State-level governance should ensure a more consistent level of funding with less regulation.
- Local control of funding and delivery of education should be enhanced, consistent with state law.

### **Designing an Accountability System for Public Education**

(The following segments are excerpted from pages 79-82 of *The California Master Plan for Education, 2002*.)

Every effort to solve the special problems that exist at different levels of our public education system in isolation one from the other is met with a stubborn reality—that the problems are not solvable until education is understood as a coherent process.

What quickly becomes apparent is that an accountability system, to be effective, must be approached from the perspective of shared responsibility with all the stakeholders recognizing and accepting their share of responsibility for ensuring and sustaining educational improvement over time.

**Key concerns in designing an accountability system for public education should include at least the following:**

- Are the desired outcomes clearly stated and measurable?
- What are the barriers to achieving the desired outcomes; what are the obstacles that must be overcome?
- What tools, strategies, and/or resources are available to bring about the desired changes?
- Who are the key actors needed to implement the accountability system; which of them have roles in maintaining the status quo?
- Are the desired changes easy to implement or will they require experimentation, innovation, and learning to accomplish?
- Is it acceptable to have change occur incrementally over time, or is rapid, radical change needed in a shorter time period?

Finally, it is important to make provision for holding the accountability system itself accountable for achieving the objectives for which it was designed . . . . It may need to be periodically refined . . . . Change takes time, and policymakers must be patient to allow the accountability system to take root and to collect sufficient data to adequately inform an evaluation program.

Table 1

**Current State-Level Governance of K-12 Public Education**



