

CALIFORNIA LEGISLATURE
SENATE COMMITTEE ON EDUCATION AND
ASSEMBLY EDUCATION COMMITTEE
JOINT INFORMATIONAL HEARING
STATEWIDE K-12
EDUCATION GOVERNANCE



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JOHN L. BURTON HEARING ROOM (4203)

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California State Senate

JOINT HEARING SENATE EDUCATION AND ASSEMBLY EDUCATION



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INFORMATIONAL HEARING

STATEWIDE K-12 EDUCATION GOVERNANCE

Wednesday, February 14, 2018
9 a.m. -- John L. Burton Hearing Room (4203)

AGENDA

- I. **Welcome and Hearing Purpose**
- II. **Overview and Historical Perspective**
 - *Kenneth Kappahn, Senior Fiscal & Policy Analyst, Legislative Analyst's Office*
- III. **Governance Structures in Other States**
 - *Hunter Railey, Policy Researcher, Education Commission of the States*
 - *Julie Rowland Woods, Senior Policy Analyst, Education Commission of the States*
- IV. **Proposal for Alternative Governance Structure**
 - *Jim Steyer, President and Founder, Common Sense Kids Action*
- V. **Why the Governance Structure Matters**
 - *Gary Hart, former Secretary for Education and State Senator*
 - *Gavin Payne, former Chief Deputy Superintendent of Public Instruction*

V. Perspectives

- *Toni Trigueiro, California Teacher Association*
- *Laura Preston, Association of California School Administrators*
- *Teri Burns, California School Boards Association*
- *Samantha Tran, Children Now*
- *Rigel Massaro, Public Advocates*
- *Erin Gabel, First 5 California*

VI. Public Comment

**STATEWIDE K-12 EDUCATION GOVERNANCE
BACKGROUND MATERIALS**

1. Publications & Reports

- a. *Little Hoover***
- b. *Governor's Committee on Education Excellence***
- c. *Joint Committee to Develop a Master Plan for Education***
- d. *California Research Bureau***
- e. *California Constitution Revision Commission***
- f. *Education Commission of the States***
- g. *Learning Policy Institute***

Publications & Reports

Little Hoover Commission

***EDUCATIONAL GOVERNANCE
& ACCOUNTABILITY:
TAKING THE NEXT STEP***



LITTLE HOOVER COMMISSION

May 2008



State of California

LITTLE HOOVER COMMISSION

May 22, 2008

The Honorable Arnold Schwarzenegger
Governor of California

The Honorable Don Perata
President pro Tempore of the Senate
and members of the Senate

The Honorable Dave Cogdill
Senate Minority Leader

The Honorable Karen Bass
Speaker of the Assembly
and members of the Assembly

The Honorable Michael Villines
Assembly Minority Leader

Dear Governor and Members of the Legislature:

In two years, fewer than half of the schools in California are likely to meet the ever-increasing performance requirements of the federal No Child Left Behind Act. By 2014, none will. California needs to start planning now for that reality.

For too long, the state, its schools and its students have struggled under two different accountability systems – one created by California in 1999, the other introduced by the federal No Child Left Behind Act of 2001. The two systems do not work well with each other. Both do more to identify poor performers than to help them. State policy-makers and educators have resisted the federal system, hoping it will fade away. The federal system, however, identifies students who could be left behind under the state system, an essential element, if the state is to move all of its students to the proficiency levels required to participate in California's world-class economy. The experience of the past decade has shown that parents want accountability and schools, students and the state need it.

As the Governor's Committee on Education Excellence noted in its 2007 report, true accountability represents a greater good: enhancing the quality of education and supporting the attainment of high standards for all students. The release of the "Getting Down to Facts" reports raised expectations and provided a starting point for deeper discussions about reform. Governor Arnold Schwarzenegger has signaled his support for education reform through his Committee on Education Excellence recommendations. State Superintendent of Public Instruction Jack O'Connell has focused on finding ways to close the "achievement gap." The current budget crisis complicates the discussions. But educational accountability – to students, parents, communities and taxpayers – is central to assuring California's students can reach their potential and taxpayer dollars are invested well. California still retains the ability to serve as a national leader for accountability. To do so, it must embrace the challenge – an economic and moral imperative – to raise achievement.

California can take pride in the accountability system it developed in 1999, an early entry that showed foresight and leadership. Its system is built on ambitious academic content standards that are recognized as some of the best in the nation. Reluctance to adopt a system imposed from the outside is understandable. But the new reality soon upon us requires California to build a next-generation accountability system that stresses individual student achievement.

Rather than resist change, the governor, the Legislature and the superintendent of public instruction should take this opportunity to get a head start, merging the most useful parts of the existing state and federal accountability systems into one that will serve the needs of California's students and meet federal approval. The new model should continue to be based on California's existing content standards and recognize those standards for the ambitious goals they are.

The new accountability system should focus on continuous appraisal and improvement for schools, allowing local districts and county offices of education to use the existing flexibility built into No Child Left Behind's Program Improvement process to determine how they will improve school and student performance. An inescapable hurdle to capitalizing on this flexibility and creating room for innovation is California's overly prescriptive and complicated Education Code. Policy-makers in Sacramento must acknowledge that in creating a code that tells schools exactly what to do, however well-intended, they must bear some of the responsibility for the results. The code must be modernized and simplified with a framework built around student achievement, a process no less urgent because of its complexity.

Empowering districts and schools with more autonomy must be matched with real accountability – a series of graduated interventions and rewards linked to outcomes that both current systems presently lack. Schools on the right track should be encouraged with additional resources and regulatory freedom. Meanwhile, the current pattern of outside experts cycling through chronically underperforming schools must be replaced by state-trained intervention teams with the authority to make substantive changes. And the state must be willing to take the step it already has authorized, but so far avoided, and shut down schools that are unable or unwilling to raise student achievement.

Such a system must be mandatory. Today's state accountability program is voluntary. So is the federal system as long as schools or districts forgo Title I money, a strategy that may not benefit student learning. Any accountability system that allows schools to opt out or not participate lacks credibility and fundamental fairness.

One of the most striking conclusions of the "Getting Down to Facts" researchers was that more money might be needed for California schools, but without fundamental reform of the current system, they lacked confidence that more money could guarantee better results.

To the Commission, the response is clear: Reform is critical. Let's get started.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel W. Hancock". The signature is fluid and cursive, with a large initial "D" and "H".

Daniel W. Hancock
Chairman

EDUCATIONAL GOVERNANCE & ACCOUNTABILITY: TAKING THE NEXT STEP

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Executive Summary

When President George W. Bush leaves office after the 2008 election, the future of his landmark and controversial domestic policy initiative, the No Child Left Behind Act, will be in doubt. The drive to hold schools responsible for raising student achievement will not be.

Accountability is here to stay.

Over the past 20 years, state policy-makers and educators have moved toward a system of elevating all students to higher levels of learning. They set expectations for what students should know, canonized in academic content standards. Then they began measuring students' abilities to master those standards on assessment tests and formed systems to link those outcome measures to a series of interventions and rewards.

California policy-makers, however, left the job half completed. Without a real way to ensure actual improvement in student proficiency, today's accountability systems often amount to little more than a drill, with far more energy devoted to process than to outcomes.

According to the federal law, all students, regardless of their starting point, must reach proficiency in math and reading by 2014. It is understandably a daunting task. But given the state's present and future social and economic needs, the goal of getting California's 6 million students to read and perform math at grade level is worth embracing, not abandoning.

At 10,000 schools across California, the paradigm already has shifted, with teachers and administrators focusing on student outcomes. With annual test scores and separate state and federal proficiency yardsticks, they know how well they measure up and where they need to improve. But accountability systems based on yardsticks and sanctions so far have not succeeded in elevating proficiency across the state's classrooms.

At the state level, the responsibility for improving student learning is diffused. From an accountability perspective, a governance structure that splits education policy among a State Board of Education, a state

superintendent of public instruction, a Legislature and a Governor's Office has resulted in the following:

- The lack of a coordinated system of oversight and follow-up to ensure improvement plans are appropriate, in place and effective.
- The marginalization of the California Department of Education as a compliance agency, focused on the still-important job of ensuring that taxpayer dollars are spent according to statute and regulation, rather than on holding districts and schools accountable for, and helping to improve, student performance.
- The state's highly prescriptive school spending culture, emblemized by widespread use of separate pools of money for specific spending categories, that reduces flexibility at the local level and discourages innovation.

The governance structure is unlikely to change. But California's approach to accountability can, and to improve student proficiency, it must.

The federal accountability system is driven by an ever-increasing bar of excellence that leads to the 2014 deadline for all students to reach proficiency. Many policy-makers and educators have been distracted by the specter of federal sanctions as more California schools – now more than 2,200 – do not meet annual performance benchmarks and become enmeshed in the federally mandated Program Improvement process. The reality is that no schools are expected to meet the 2014 federal deadline. This requires the governor, the Legislature and other education policy-makers to adopt a new way of thinking.

California pioneered an educational accountability program, building a system that stresses the performance growth of an entire school. Its transition to the federal government's deadline-driven system that requires individual student success, as opposed to that of an entire school, has been difficult. Many would like to hold onto the state system. This tension has resulted in districts and schools feeling pulled in opposite directions by state and federal accountability systems that often are at odds.

With the 2014 deadline nearing, the transition is almost complete. Transformation is next; once all schools are labeled as "failing," the identification system becomes meaningless. This is an opportunity. The state must stop fighting the federal No Child Left Behind (NCLB) system and instead merge the two systems. Policy-makers, educators and parents must recast the accountability program as a system of continuous appraisal and improvement. Education leaders from the Capitol to the classroom must work together under a structure that links

interventions and rewards to outcomes. All schools, even the “good” ones that are bound to get caught in the NCLB net, should strive to better themselves constantly.

As a first step, the state must put teeth into accountability. Despite the fear of sanctions from No Child Left Behind, the reality is no schools in California are being shut down or taken over by the state for low performance. NCLB interventions are not necessarily onerous. The federal government provides considerable flexibility to states to implement the program, which has led California to delegate turnaround efforts to local districts without additional state oversight. Many of these schools do need a stronger hand from state or regional authorities than currently is provided to place them on a pathway to proficiency. Some chronically underperforming schools require even stronger interventions. A few probably deserve to be shut down.

In practice, the Program Improvement process forces most schools to revise instructional programs to engage students, analyze data to evaluate programmatic efforts and allow teachers to collaborate on lessons – hardly what most would see as punishment. On the continuum of interventions, replacing a principal or starting over as a charter school is not necessarily the first choice a district should or even has to make at a struggling school under NCLB.

The flexibility allowed by Program Improvement has allowed many schools and districts to take a path of least resistance. But the flexibility also is the program’s strength, a guiding principle that state policy-makers should preserve regardless of what happens to No Child Left Behind. What is clear is that the state cannot revert back to its Public Schools Accountability Act of 1999 as a sole measure of accountability.

Accountability is not voluntary. Though it does not do so now, the system must include all students at all public schools.

A universal approach requires the governor, the Legislature and the state superintendent of public instruction to implement a coherent and comprehensive system that provides differentiated support for all of the state’s schools. Such a system must include the financial and regulatory freedom to empower local school boards, engage teachers and encourage schools to pursue their own turnaround plans while holding leaders responsible for the results.

This system must be guided by education leaders from the state to the local level. The Commission recognizes the challenges faced by the California Department of Education with intervening in every low-performing school district or school. But the issue of capacity cannot be

used as a crutch. The department must take ownership of student performance.

Many county offices of education already are taking the initiative to link state policies with on-the-ground implementation at local school sites. The Commission learned about successful collaborations at the county level that help schools embrace accountability as a means to raise achievement. These entities must have the formal support and authority from the state to oversee and monitor local schools for continuous improvement.

The Commission also found great merit in a model for swift academic intervention for chronically underperforming schools and districts based on the existing Fiscal Crisis and Management Assistance Team approach, also run through the county-level network.

And all levels must continue to expand on infusing data-driven strategies into policy and classroom practices to reach the goal of improving student outcomes.

The state is not short of inspirational stories about low-income schools beating the odds, and the Commission heard from two Central Valley schools that unite parents, teachers and staff around an unwavering commitment to high expectations for students.

Their message is that accountability is more than test scores and punishing “bad” schools. It is bigger than the politics of the No Child Left Behind Act. The discussion of how to improve accountability must take place apart from the budget crisis that threatens school finances, but it must inform how those budget choices are made.

Accountability can be transformative. The transformation will require a series of linked steps with responsible officials playing distinct and interdependent roles. It begins by recognizing that students can do better, then making the commitment to take them there.

Recommendations

Recommendation 1: The state must establish a comprehensive accountability system that combines state and federal principles.

- ❑ ***Combine the state and federal accountability systems.*** The State Board of Education must align the metrics of the state and federal accountability systems to the highest common denominators, including proficiency goals, timelines, participation, subgroup expectations and exit criteria from interventions.
- ❑ ***Set clear goals for all students.*** The state must establish non-negotiable expectations with clarity and specificity of purpose that all students can reach a minimum of grade-level proficiency on California’s academic content standards.

Recommendation 2: The state must implement a new, transparent rating system for schools that aligns interventions and rewards.

- ❑ ***Leave the old intervention programs behind.*** The state must abandon the High Priority Schools Grant Program (HPSGP) and the Immediate Intervention/Underperforming Schools Program (II/USP). The Legislature should direct the state auditor to investigate school-site expenditures from the HPSGP and the II/USP.
- ❑ ***Use simple language to communicate school status.*** To better communicate a school’s standing to educators and parents, the State Board of Education must adopt a simple overall rating for schools, such as “excellent,” “commendable,” “continuous improvement,” “academic watch” and “academic emergency.” The ratings must correspond to a new education index.
- ❑ ***Activate a new education index that links state and federal criteria.*** The State Board of Education must adopt a new “Right Track” index that incorporates both state and federal criteria – growth and performance. This index should include multiple metrics, such as improving proficiency levels for subgroups, improving graduation and attendance rates, increasing the number of Advanced Placement courses, raising redesignation rates for English learners, improving parent participation, placing more experienced teachers in hard-to-staff schools, reducing school suspensions and reducing teacher absenteeism.
- ❑ ***Institute a new intervention model.*** Using the “Right Track” index, the California Department of Education and the State Board of Education must triage schools and districts with appropriate and differentiated levels of interventions and rewards.

- ✓ Following the lead of Maryland and Michigan, the state must expand the five federal restructuring options into a menu of more specific strategies in order for schools and districts to select, with approval, the appropriate level and type of intervention to create their own turnaround strategy.
- ✓ Using the successful Fiscal Crisis and Management Assistance Team (FCMAT) model, the state must create the Academic Crisis Management and Assistance Team (ACMAT) – a quasi-independent agency, separate from the California Department of Education, that sends strike teams to the most chronically underperforming schools and districts that are unable or resistant to change after earlier intervention steps.
- ✓ For schools still unable to improve, the State Board needs to install a trustee who will utilize legal authority, such as “stay and rescind” power, to effect change.
- ✓ Ultimately, the State Board must close schools that fail to improve the academic performance of students over a reasonable time period and make provisions for the quality education of those students.

Recommendation 3: The state must give districts and schools flexibility to ensure deep implementation of standards and instructional improvement.

- ***Allow more financial flexibility.*** The Legislature must coordinate and combine state categorical programs that target factors affecting student achievement: academic preparation, language acquisition, parental involvement and school safety. The state should redistribute these funds in a block grant tied to high-needs student populations.
- ***Reward success.*** Districts must be rewarded with additional money from the pooled categorical funds in exchange for increasing their performance on the new “Right Track” index.

Recommendation 4: The state must formalize and enforce the chain of accountability.

- ***Take ownership of school outcomes.***
 - ✓ The governor must use his power to appoint members of the State Board of Education to focus that body as the policy lever and independent enforcer of the accountability system, serving as a true check on the California Department of Education.
 - ✓ The state superintendent of public instruction, as the leader of the California Department of Education and spokesperson for student achievement, must use the existing arsenal of

intervention tools and the power of the office to catalyze a dramatic turnaround for underperforming schools.

- ❑ **Keep the lines of authority clear.** In the name of efficiency and streamlined accountability, the state must not continue to expand the Secretary of Education’s Office, which would increase redundancy and dilute lines of responsibility. The governor should maintain a cabinet-level education emissary and a residual education policy staff. The governor can continue to exert influence to shape and determine education policy through his State Board appointees as well as through the budget process. To further professionalize the State Board, the Legislature should expand the role of the board president into a full-time position.
- ❑ **Increase the authority of county offices of education.** The Legislature must expand the fiscal oversight role of county superintendents to include academic accountability.
 - ✓ As part of the existing budget-approval process, county offices of education must not endorse a district’s budget until the local school board adopts a blueprint for districtwide improvement strategies that comply with federal NCLB guidelines.
 - ✓ The Legislature must authorize county offices of education to conduct evaluative, diagnostic inspections of chronically underperforming schools in their jurisdiction to ensure turnaround plans are being implemented. County office of education recommendations should be enforceable through state law or policy. The state needs to set uniform standards for this process.
- ❑ **Strengthen the Regional System of District and School Support.** The 11 regional centers carry the potential to coordinate and oversee statewide accountability programs more effectively. The state must delineate the roles and responsibilities of the regional centers to serve as official field offices of the California Department of Education.

Recommendation 5: The state must champion the use of data to drive instructional improvement and policy and financial decisions.

- ❑ **Support the build-out of data systems.** The Legislature needs to monitor closely the progress of CALPADS and CALTIDES and work with the administration to ensure the systems are being built as robustly and accessibly as envisioned – and needed.
- ❑ **Make data usable.**
 - ✓ The state must return fine-grained data to teachers, schools, districts and parents on timelines and in formats that support efforts to improve educational outcomes.

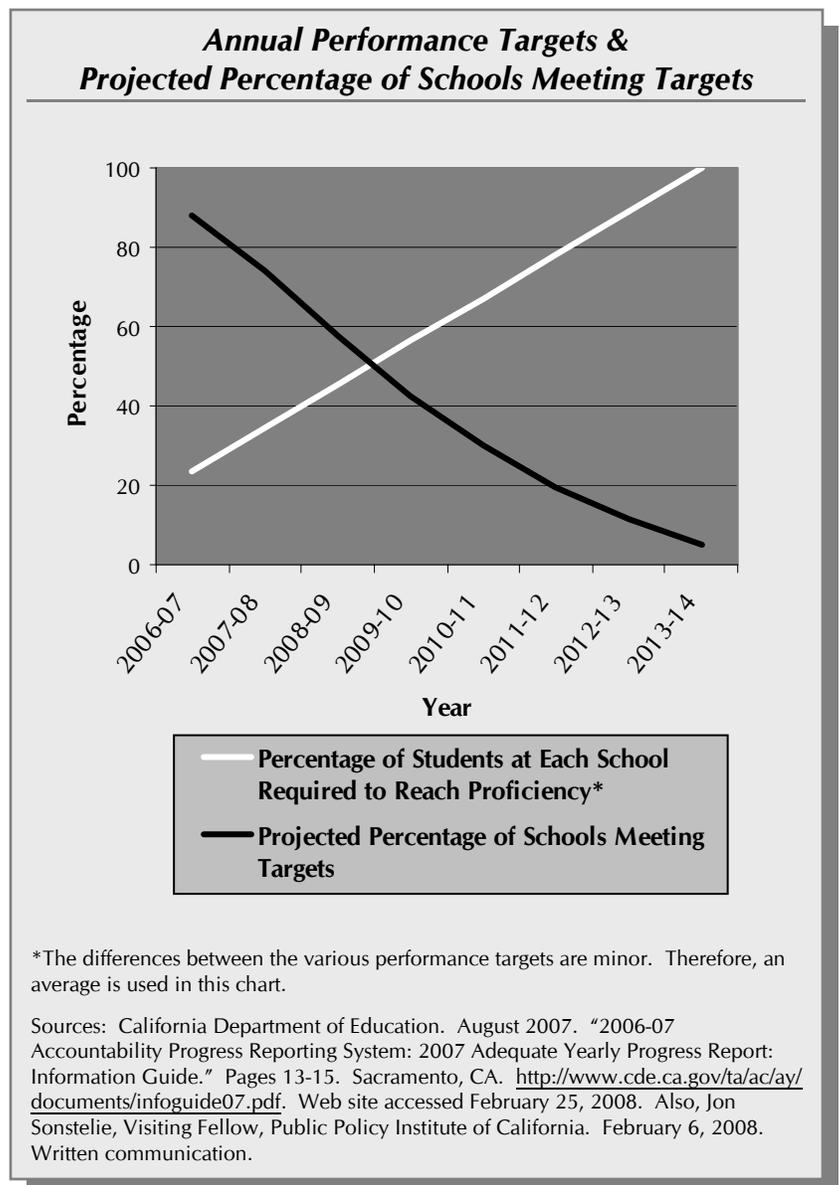
- ✓ The state must ensure that data about students and teachers can be linked to identify what instructional practices and strategies are working and to target support to students and teachers who need it.
- ✓ The state must support more training for districts and schools to compile data on the front end and translate and utilize it on the back end.
- ❑ ***Capitalize on periodic assessments.*** The state must ensure that districts develop benchmark assessment tools.
- ❑ ***Reach out to parents.*** The state must simplify School Accountability Report Cards (SARC) and improve Web-accessibility for parents to better understand progress at their children’s schools and districts.

Background

California's education system is approaching an alarming juncture. By 2010, more than half of the schools in California will be identified as failing under the federal No Child Left Behind Act of 2001 (NCLB). By the federal deadline of 2014, all of California's schools are expected to fall below the requirement to have all students reading and performing math at grade level.¹

This situation is the result of an accountability system that identifies schools that do not meet rising performance standards as a way to bring all students, nationwide, to proficiency. Measuring performance, at the school level as well as at the individual student level, is a key first step in a credible accountability system. What is missing is an accompanying mechanism that can consistently raise the performance of students and schools to proficient and better. The goal of accountability systems, after all, is more than diagnosis but remedy as well.

Educational accountability, practiced in California through two separate systems, has lacked consistent and meaningful remedies. To many, the question of accountability at the school and student level is linked to governance: Who at the state level is accountable for ensuring the development and delivery of these remedies?



In the absence of a ready answer to the governance question, the politics of No Child Left Behind's accountability methods have divided and distracted the education community, from the State Capitol to the classroom.

During its study, the Commission heard from educators who dismissed the federal accountability law's expectations as impractical and others who thought the initiative will be altered or repealed when President George W. Bush, who signed NCLB into law, leaves office after the 2008 election.² Others saw a "misleading and unfair" federal law that labels too many schools as failing.³

Many, however, welcomed the federal system of accountability as a wake-up call – "an alarm clock telling us that it's time to get up and do the hard work to help our schools get better," said Russlynn Ali, executive director of EdTrust-West, a nonprofit organization that pushes policy-makers to close achievement gaps separating low-income and minority students from others. "The question is whether we have the courage, compassion and common sense to address these truths, or would we rather continue to just roll over and hit the snooze button," Ms. Ali said.⁴

Test scores, once increasing, have flattened out, with minority and low-income students still lagging behind.⁵ In written testimony to the Commission, the Mass Insight Education and Research Institute implored the state to pursue the transformation that true accountability demands: "The state must seek ways, now, to catalyze more fundamental change in its poorest-performing schools or they will continue to send thousands upon thousands of severely ill-prepared, under-skilled students into the world, with all of the social costs that entails."⁶

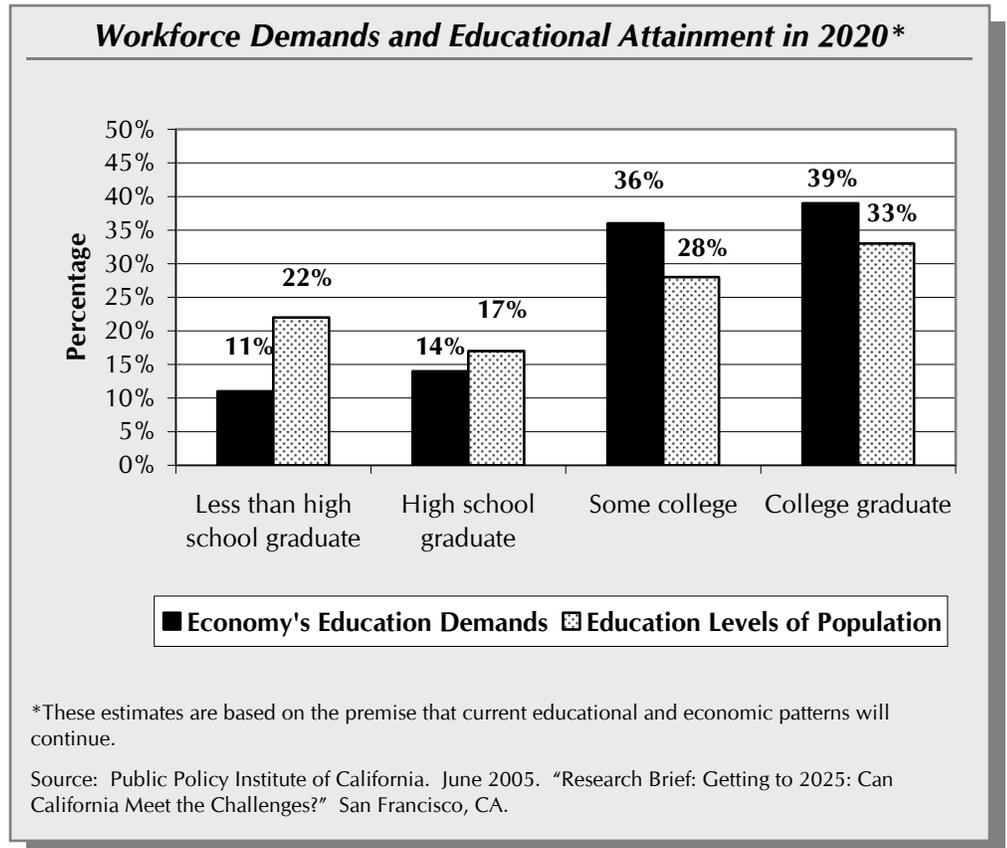
The pressure on the state's education system is only becoming more intense. The demographic and academic challenges of educating today's students have profound implications for the state's economic health.⁷ We are about to hand over a world-class economy to a new generation of Californians, an economy that will require more highly educated workers than the state may be able to produce.⁸

Over the next 20 years, manufacturing jobs will continue declining in favor of business, professional, entertainment, recreation, health and educational services that require associate, bachelor's and advanced college degrees.⁹ According to the Public Policy Institute of California, "In the coming decades, if California's youth do not get a college education, they face the prospect of low or no employment, lack of opportunities for high-paying jobs, and greater likelihood of depending on public health

and social services. They will also generate lower tax revenues for supporting the state’s infrastructure and other services needs.”¹⁰

The ability to tap college graduates from other states or countries to fill that void also is limited. That leaves California’s public education system as the bridge for a homegrown student population to meet the state’s future needs and demands.¹¹

The discussion about how to move forward encompasses California’s early adoption of standards, a state accountability system that took years to develop, a federal accountability model subsequently introduced that uses a different yardstick – and philosophy – to measure performance and a weak governance system that has hindered the emergence of strong leadership on the issue.



How Did We Get Here?

Today’s accountability movement can trace its start to a report issued 25 years ago by the National Commission on Excellence in Education. “A Nation At Risk” warned of a “rising tide of mediocrity” in the nation’s schools. The report stated: “Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. ... What was unimaginable a generation ago has begun to occur – others are matching and surpassing our educational attainments.”¹²

The report galvanized education reformers and put the focus on student achievement. The reform movement has evolved into systems of measuring, tracking and comparing student performance across district,

state and even international lines and holding students, teachers and school leaders accountable for the results.

The transition has been difficult, but the education paradigm already has shifted from simply giving lessons to students to assuring that students learn those lessons, said Richard Bray, the superintendent of the Tustin Unified School District in Orange County, in testimony to the Commission. Principals have gone from a job of running schools to that of “instructional leaders.” Superintendents are not merely administrators; they are “change agents” for student achievement, he said.¹³

“In my day, we talked about the bell curve,” said Superintendent Bray, who began teaching in the 1960s. He explained the acceptance that came with letting students trail behind on the tail end of the curve. “That’s what life is,” he said. Today’s era of testing and accountability follows a J-curve, where no one is left behind, and expectations for student performance curve sharply upward, with educators teaching and re-teaching until every student performs at high levels, he said.¹⁴

The conversation is changing, and many schools are showing improvements. But thousands of schools, representing many more thousands of students, still are falling below expectations to read and perform math at grade level. More work is needed. But as James S. Lanich, president of California Business for Education Excellence, told the Commission, no one has stepped up at the state level to own the problem of underperforming schools in California – not the State Board of Education, the superintendent of public instruction or the governor.¹⁵

Who is in Charge?

California’s educational governance structure has vexed those who have studied it and, for more than a century, confounded those who have tried to reform it. In 1920, State Senator Herbert C. Jones, chairman of the Senate Education Committee, issued a report identifying the “double-headed system” of educational governance between the elected superintendent of public instruction and a governor-appointed Board of Education. The “Jones Report” noted that “the present California educational organization must be regarded as temporary and transitional, and dangerous for the future, and it should be superseded at the earliest opportunity by a more rational form of state educational organization.”¹⁶

Several decades later, not much has changed. Many governance reform efforts in the Legislature or at the ballot box have stressed reducing the

authority of the state superintendent of public instruction – eliminating it, in some proposals – and centralizing education policy and implementation under the governor’s State Board of Education. But the reform has not been adopted. Voters rejected three initiatives, in 1928, 1958 and 1968, to make the state superintendent an appointed position, which requires a constitutional amendment.¹⁷

Governance at the state level remains split among:

- The state superintendent of public instruction, elected by voters statewide, who serves as head administrator of the Department of Education. The position was created in the State Constitution, and the first state superintendent was sworn into office in 1851.
- The State Board of Education, appointed by the governor, which sets policy for the Department of Education to follow, clashing at times with the state superintendent’s priorities. The board, now 11 members, was established in 1852.
- The secretary of education, who serves on the governor’s cabinet as the education advisor. The position, formally created by executive order in 1991, holds no real authority, other than the backing and influence of the governor.
- The governor, who influences and shapes education policy through the budget process and appointment power.
- The Legislature, which has taken on a larger role as education funding has shifted to the state.

The Governor’s Committee on Education Excellence, in its 2007 report, described California’s educational governance as a system in which “everyone is in charge, and no one is accountable.”¹⁸

In 2005, the Little Hoover Commission initiated a study of California’s educational governance system but decided to postpone a detailed study until the “Getting Down to Facts” project, then just getting under way, had been completed. The project brought together a coalition of academic scholars, policy experts and researchers to conduct a comprehensive study of California’s educational governance and finance systems. Requested by Governor Arnold Schwarzenegger’s Committee on Education Excellence, legislative leaders and Superintendent of Public Instruction Jack O’Connell, the 1,700-page report was released in March 2007.

“Getting Down to Facts” concluded that the education system in California is so broken that it requires fundamental reform – “not tinkering around the edges.”¹⁹ In 23 volumes, experts described a top-down statewide education system that has a stranglehold on local school

districts. The project’s researchers said the current system is designed around a jumble of regulations – not student achievement – and that the system would not necessarily benefit from more money without first fixing inherent structural problems.²⁰

The authors of the “Getting Down to Facts” reports stopped short of making recommendations to fix those problems. Rather, the stated goal was to carve out common ground for a serious and substantive conversation that would lead to meaningful solutions.²¹ The project’s backers succeeded in catalyzing a swirl of debate and policy development in the run-up to what Governor Schwarzenegger had planned as 2008’s “Year of Education.”²²

Informed by this work, the Little Hoover Commission resumed its study of educational governance in fall 2007. The Commission learned from the “Getting Down to Facts” project that California’s fragmented

educational governance system has evolved to the point where no one is solely responsible for education outcomes or overseeing education policy, at a time when parents and the community are demanding a greater level of accountability over schools. The Commission then began a deeper look at the state’s accountability system and how effectively the administrative structure, from Sacramento to the school site, functions to improve student outcomes.

In recent decades, numerous studies have drawn attention to the blurry lines of authority and overlapping or conflicting priorities of state-level education leaders. Appendix C provides an educational governance and accountability timeline.

The research, however, fails to demonstrate effectively that one model for educational governance works convincingly better than others to boost student achievement, Dominic J. Brewer, a University of Southern California professor of education, told the Commission.²³ Nationwide, states are split nearly evenly among education systems that are centralized under the governor and a power-sharing model like California’s that requires the governor to work with an independent state schools chief or state board of education, according to the Denver-based Education Commission of the States, which provides non-partisan information about education policy.²⁴

Effective Governance System

Professor Dominic J. Brewer identified five criteria for an effective governance system. At a Commission hearing, he gave poor marks for California’s performance in these categories:

Stability: Policy is made as far in advance as possible, enabling rational and planned decision-making. Stability is detected through examining revenue fluctuations, policy continuity and tenure of leaders.

Accountability: Institutions and individuals are held responsible for their actions. The system must have clear lines of authority between parts of the system and limited duplication of functions.

Innovation, Flexibility and

Responsiveness: The system must be adaptable to changing needs and respond to new demands.

Transparency: The system must make clear to all stakeholders how decisions are made and who makes them. Participation is encouraged at every level.

Simplicity and Efficiency: Decisions are coherent, coordinated across domains and levels and made in a timely manner. Duplication and waste are minimized.

Source: Dominic J. Brewer, Professor of Education, Economics and Policy, University of Southern California. September 27, 2007. Written testimony to the Commission.

“Because the linkages to student outcomes are indirect, and governance arrangements typically complex, it is rarely possible to test whether a specific set of governance arrangements lead to certain outcomes,” noted Professor Brewer in written testimony to the Commission. “Frustrating as it may be for policy-makers, research cannot provide a blueprint for good governance. At best it can provide some pointers on what might be most likely to produce good outcomes.”²⁵

The most important consideration is aligning the governance structure as closely as possible with the goals of the education system. Though the laws, rules, institutions and relationships that make up a governance system may not directly cause good student achievement, they can enable it, said Professor Brewer, who participated in the “Getting Down to Facts” project. “An effective governance structure can help schools get the most out of students; an ineffective governance structure can lead to poor resource allocation, impose barriers to good instruction and lead to frustration,” he noted.²⁶

Measuring Progress Toward the Goals

The achievement goals of California’s education system were established in the mid- to late-1990s as California’s academic content standards. These standards define in detail what students are expected to learn in each subject at each grade. Still touted as among the strongest in the nation, the academic standards form the foundation of California’s accountability system as well as the basis for implementing the federal system that followed.²⁷

Adopting these standards was considered monumental, as evidenced by a statement in 1997 by then-Board of Education President Yvonne W. Larsen and then-Superintendent of Public Instruction Delaine Eastin. “Fifteen years from now, we are convinced, the adoption of standards will be viewed as the signal event that began a ‘rising tide of excellence’ in our schools,” they wrote. “No more will the critical question, ‘What should my child be

Governance Reform Studies

- The 1985 **California Commission on School Governance and Management** recommended changing the process used to select the state superintendent of public instruction and State Board of Education members.
- The 1996 **California Constitution Revision Commission** recommended making the governor responsible for the state’s education system, having the governor appoint the state superintendent and allowing the governor and the Legislature to determine if a State Board is even necessary.
- The 1999 **Legislative Analyst’s K-12 Master Plan** recommended shifting much of the work of the state superintendent to the secretary of education, directing the state superintendent to focus on accountability efforts and recasting the State Board as an advisory panel.
- The 2002 **California Master Plan for Education** recommended giving the governor more authority over California’s education system through an appointed chief education officer, with a more limited state superintendent.
- The 2004 **California Performance Review** recommended forming a Department of Education and Workforce Preparation to direct education policy from pre-school through higher education and the workforce, restructuring the current secretary of education as the head of the department and maintaining the state superintendent in a diminished role.
- The 2007 **“Getting Down to Facts”** project called the governance system a “remarkable crazy quilt of interacting authorities that are not aligned for purposes of accountability or action.”
- The 2007 **Governor’s Committee on Education Excellence** recommended consolidating education policy, finance and program responsibilities under the secretary of education; placing the state superintendent in charge of accountability programs; and, reducing the State Board to an advisory role.

Sources: See page 87.

learning?,' be met with uncertainty of knowledge, purpose or resolve. These standards will answer the question. They are comprehensive and specific. They represent our commitment to excellence."²⁸

To determine how well students were learning the standards, the state spent more than a decade developing an annual test to administer to all students.²⁹ The effort started by replacing the 1970s-era California Assessment Program (CAP), which tested students in order to measure the effectiveness of schools and districts but did not provide individual student scores.

In 1991, the state introduced the short-lived California Learning and Assessment System (CLAS). The CLAS, which provided individual student performance data to parents, included a writing sample that permitted self-expression by students and required a new, more involved method of grading. CLAS was poorly received, and Governor Pete Wilson vetoed an extension of the exam in 1994. Following the CLAS veto, school districts turned to 56 different tests to measure performance.³⁰

In 1997, Governor Wilson and the Legislature agreed on the Standardized Testing and Reporting (STAR) program to track how well students in grades 2-11 met California standards in math, reading, social studies and other subjects.³¹

The first STAR tests were rolled out in the spring of 1998 and now include:

- The California Standards Tests (CSTs), multiple-choice and writing exams designed specifically for California students. The information tested is tied to the content standards and expectations that have been set at each grade level in each subject by the State Board of Education. Additionally, there are six end-of-course CST math exams, looking at specific areas, such as algebra II; eight end-of-course, subject-specific CST science exams, such as chemistry; and, one CST end-of-course exam in world history. Students with significant cognitive disabilities can take an alternate exam, the California Alternative Performance Assessment (CAPA). A Spanish-language version also is available for English learners who have been enrolled in a U.S. school for less than 12 months.³²
- The California Achievement Tests, Sixth Edition Survey (CAT/6 Survey), which compares students across the country in grades three and seven in reading, language arts, spelling and mathematics. A Spanish-language exam also is available.³³

California students also participate in the California High School Exit Examination (CAHSEE), offered since 2001, which tests high school

students in reading, writing and math. The CAHSEE became a diploma requirement starting with the graduating class of 2006.³⁴

Progression Toward a State Accountability System

A decade of debate in the 1990s also delivered a state accountability system.

In 1992, the Legislature approved a plan to work with “focus schools” – the lowest performing ones – that would be required to develop a school action plan to improve student achievement and would receive expert assistance and additional resources. The state superintendent of public instruction was given the authority to appoint outside management consultants and intervene in the management of the most troubled schools. However, the Legislature never funded the program.³⁵

Though the plan was not implemented, the effort led to a 1996 advisory committee formed by the Legislature to develop a system of incentives to improve student achievement. The committee issued a report in 1997, “Steering By Results,” that proposed a statewide school accountability system and a comprehensive program of rewards and interventions for California schools and students. The committee issued seven major recommendations:

- Develop a school performance index based upon students’ academic achievement.
- Establish a rewards program to recognize successful schools.
- Establish an interventions program to assist schools in need of improvement.
- Develop a student incentive program to support the school rewards and interventions programs.
- Provide adequate funding to implement the rewards and interventions programs.
- Establish an advisory group to deal with policy and technical issues.
- Conduct comprehensive ongoing external evaluations of the rewards and interventions programs.³⁶

The report was transmitted to the State Board of Education, which declined to endorse it and forwarded it to the Legislature for further discussion.

“Steering By Results” led to a 1998 legislative conference committee that developed legislation for a two-stage process, an Immediate Short Term Voluntary Program and a Long Term Public Schools Accountability System. Governor Wilson vetoed the bill.³⁷

The voluntary program would have provided state grants to 250 of the lowest performing schools that agreed to participate in the program. The long-term program, which was to become effective if subsequent legislation was adopted to implement it, would have established a framework for a mandatory system of accountability for all schools with a focus on growth over time. It would have included multiple measurements, required a collaborative and inclusive planning process, required the setting of measurable goals, authorized the use of outside experts to analyze problems, provided rewards for high-achieving schools and funds for low-performing schools based on a plan for improvement, provided for interventions for low-performing schools and provided for sanctions if interventions failed.³⁸

In his veto message, Governor Wilson pointed out the optional nature of the short-term program and the requirement that a future Legislature and governor must enact subsequent legislation to implement the comprehensive accountability plan. “There are no teeth in this proposal,” Governor Wilson wrote.³⁹

The Emergence of a State Accountability System

Policy-makers succeeded in establishing a state accountability system the next year, in 1999, after Governor Gray Davis called a special session and worked with the Legislature to write the Public Schools Accountability Act. The legislation set up a system based on school-wide growth that established interventions and penalties for schools unable or unwilling to improve.

The state’s system is gauged to the Academic Performance Index (API), which measures school-wide growth of student test scores. Each school is given an API score on a 1,000-point scale tied to a formula that incorporates student test scores on different subject-matter assessment tests, with reading and math scores weighted more heavily.

The State Board of Education set a target goal for each school to reach 800 on the API, which the board determined represented a “basic” level of proficiency. The threshold for fully proficient is 875. Schools are required to increase their API annually by 5 percent of the distance of their score to 800 or by 5 points, whichever is greater.

Schools in the lowest deciles can apply for the High Priority Schools Grant Program (HPSGP), through which the state provides extra funds to schools in exchange for improving instruction with help from outside experts and agreeing to a series of consequences for lack of growth. Participating schools that do not show improvement after two years are subject to “state-monitoring.” About 200 schools currently fall into this category. The Legislature authorized the California Department of Education to take over these schools, assume all legal responsibilities and reassign the principal. The department and the State Board of Education, however, favor an intervention strategy in which the school district hires an outside consultant from a pre-approved state list to oversee the improvement effort at the school site. These School Assistance and Intervention Teams (SAIT teams) are comprised of retired educators, private consultants, colleges or universities, county offices of education or nonprofit organizations.⁴⁰

The Education Code requires SAIT teams to “possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic assessment, parent-school relations, and evaluation and research-based reform strategies and have proven successful expertise specific to the challenges inherent in (low-performing) schools. ... Decisions about interventions shall be data driven.”⁴¹

Schools tapped to work with SAIT teams are required to implement state-mandated strategies to boost student achievement called the “Nine Essential Program Components.” These strategies include aligning course materials to standards; allowing more classroom time for problem subjects, such as math; and, assigning qualified teachers.⁴²

SAIT teams are required by law to “provide intensive support and expertise” to implement the “Nine Essential Program Components” that form the basis of the school reform effort.⁴³ The intensity of the support, however, is not defined. They can visit a

State-Monitored Schools

Option A (Never Used): State assumes all legal responsibilities for a school, reassigns the principal subject to a hearing process and selects at least one of the following:

- Allow students to attend any public school in which space is available.
- Allow parents to establish a charter school at the existing school site.
- Assign the management of the school to a college, university, county office of education or other appropriate educational institution.
- Reassign employees.
- Renegotiate a new collective bargaining agreement at the expiration of the existing one.
- Reorganize the school.
- Close the school.
- Place a trustee at the school to monitor the school for three years with “stay and rescind” powers over the school board and principal.

Option B (Preferred): State requires a district to contract with a School Assistance and Intervention Team to implement a turnaround plan for the school. If the SAIT team fails to improve student performance after three years, the state superintendent shall do one of the following:

- Ensure that 100 percent of teachers are “highly qualified.”
- Hire another management team, SAIT team or trustee that has proven successful.
- Allow parents to establish a charter school at the existing school site.
- Close the school.

Sources: California Department of Education. November 20, 2006. “Intervention and Support for High Priority Schools and Districts.” Sacramento, CA. Power Point slides. Also, California Education Code sections 52055.5, 52055.51 and 52055.55.

school a few times a year and mark off progress on a checklist, or they can actively participate in the school's turnaround efforts.⁴⁴ Either method satisfies the state's requirements.

In a study for the California Department of Education, the American Institutes for Research found the quality of SAIT teams inconsistent. Researchers noted that the SAIT process provides a basic infrastructure for school improvement, but the level of service provided by SAIT teams varies. Many SAIT teams provide intensive coaching while some focus only on monitoring the implementation of the "Nine Essential Program Components," according to the report.⁴⁵

As a quality control measure, the State Board of Education updates its list of eligible SAIT teams every two years. It decertified one team from the 2006-2008 list of 50 SAIT providers for "not performing up to expectations."⁴⁶

Schools that have not shown adequate improvement with SAIT teams – there have been eight – have been reassigned a new SAIT team or forced to work with an adviser-like "trustee." In practice, the work of trustees – designees from the county offices of education – differ little from SAIT teams. Although trustees are given the authority to overrule decisions by local districts and the principal, the "stay and rescind" power has never been used. California Department of Education officials acknowledge that the trustee designation is mostly symbolic – it can bring a higher level of public visibility to a school and district to prompt change.⁴⁷ The ultimate penalty allowed by the state, which is shutting down a school, has never been used.⁴⁸

The original plan for the state's accountability system included the Governor's Performance Award, also known as the High Performing/Improving Schools Program. The program rewarded schools that met or exceeded growth targets – distributing a total of \$384 million – though it has not been funded since 2002.⁴⁹

The Federal System: The No Child Left Behind Act

California, like many other states, already had spent years developing, pioneering and tailoring an accountability system to its needs when the federal government enacted the No Child Left Behind Act, creating a nationwide accountability system that linked a series of interventions to schools and districts with lagging student achievement. The NCLB system essentially became an overlay of the state systems.

The federal law also represented a major philosophical shift. Inherent in its name, the No Child Left Behind Act focuses on individual student achievement, a refinement designed as a backstop to state-based accountability programs that stress schoolwide growth, which can mask the underachievement of low-performing students.⁵⁰

No Child Left Behind raised the bar in another way as well: Federal education officials had been critical of pre-existing state plans – such as California’s – that do not set a hard deadline for all students to reach proficient levels in math and reading.⁵¹ NCLB placed the marker at 2014. By contrast, there is no timeframe for how long a school may take to reach the state’s API target, which means a bottom-tier school could make incremental improvement for decades and escape further scrutiny under the state system.⁵²

Most significantly, NCLB uses a different yardstick than the state to measure student achievement, called Adequate Yearly Progress (AYP). The federal law requires all schools, regardless of the previous year’s performance, to meet the same annual AYP benchmarks to keep students on track to reach grade-level proficiency in math and reading by 2014. NCLB also requires minority, English-learner and disadvantaged students to make the same achievement goals as other students, or the entire school could face sanctions.

The federal approach places proficiency as a mandatory goal, which has tested states’ commitment to maintaining high expectations on academic content standards.

NCLB leaves it up to states to define “proficiency.” The federal government allows each state to determine how rigorous to set their academic standards, how high to set the bar of proficiency on those standards and how difficult to structure its tests to measure the standards. What has resulted is that the percentage of students deemed “proficient” varies widely from one state to the next. Compared to other states, the percentage of California students who are proficient in reading

AYP Components

There are four components to Adequate Yearly Progress (AYP):

- Schools and sub-groups must meet increasingly difficult proficiency targets on math and reading tests that are set by the State Board of Education, reaching 100 percent mandatory proficiency in 2014. For example, unified school districts in 2007-08 need 34 percent of students to pass assessment tests with proficiency in English-language arts; for math, it is 34.6 percent. The marker moves up by roughly 10 percentage points each year. “This pattern was established to reflect the expectation that the strongest academic gains in schools and (districts) are likely to occur in later years (after alignment of instruction with state content standards, after schools and [districts] have the opportunity for increased capacity, and after a highly qualified teacher is in every classroom),” according to the California Department of Education.
- Ninety-five percent of students at each school must take assessment tests.
- In 2007, high schools must maintain a graduation rate of at least 82.9 percent or show improvement in the graduation rate of at least 0.1 from the previous year or show improvement in the average two-year graduation rate of at least 0.2.
- The federal government allows states to incorporate a fourth optional indicator, and California uses the API. However, to make adequate yearly progress, the State Board of Education only required a school to post one-point annual growth (as opposed to the five-point requirement under the state system). The board also set a 590 API target, which will increase to 800 (the current target under the state accountability system) by 2014.

Source: California Department of Education. August 2007. “2006-07 Accountability Progress Reporting System: 2007 Adequate Yearly Progress Report: Information Guide.” Sacramento, CA.

***Program Improvement (PI) Ladder
for Failing to Meet Federal Benchmarks***

- **Years 1-2:** Schools have a chance to improve on their own.
- **Year 3:** Parents are notified of a school's PI status and can send their children to other non-PI schools in the district; the district pays for transportation costs. Schools and districts set aside a portion of federal Title I funds for staff development.
- **Year 4:** Supplemental services are offered, such as tutoring.
- **Year 5:** School districts step in to provide at least one corrective action at the school site level:
 1. Replacing staff.
 2. Implementing new curriculum.
 3. Decreasing management authority at the school level.
 4. Appointing an outside expert.
 5. Extending the school year or day.
 6. Restructuring the internal organizational structure of a school.
- **Year 6:** Schools must develop an alternative governance plan and choose one of five options:
 1. Entering into a contract with an outside organization.
 2. Reopening as a charter school.
 3. Replacing staff.
 4. Turning school operation over to the state (if the state agrees, which California does not).
 5. Any other fundamental overhaul, including:
 - ✓ Dissolving the school and sending students to other schools in the district.
 - ✓ Reorganizing into smaller school-within-a-school units.
 - ✓ Reopening the school with a specific theme or focus (such as a math and science academy).
 - ✓ Pairing/combining the school with a higher performing school in the district.
 - ✓ Changing the governance structure to give the district more control over the school.
- **Year 7:** Schools implement their alternative governance plans.
- **Year 8 and beyond:** Schools continue in PI and offer school choice and services until they meet federal benchmarks for two consecutive years.

Source: California Department of Education. March 24, 2006. "NCLB Program Improvement School Requirements: Requirements timeline over a five year period." Sacramento, CA. <http://www.cde.ca.gov/ta/ac/ti/nclbpireq.asp>. Web site accessed October 5, 2007.

and math is well below average; however, California students are tested on more rigorous material.⁵³ According to one district superintendent, California's celebrated academic content standards gave the state the proverbial rope to hang itself with.⁵⁴

California based its standards in the 1990s on the knowledge and skills a student would need to gain admission to the California State University, reserved for the top third of students, or the University of California, reserved for the highest performing 12.5 percent of high school students. The state's standards are among the highest in the nation, but as the Legislative Analyst's Office (LAO) noted, the State Board of Education expected all students to aspire to that level, not necessarily perform to it.⁵⁵

With NCLB, California's ambitiously set standards became a mandatory target for all students to meet, rather than a goal for college-bound students. The State Board has not backed off its position, though in the LAO's analysis, California's high standards have the effect of sending more schools into federally mandated improvement programs than the local districts and the state have the capacity to manage.⁵⁶

Some states, such as Utah, Nebraska, New Hampshire and Wisconsin, have made their standards less stringent since the implementation of No Child Left Behind, allowing them to show higher proficiency gains than California has.⁵⁷ The LAO has argued that California should have followed the lead of Texas, where more than 80 percent of students meet the state's definition of proficient. Texas implemented modest performance expectations, then raised standards as students reached achievement goals.⁵⁸

Efforts in California have been made to reset the threshold at a lower level as a way to keep more

schools from becoming subject to federal sanctions. Vetoing one such bill in 2006, Governor Arnold Schwarzenegger wrote: “Redefining the level of academic achievement necessary to designate students as proficient does not make the students proficient.”⁵⁹

Under NCLB, schools that do not meet the federal AYP performance targets for two years are identified for Program Improvement – a category that now includes more than 2,200 schools in California. Schools in Program Improvement must allow students to transfer to non-Program Improvement schools in the district and are required to offer tutoring and other services to low-performing students.

“Restructuring” is the last in the sequence of NCLB interventions for schools that do not meet federal benchmarks for five or more years. More than 1,000 schools in California are planning or implementing restructuring plans as of 2007-08, a number that is expected to continue increasing sharply each year as federal AYP benchmarks rise.⁶⁰ The law requires schools to choose at least one of five options to restructure their management, from replacing staff to reopening as a charter school.⁶¹

More schools in California continue to reach the restructuring phase. Far fewer – a total of 33 in 2006-07 – have improved enough over two years to exit the process.⁶²

Under NCLB, school districts also must track the academic progress of individual students under their purview. As with low-performing schools, low-performing districts can be subject to federally mandated interventions. For school districts that do not meet federal benchmarks after five years – nearly 100 districts currently fall into this category – the state is required to take at least one corrective action:

- Defer programmatic funds or reduce administrative funds.
- Institute new curriculum and professional development for staff.
- Replace district staff.
- Remove individual schools from the jurisdiction of the district and arrange for other governance.
- Appoint a trustee in place of the superintendent and school board.
- Abolish or restructure the district.⁶³

Success Rates of California Schools Using Various Restructuring Options

In 2006-07:

- 14% of schools undertaking the “any other” major restructuring of the school’s governance option met federal targets.
- 11% of schools replacing all or most of their staff met federal targets.
- 17% of schools entering into a contract with an outside organization met federal targets.
- 50% of schools reopening as a charter school met federal targets.*

*Only two schools used the charter school option.

Source: Caitlin Scott. February 7, 2008. “Managing More Than a Thousand Remodeling Projects: School Restructuring in California.” Page 8. Washington, D.C. Center on Education Policy. http://www.cep-dc.org/data/n_0001/resources/live/CARestructuringFeb2008.pdf. Web site accessed February 25, 2008.

As with the interventions for low-performing schools, the State Board of Education has authorized teams of education consultants – called District Assistance and Intervention Teams (DAIT teams) – to work with local administrators in most of the troubled districts on diagnosing problems and offering support for improvement. In 2008, Governor Schwarzenegger, the State Board of Education and the department issued the first round of interventions for 98 districts.⁶⁴

Building Capacity

In sum, state policy-makers made it clear what students should learn by developing academic standards and annual testing systems to measure student achievement. They implemented intervention strategies, placed more scrutiny on low-performing schools and, at one time, rewarded successful ones.

Policy-makers, however, left unclear who is responsible for ensuring that the outcomes of interventions and sanctions include lasting improvements in student achievement. This has raised questions not only about the effectiveness of California’s accountability system but also about the ability – or limitations – of the educational governance structure to implement successfully a comprehensive oversight and intervention program for California’s 10,000 schools and 1,000 districts.

Some researchers and reform advocates have suggested that the Department of Education reorganize staff, shifting from an “audit” function into a more proactive, “inspection” mode of helping districts and schools on the ground.⁶⁵

Modeled after the British school inspectorate system, the idea of creating a thorough, on-site quality check of California schools continues to stir policy-makers. The British system dates to 1839 and includes self-evaluation, direct observation by an independent party, public reports and follow-up.⁶⁶

Advocates say test-score data can show how a school is performing, though the data does not provide information about why a school’s program is not working. An inspection system can serve as that link for an on-the-ground analysis of a school’s performance, according to Thomas Timar, a professor at University of California, Davis. Professor Timar points to three goals of an inspection system:

- ***Ensure greater transparency.*** School inspections provide more detailed information to the public and policy-makers on the inner workings of schools and can begin to explain why schools are thriving or struggling.

- **Provide increased outcomes-oriented accountability.** Inspections encourage innovative approaches and allow the state to learn from and disseminate best practices.
- **Create a system of support.** Inspections support a continuous cycle of improvement in which staff evaluate strengths and weaknesses, work with knowledgeable trained inspectors and implement tailored action plans that complement the culture of their school.⁶⁷

Since 1997, Rhode Island state officials have visited schools every five years with teams of public school teachers to review a school's self-evaluation. New York City also implemented a school inspection model recently to provide a check on new budget authority given to school principals.⁶⁸ Governor Schwarzenegger's Committee on Education Excellence has endorsed this concept.⁶⁹

Voters have been cool to the idea. In 1998, Proposition 8 would have established a state Office of the Chief Inspector of Public Schools. It was defeated, 37 to 63 percent.⁷⁰ Other education leaders have questioned if adding another bureaucratic layer of a statewide school inspection system would overlap the on-site reviews already conducted by county offices of education at low-performing schools through the *Williams* settlement, the high school accreditation process (required by the University of California) by the Western Association of Schools and Colleges and the oversight of schools in the state's intervention programs by SAIT teams.⁷¹

A recommendation that also continues to surface from the policy community is to expand the Secretary of Education's Office, essentially creating a secondary education agency with a focus on compliance-related functions and policy development. The Department of Education, under the auspices of the superintendent of public instruction, would become an accountability agency, focusing on assessment and evaluation, as advocated by the Governor's Committee on Education Excellence.⁷² Opponents note that this would create even more state-level duplication.⁷³

In the proposed 2008-09 budget, Governor Schwarzenegger is asking to merge the State Board of Education staff into the Secretary of Education's Office. This would expand the secretary's budget to \$3.8 million from \$2.3 million and increase staff to 25 from 18.⁷⁴

In addition, another entity has emerged to oversee and coordinate accountability programs and turnaround efforts at districts and schools: county offices of education. The 58 county offices, created in the State

Constitution, have voluntarily stepped in as intermediaries on behalf of the California Department of Education (CDE) despite the offices' lack of any real authority to require change.

“We’re their feet on the ground,” said Susan K. Burr, executive director of the California County Superintendents Educational Services Association (CCSESA).⁷⁵ County offices market their services to schools and districts, which can include providing consultants to work inside struggling schools or holding leadership workshops for principals and teachers.

State Board of Education

As state superintendent of public instruction in the 1980s and early 1990s, Bill Honig took a more assertive role over the Department of Education than his predecessors. He began issuing hundreds of program guidelines for school districts to follow.

The 10-member State Board of Education – appointees of Governor George Deukmejian – at first deferred to State Superintendent Honig’s recommendations, but eventually, the board became more critical of the emboldened policy-making role Superintendent Honig used to guide the department.

In February 1990, the Little Hoover Commission said the department was overstepping its authority – circumventing the regulatory process by distributing program guidelines, which the Commission concluded was a responsibility assigned to the board. The Commission went so far as to recommend the attorney general file an action to prevent the department from further violating the Administrative Procedure Act.

By September 1990, Board President Joe Carrabino complained that the board was reduced to an advisory panel. He demanded greater oversight of the department budget and prior review of all policy directives. Superintendent Honig refused to comply, and the State Board sued Superintendent Honig in 1991.

Symbolic of the overlapping power structure, the State Board had to receive special permission from the attorney general to hire an outside counsel because it technically was staffed by and considered a part of the department.

The State Board fought successfully in court to establish itself as the lead policy-making authority for education policy and to serve as a check on the state superintendent. In 1993, the 3rd Appellate Court ruled that the state superintendent must follow the board’s lead, not the other way around. With legislative approval, the State Board soon expanded its influence and size. Its professional staff grew from one to eight, including an independent legal counsel.

The feud between the governor’s appointees on the State Board and the state superintendent also led to the prominence of the secretary of education, established as a cabinet-level position under Governor Pete Wilson.

Today, the State Board functions as the hammer for enforcing accountability programs; however, in recent years, the board has deferred to the state superintendent’s recommendations for intervening with and turning around low-performing schools.

Board member and staff turnover is high. As is his prerogative, Governor Schwarzenegger has appointed new board members, and the average tenure for current members is about two years. Ten executive directors (including two who served twice) have guided the board since 1999, when the state adopted the Public Schools Accountability Act.

Sources: See page 88.

Some county-level work that stands out is:

- The Riverside County Office of Education, which created the Riverside County Achievement Team (RCAT), a response team that helps districts and schools increase student performance in reading and math. RCAT has served over 200 schools and 22 of the 23 districts in Riverside County. The program now is being used as a model for a statewide pilot program to raise the achievement of students with disabilities.⁷⁶
- The county offices of Napa, Solano and Contra Costa, which formed a SAIT partnership that successfully moved 10 schools out of Program Improvement by increasing achievement. The partnership focuses on expanding instructional time in problem subjects, using data diagnostically and allowing for teacher collaboration. The partnership, which has been hired by schools as far away as Ventura, also identifies “pre-Program Improvement” schools that are on a downward slide and headed toward federal interventions. “If the school is on the trajectory and they are in our own county, we intervene,” said Jan Sabo, who oversees the partnership.⁷⁷
- The Sonoma County Office of Education, which created a leadership network for superintendents, principals and instructors to learn and share best practices about setting goals, using benchmarks and incorporating data.⁷⁸

The scope of that work has proven successful – data shows the schools involved in those county-level programs are on trajectories toward proficiency, and many have exited federal Program Improvement. These services, however, are not atomized and not coordinated or monitored by the CDE. Though pockets of innovation and initiative exist at the county level, the efforts are not implemented on a statewide scale.

Building on those examples of success, Assemblymember Juan Arambula proposed a bill in 2006 to put county offices in charge of improving the lowest performing schools, essentially stripping supervision from local districts. The plan would instead engage county superintendents and arm county offices with the authority to intervene directly with turnaround efforts at school sites.⁷⁹ He testified to the Commission that the current state or federal processes are not aggressive enough because the state has hesitated to use its power to reorganize schools. The bill was defeated.⁸⁰

The emergence of the county offices of education as the key change agent marks a significant revision of their status. This Commission recommended abolishing them in 1982, considering them an antiquated leftover.⁸¹ Today, the county offices hold the potential for tremendous

leverage. Interest is growing in how to develop the role of the county offices, which also maintain their traditional job of operating alternative schools for students at risk of dropping out of school and other specific populations, such as special education students and career technical education students.

Since the 1990s, policy-makers have seen an opportunity for an enhanced oversight role for the county offices and have enacted laws requiring the offices to monitor local school district budgets and intervene with districts in financial trouble.⁸² Suggestions have been made to consolidate and turn the county offices into regional branches of a decentralized California Department of Education to help implement assessment and other state programs.⁸³ For example, school districts in Texas, which has more than 200 counties, are overseen by 20 regional education service centers.⁸⁴

California added another administrative layer in the direction of the Texas action, in 2002, called the Regional System of District and School Support – 11 regional centers – that, organizationally, exist between the state Department of Education and the county offices. The system was created through the No Child Left Behind Act to build regional coalitions to better coordinate federal intervention programs. The CDE steers \$10 million annually for staffing and services to the regional centers, which are housed in county offices of education. The regional centers operate with small staffs – statewide about 40 employees – that hold professional-development workshops and help districts with data analysis. Again, collaboration has proven successful in pockets of the state, though a school’s decision to use such services is entirely voluntary. “Nobody is required to use us,” said Robin Hall, executive director of the Region IV System of District and School Support in the Bay Area.⁸⁵

Appendix C

Educational Governance and Accountability Timeline

1849 – The State Constitution establishes an elected state superintendent of public instruction.

1851 – The first state superintendent takes office.

1852 – The Legislature establishes the State Board of Education. The State Board is added to constitution in 1884. Its membership varies over next 60 years, including elected statewide officeholders and county superintendents.

1912 – A statewide ballot initiative passes to reorganize the State Board of Education, and the governor is given authority to appoint lay members to the board. This change creates a fundamental shift in authority over education policy. Previously, the state superintendent had dominated the agency responsible for public education, which took on the unofficial label of “Department of Public Instruction.” After the ballot measure passes, the State Board of Education takes on a greater level of importance, and the agency becomes known as the state Department of Education.

1920 – State Senator Herbert C. Jones, chairman of the Senate Education Committee, issues a report identifying the “double-headed system” of educational governance between the elected state superintendent and the governor-appointed board. The “Jones Report” notes that “the present California educational organization must be regarded as temporary and transitional, and dangerous for the future, and it should be superseded at the earliest opportunity by a more rational form of state educational organization.”

1921 – A new California Department of Education is created formally by legislation, to be overseen by the state superintendent.

1928 – Voters reject a statewide initiative to eliminate the state superintendent, as part of a larger legislative effort to reorganize and expand the State Board of Education.

1944 – As part of a special legislative session to consider education bills, lawmakers appropriate funds for two studies of the administration and organization of the school system. The “Strayer Report” recommends a constitutional amendment to have the state superintendent selected by a lay board, rather than by voters. The recommendation is not acted upon.

1945 – The Legislature passes the Optimal Reorganization Act, which leads to financial incentives for school districts to merge.

1958 – Voters reject a proposition that would have made the state superintendent an appointed position.

1963 – The Legislature declines to place constitutional amendments on the ballot to end the popular election of the state superintendent.

1964 – Governor Edmund G. “Pat” Brown appoints the first education secretary in California.

The Legislature passes AB 145 (Unruh), which offers new incentives for school districts to consolidate.

1968 – Voters reject a statewide initiative that would have changed the process for selecting the state superintendent.

1971 – The State Supreme Court rules in *Serrano vs. Priest* that the public school system cannot be financed based on the value of property in the community.

1978 – Voters approve Proposition 13, which restricts school districts from raising taxes. The state assumes responsibility for determining the level of school funding and how funds are spent.

1982 – The Little Hoover Commission recommends expanding the role of the state superintendent over department budget matters.

1985 – The California Commission on School Governance and Management recommends changing the process used to select the state superintendent and State Board members.

1988 – Voters approve Proposition 98, the “Classroom Instructional Improvement and Accountability Act.” The proposition establishes a minimum funding level for K-12 education and requires each school to produce an annual School Accountability Report Card (SARC).

1990 – The Little Hoover Commission recommends expanding the authority of the State Board and urges the attorney general to file an action to prevent the Department of Education from circumventing the state’s regulatory process by approving program guidelines.

1991 – Governor Pete Wilson establishes a new cabinet position, the secretary of child development and education. The position’s title is later changed to the secretary of education.

1992 – SB 171 (Watson) is enacted, requiring the state superintendent to identify low-performing “focus schools” to receive additional state resources. This program is never funded or implemented.

1993 – The State Appeals Court rules that the state superintendent must execute the board’s policies, following a lawsuit in which the State Board of Education sued State Superintendent Bill Honig in 1991.

Governor Pete Wilson vetoes SB 856 (Dills), which would have placed the state superintendent at the center of the policy-making process and limited the State Board of Education to an “advisory capacity” on other matters.

1996 – The California Constitution Revision Commission recommends making the governor responsible for the state’s education system, having the governor appoint the state superintendent and allowing the governor and the Legislature to determine if a State Board of Education is even necessary. The plan fails.

SB 1570 (Greene) is enacted, creating an advisory committee to assist the state superintendent in developing an accountability system. The committee publishes “Steering by Results” the next year, proposing an accountability system with rewards and interventions.

1997 – Governor Wilson vetoes SB 300 (Greene), which called for a study on school district consolidation.

1998 – Students take STAR tests for the first time.

Governor Wilson vetoes SB 1561 (Leslie). Initially called the Public Schools Accountability and Accreditation Act, the bill would have created an accreditation agency to evaluate schools and directed additional funding to 250 of the lowest performing schools. However, the bill contains no consequences. “There are no teeth in this proposal,” Governor Wilson writes in his veto message.

Voters reject the Governor Wilson-backed Proposition 8, which would have created a state Office of the Chief Inspector of Public Schools, among other education reforms.

1999 – SB1x (Alpert) is enacted, establishing the Public Schools Accountability Act, with interventions for bottom-tier schools and Governor’s Performance Awards for standout schools, based on the Academic Performance Index (API).

2000 – Governor Gray Davis vetoes SB 760 (Alpert), which would have authorized a study of school district consolidation.

2001 – Students take the California High School Exit Examination (CAHSEE) for the first time.

2002 – President George W. Bush signs the No Child Left Behind Act.

The California Master Plan for Education recommends that the governor should have authority over California’s education system through an appointed chief education officer, while continuing the State Board of Education and a more limited state superintendent. The recommendations are not adopted.

2004 – The California Performance Review recommends forming a Department of Education and Workforce Preparation to direct education policy from pre-school to higher education and the workforce, restructuring the current secretary of education as the head of the department and maintaining the state superintendent in a diminished role. The recommendations are not adopted.

2007 – The “Getting Down to Facts” project calls the educational governance and finance systems “broken,” requiring “fundamental reform, not tinkering around the edges.”

2008 – The Governor’s Committee on Education Excellence releases its report, “Students First: Renewing Hope for California’s Future.”¹⁹³

Governor's Committee on Education Excellence

Students First

Renewing Hope for California's Future



Governor's Committee on Education Excellence

November 2007

Our Approach

In April 2005, Governor Schwarzenegger established The Governor's Committee on Education Excellence "to analyze current impediments to excellence, explore ideas and best practices relevant to California, and recommend changes and reforms. ..." The Committee was specifically charged to focus on four inter-related topics: governance, finance, teacher recruitment and retention, and administrator preparation and retention.

For over two years, the Committee has held meetings across the state and spoken with numerous stakeholders, policymakers, and researchers from California and throughout the nation to learn from their ideas and experience. The Committee also has benefited from an extensive array of research on education, prior studies

of the California education system, and reports from other states and cities seeking to dramatically reform their school systems. The breadth of these inputs demonstrated the magnitude of the challenges facing our education system and extended the scope of our inquiry.

Despite the remarkable diversity among our members, our Committee has achieved this report by consensus; remarkably, there has been little philosophical difference among members regarding our purpose, our principles, or the bases of our recommendations. We believe that this report sets the foundation for a system of schools that will meet the needs of Californians today and into the future, with the expectation that the system will continue to improve to meet the needs of future generations.

The Committee

Ted Mitchell (*Chairman*), *President and CEO*, New Schools Venture Fund

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Arlene Ackerman, *Christian Johnson Professor*, Columbia University

Russlynn Ali, *Executive Director*, The Education Trust-West

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Caprice Young, *President and CEO*, California Charter Schools Association

Stephen Blake, *Executive Director*

Robert Manwaring, *Policy Director*

Our Committee gratefully acknowledges the generous support of The Broad Foundation, The Doris and Donald Fisher Fund, the Bill & Melinda Gates Foundation, The William and Flora Hewlett Foundation, and the Stuart Foundation, without which we could not have conducted this inquiry and offered these recommendations with such independence.

Our Committee is grateful for the myriad contributions to its work made by Jennifer Anastasoff, Laura Brown, Rebecca Chamow, Samantha Dobbins Tran, Linda Forncrook, Jessica Garton, Scott Hill, Richard Seder, Jules Stein, Thomas Timar, and Deborah Woo; and for the editorial and design services of KSA-Plus Communications.

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October 11, 2007

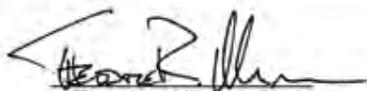
Honorable Arnold Schwarzenegger
Governor of the State of California
Sacramento, California 95814

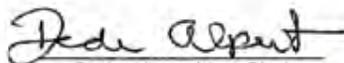
Dear Governor Schwarzenegger,

When you created our committee two years ago, you provided us with an ambitious and challenging charge of recommending changes and reforms that would lead to a more effective education for California's students. We have taken that charge to heart, as well as your repeated urging to be bold. You asked us to analyze current conditions, best practice, and research and bring those findings, along with our own expertise and experience, to bear on recommended solutions. As we progressed through our work, we found that it was common sense that dictated a surprising number of our findings. California's current system is best characterized as irrational: it does not support the things we know will improve student achievement, and at times even impedes them.

We have developed a proposal for bold, coherent, systemic reform that addresses not just the individual problems and structures of our education system, but the critical inter-relationships among our four charge areas – governance, finance, teachers, and administrators – that must be maintained if our system is to deliver the high quality education all Californians need and deserve.

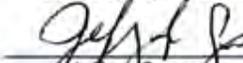
We are pleased to present to you the attached report, which presents the findings and recommendations of our study. We thank you for the honor of serving you and our state in this important endeavor.

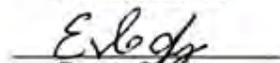

Theodore Mitchell, Chair

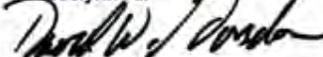

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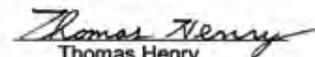

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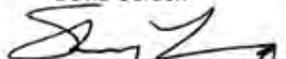

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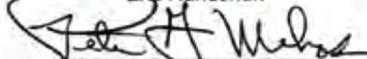

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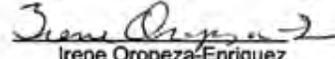

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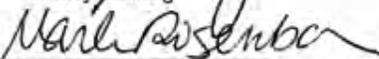

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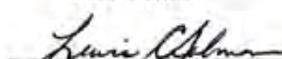

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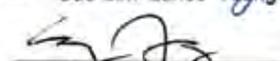
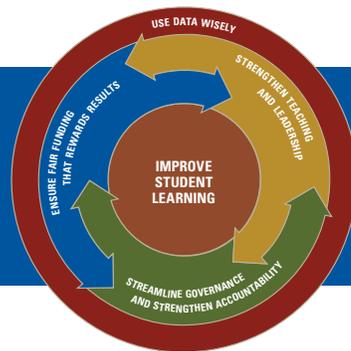

Caprice Young

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Executive Summary

Adopting the recommendations in this report will take a combination of common sense and courage.

Common sense says that the learning needs of students should come first, whether it's making policy or teaching math. California's diverse student population cannot be served by a one-size-fits-all model. Students come to school with differential learning needs that require different levels of resources to help prepare them for college and careers. Those closest to the students — principals, working closely with teacher leaders — should get to make key decisions that impact student learning, such as who should teach, how to allocate resources, and how to organize the school day.

working conditions, as well as opportunities to grow on the job, work with their peers, and be rewarded for professional growth and student success.

Common sense says that Sacramento should stay the course with the high academic standards it has set for each student, but should avoid micromanaging how funds are spent in classrooms; the current hodge-podge of categorical programs, each with its own red tape and personnel, is a recipe for inefficiency.

Common sense says that we ought to make decisions based on what works, not what is fashionable or politically advantageous. That means having modified assessments and an accurate data system that can monitor the year-to-year progress of every student.

California's current system turns common sense on its head. Too often, students are an afterthought. How else to explain a 100,000-section Education Code in which the words "student achievement" rarely appear? How else to explain how such a system can survive and, in fact, grow when less than one-quarter of students statewide are mastering reading, math, and other subjects? How else to explain our tolerating some high schools where, year after year, less than half of 9th-graders ultimately earn a diploma, and even fewer actually are prepared to succeed in college or on the job?

"California will spend \$50 billion on K–14 education this year. ... What do we get for that money? We get many wonderful and dedicated teachers. We get many children who are doing terrific. But \$50 billion, and we still have 30 percent of high school students not graduating. That is a human disaster. Fifty-billion dollars, and we still have hundreds of schools that are failing. That is an institutional disaster. Fifty-billion dollars, and the majority of our students cannot even perform at their grade level. That is an educational disaster."

— **Governor Schwarzenegger**,
January 2005 State of the State Address

Common sense says that we ought to have a system that rewards success, provides assistance to improve, and is intolerant of failure. The way to attract and retain the best and brightest into teaching and school leadership is to treat them like professionals, with safe and productive

The Public Understands

- 84%** Believe that better use of existing funds would lead to higher quality.
- 71%** Believe that school districts in lower-income areas should receive more resources.
- 65%** Believe that additional state funding would lead to higher quality.
- 64%** Believe that increases in teacher pay should be based on merit, including student performance, rather than seniority.
- 53%** Believe that California ranks below average (39 percent) or near the bottom (14 percent) compared to other states on test scores.
- 52%** Believe that the quality of California K–12 education is a big problem. Teacher quality is at the top of the list that needs improvement.

Source: Public Policy Institute of California statewide surveys, 2005 and 2007

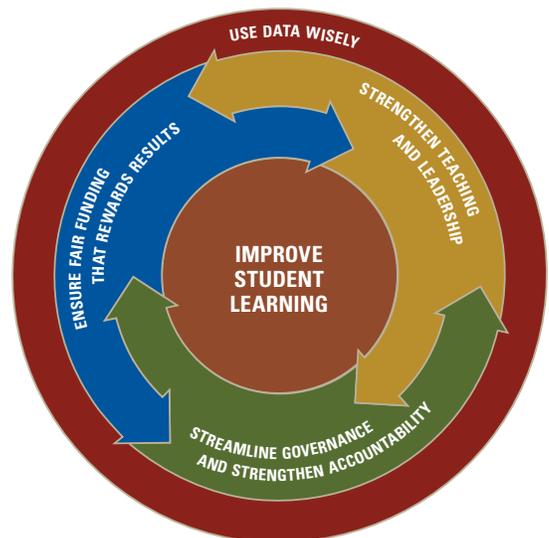
A student-centered system does not force good teachers and principals to work around the rules to get results. Such a system does not pay all teachers and principals the same, even though, year after year, some get better results than others. A student-centered system tries to replicate the success of high performers.

It is said that insanity is doing the same thing over and over and expecting different results. It is time to say “enough” and to fundamentally rethink how we have organized ourselves to educate the 6.3 million children whose future depends on our effectiveness. It is time to replace a system that gets in the way of effective teaching and successful learning with one that supports our best educators and their students. Specifically, the Committee recommends action on four inter-related priorities and a fifth key foundation. (See *Four Inter-Related Priorities* on next page.) Taken together, this

systemic overhaul will reduce the achievement gap and create a constantly escalating cycle of **continuous improvement** in our education system. Therefore, it is essential that our proposed reforms be considered as a coherent, comprehensive package. Cherry-picking proposals could make the current intolerable situation even worse. For instance, simply spending more money on ineffective programs without measuring results and rewarding success will exacerbate inefficiencies. Giving principals and teachers more authority without first ensuring they are well-prepared to wield it effectively would be irresponsible.

This is where our political leaders will have to demonstrate uncommon courage. Everyone professes to put students first. But collectively, the results suggest otherwise. Each of the state’s top-down education programs has a constituency that may feel threatened by the kinds of sweeping changes we propose. To them, we say, stand by common sense and research. The time has come for student interest to trump adult self-interest.

Common sense and courage — a potent combination that can transform our flawed system, prepare our children for the opportunities ahead, and in the process, allow our state to reclaim its proud legacy as an education leader.



Four Inter-Related Priorities

1. Strengthen teaching and leadership.

- Make teaching and education leadership true professions:
 - Give teachers advanced career opportunities without leaving the classroom, including mentoring and site leadership roles.
 - Have peers and leaders use professional standards and performance outcomes to evaluate teachers and principals. Let good teaching and leadership drive out bad.
 - Target professional development to school priorities and student needs.
 - Grant professional compensation based in part on student-performance gains, skills, and responsibilities.
- Deregulate professional preparation.
- Close the gap in teacher and principal effectiveness among schools.

2. Ensure fair funding that rewards results.

- Invest more resources in students, particularly in those at the lowest end of the achievement gap who have been least well-served by the system in the past.
- Deregulate finance, and link local control to outcome-based accountability:
 - Use student-centered budgeting to get additional funds to students with the greatest needs:
 - Drive fiscal accounting to school level to ensure equity.
 - Correct incentives to ensure students' progress is not held back.
 - Eliminate almost all categorical program mandates; allow local choice to drive program selection.
- Create local incentives to reward teaching and leadership excellence.

3. Streamline governance and strengthen accountability.

- Refocus accountability on *improving outcomes* and meeting proficiency targets for all students and subgroups.
- Enhance assessments to measure growth of student achievement.
- Expand local control to increase efficiency: Combine resource flexibility with greater accountability, and encourage greater school autonomy.

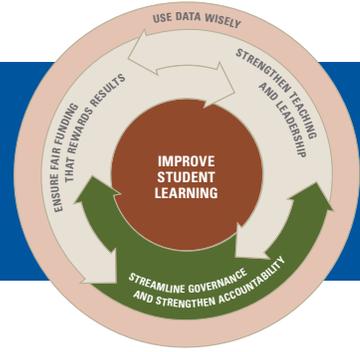
- Have county offices provide support to address district needs and state-delegated roles.
- Create a school inspection system to identify problems and support improvement.
- Empower county superintendents through their established service regions to enforce district accountability and intervention.
- Enhance sanctions for school failures, with zero-tolerance intervention.
- Designate the Superintendent of Public Instruction as the independent guarantor of success, overseeing accountability (post-2010):
 - Expand and manage data/evaluation systems.
- Create an independent data commission until the Superintendent role changes.
- Have the Secretary of Education manage policy, program, and funding (post-2010):
 - Have the California Department of Education support instructional delivery and stop monitoring process compliance.
- Have the State Board of Education become advisory to the Governor and Secretary.
- Empower parents to help improve learning quality, and give them real choices.

4. Use data wisely.

- Make performance, program, and financial information transparent, and provide it to parents, educators, communities, and the state.
- Create comprehensive data systems that link student, teacher, school, district, and state data, with capacity to link to college, work, and social services data.
- Create capacity to analyze data and programs and to support districts' needs:
 - Evaluate programs to ensure effectiveness before continuing them.

Plus, create a foundation for continuous improvement.

- Prepare our children for success from the earliest age:
 - Implement mixed-delivery, statewide preschool for all 3- to 4-year-olds in poverty.
 - Make kindergarten full-day and change entry date.



Priority 3

Streamline Governance and Strengthen Accountability

Get the governance, accountability, and incentives right so that roles and responsibilities are clear and coherent, and all players (state, district, and school) are held appropriately accountable for ensuring that all students learn at higher levels.

Our Vision

To ensure that everyone stays focused on continuous improvements in student achievement, all participants must be clear about their responsibility and authority. The best governance systems align accountability and authority and focus on monitoring outcomes, not regulating inputs.

California’s Current Reality

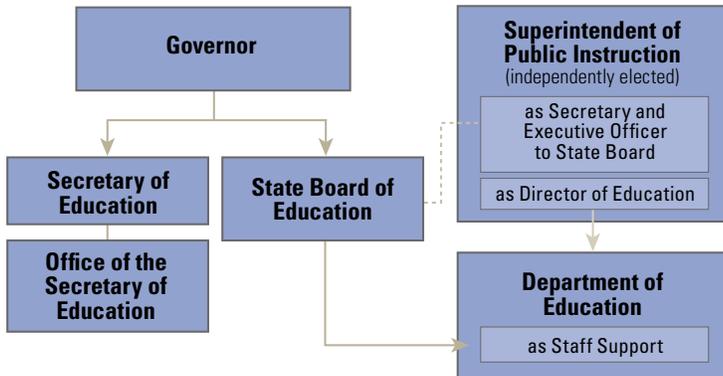
The problem with California’s K–12 governance system is that everyone is in charge, and no one is accountable. The Getting Down to Facts studies say the state’s K–12 governance system is a “remarkable crazy quilt of interacting authorities that are not aligned, for purposes of accountability or action” and falls short in each of the five key attributes of effective governance systems: (1) stable, (2) accountable, (3) innovative, flexible, and responsive, (4) transparent and open, and (5) simple and efficient. In California, by contrast, too many entities lack clear lines of authority, resulting in ineffective operation, rigid controls, and confused accountability at the state and local levels. Parents looking for answers get lost in a maze of pointing fingers.

State control gradually has increased since passage of Proposition 13 and the *Serrano v. Priest* court decision in the 1970s, which made the state principally responsible for K–12 funding allocation. Over time, the state has exerted increasingly greater control over how school districts spend that funding. This approach has reduced our schools’ ability to fully benefit from the standards-based reforms that were implemented beginning in the mid-1990s.

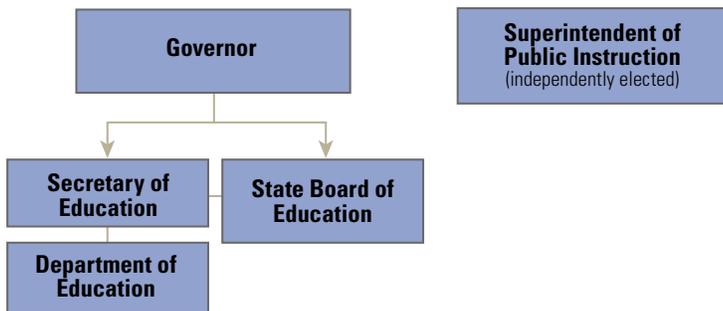
Not only are local educators not effectively supported by the state, their efforts can be impeded by state operations. The regulatory process is so lengthy that policies enacted by the Legislature routinely take three years to affect local schools. Just to build a new school requires more than a year of interaction with at least five state bureaucracies. California also has a highly

A Complex System

Now



Proposed



regulatory Education Code, with more than 100,000 sections and 2,218 single-spaced pages, more than any state save Texas. The code's complexity requires significant time and expertise to navigate, makes the system impenetrable to parents and professionals alike, and symbolizes the culture of compliance and regulation that dominates every aspect of schooling in the state.

In a culture of compliance, district personnel operate in isolation, with each individual focusing on the specific statutory requirements of his or her program without considering the district's overall education priorities or how the district's multiple programs should work together. Because the state continually adds new categorical programs and requirements, districts constantly are focusing on how to implement the newest program without considering how the various programs interact.

Moreover, when it implemented high-stakes accountability, California layered new mandates on top of our existing compliance-driven system, making accountability one more set of requirements instead of freeing educators from operational constraints so that they could fairly be held accountable for improving achievement. In contrast, other states deregulated their education systems to help support and enable their high-stakes accountability systems to deliver results for students.

Our current accountability system is focused on failure and ironically directs a seemingly endless stream of resources to underperforming schools that are not linked to improvement and, in fact, go away if the school improves. Not surprisingly, such perverse incentives have limited success. Accountability also requires valid and reliable integrated data. Currently, data relevant to education (i.e., K-12 education data, higher education, workforce, and social services) are maintained by distinct state and local agencies, with no overarching entity in a position to design and implement bridges between them.

Recommendations

California should return primary decision-making authority to local entities (counties, districts, and schools), while strengthening essential state functions. Although we call this a system of local control, it must be understood that the state plays numerous important roles and ultimately is responsible for the education of California students. But those roles must become more focused on ensuring that every student has the quality of education he or she deserves and on enabling local schools to provide that education.

True accountability will enhance the quality of education offered to every student. ***True accountability will foster continuous improvement*** by providing useful information, insight, support, and incentives in the form of authority and resources to educators and their communities so that everyone can participate in promoting student achievement. Accountability always will provide the ultimate recourse for students in schools or districts that fail; but far more important, ***true accountability will support the attainment of high standards for all students and prevent failure.***

To streamline the convoluted governance system and strengthen accountability, the Committee recommends:

1. Provide greater local autonomy.

Transforming the system from a culture of compliance to a student-centered culture of continuous improvement against rigorous state standards will require clarifying local roles and responsibilities. Specifically:

- **School districts.** Freed from the burdens of concentrating on state compliance requirements, districts will offer more support for local school improvement efforts. Initial priorities should include shaping the new teacher and principal evaluation system, helping educators use data and analysis to improve instruction, and determining how best

Charter Schools Provide a Laboratory for Innovation

In 1992, the California Legislature established charter schools, publicly funded schools authorized by local districts to “operate independently from the existing school district structure.” Charter schools are free from many of the regulations that burden district schools and are held accountable for achieving high levels of student achievement. In these ways, charters represent the link between accountability and authority that the Committee recommends to become the norm across the system.

Since 1992, more than 600 charters have been granted. Research suggests that charters in California tend to serve higher percentages of students in poverty and students of color than their district-operated counterparts and that the performance of these students, in general, is slightly better than that in district schools.

This evidence does not suggest that charter schools are, by themselves, a panacea. However, we believe that the original purpose of charters — to provide parents with choice, to provide competition that spurs improvement, and to provide a test-bed for innovation and experimentation — continue to be important objectives and that charter schools are and ought to remain an important part of California’s education landscape.

To better fulfill their mission, charters need to participate fully in the state’s funding system, with dollar-for-dollar equality in student funding and equitable access to public school facilities and facilities funding. The state should examine alternatives to the current charter authorizing system. In the current system, some school districts embrace and work well with charters, while others obstruct them because they view them as competitors. Options could include strengthening the current appeals process or providing for alternative authorizers, such as county offices of education.

to target additional new funds for disadvantaged students. Districts should think of schools as their consumers and allow them to define the services the district delivers.

- **School-level autonomy.** Successful schools should earn progressively increased autonomy (including over personnel, programs, and budgets), allowing more decisions to be made closer to the students they serve. As more decision-making authority is shifted to schools, principals will need to work with teachers, parents, students, and other stakeholders to set the direction for the school and to review data on performance aiming at improvements that can increase student engagement and student achievement to foster buy-in by the entire staff.

- **County superintendents and offices of education.** County-level priorities should be to: maintain oversight and intervention responsibilities for districts’ fiscal operations; support various administrative functions delegated by the Secretary of Education; provide support to the Superintendent of Public Instruction when direct intervention is needed to recover failed districts (and sometimes schools); and oversee compliance with federal and state requirements.

2. Streamline and deregulate the education system.

Replacing categorical programs, each with rigid rules, with student-centered funding is an important first step. The state also should create a commission, appointed jointly by the Governor and the Legislature, to conduct a comprehensive review of the Education Code and recommend a statutory streamlining of the multiple mandates. The Education Code should apply only for a set period — it should “sunset” in whole — and then be re-examined periodically to determine which laws should continue, after which a revised code would be reauthorized for another set period.

3. Reform the convoluted state governance system.

The state should maintain its ambitious academic standards and identify aligned curriculum designed to ensure the success of *every* student; help districts identify and implement best practices; provide adequate resources; and collect, analyze, and disseminate essential data and information to ensure that resources are being spent effectively to enhance student learning.

Use Data Wisely

Explore the Range of Innovative Uses of a Data System

The new statewide student longitudinal data system should support school district improvement efforts and schools’ instructional strategies, not just help meet No Child Left Behind Act reporting requirements — which is its current limited focus. The state should immediately fund a study to learn from districts, counties, and charter organizations that already are using data well to inform the cycle of academic improvement. This will require the state to waive laws and regulations that now impede the effective use of data.

Make Information Usable by Stakeholders

Too much of the data we collect, much less the data we intend to collect, is inaccessible to most parents, students, teachers, and even researchers. In other fields, California companies are at the forefront of making massive amounts of data useful to untrained users at the click of a mouse. The state should create a public/private partnership that takes advantage of this expertise. Giving everyone appropriate access to timely and actionable data would make the entire system accessible and, thereby, more accountable. The state also should develop the expertise to transform data into information that local districts and schools can use. This will require returning to local districts analyzed, student-based, vertically scaled information that can inform instruction.

The state also has the ultimate responsibility for measuring and maintaining quality, for ensuring that all underperforming schools and districts receive the support they need to improve, and for imposing clear and mandatory consequences for failing schools and districts. In assigning these functions, the state agency that funds and supports districts and schools should be separated from the agency that holds those same districts publicly accountable. Thus:

- **The Secretary of Education** would be responsible for education policy, finance, and program responsibilities (as manager of the California Department of Education). In carrying out these responsibilities, the Secretary should focus the department on supporting districts in implementing effective programs, using data to inform instruction, and supporting continuous improvement.
- **The Superintendent of Public Instruction** would serve as an independent guarantor of success throughout the system, responsible for all accountability functions. This would include maintaining an integrated data system, overseeing state assessments, creating and managing an independent school inspectorate process, overseeing a regional system to support districts, ensuring that interventions take place, performing necessary audit

California should return primary decision-making authority to counties, districts, and schools. Although we call this a system of local control, the state plays numerous important roles and ultimately is responsible for the education of California students. But those roles must become more focused on ensuring quality and enabling local schools to be more effective.

District Involvement Is a Critical Element of School Reform

Districts play a critical role that can make or break a school reform effort. While some outstanding school leaders can succeed without focused help from their districts, most schools need the support of their districts to make the reforms successful. The research verifies this. The American Institute of Research (AIR) concluded in the evaluation of California's two school intervention programs — the Immediate Intervention for Underperforming Schools and the High Priority Schools Grant Program — that the programs were ineffective, wasting millions, if not billions of state dollars. On further investigation, AIR found that successful interventions were coupled with rigorous district management and support of the process.

and compliance functions, and apprising the public of performance and program effectiveness from the classroom to the state. (Until our recommendations to reconstitute the office of the Superintendent to eliminate conflicts of interest within its responsibilities, we recommend that an independent education data commission be instituted to build cooperation among state agencies while avoiding narrow or parochial views from the perspective of a single data source provider.)

- **The State Board of Education** should be advisory, providing guidance to the Secretary and Governor. It should serve as the hearing body for regulatory concerns decided by the Secretary.

These roles should be changed after January 2011, to allow effective transition planning and legislative action and so that current elected and appointed officeholders will have the opportunity to continue overseeing the functions they anticipated when taking office.

Overhaul the School Accountability Report Card

Currently, schools are required to produce an annual document called a school accountability report card, or SARC. These documents are full of information about each school, but they have three limitations: They aren't collected anywhere, making comparisons impossible; they are inconsistently implemented; and they notoriously are hard to read. In other words, these critical documents aren't very useful. The state should invest in a database solution to standardize the school reporting process and develop an electronic version of the report card. These changes would allow meaningful comparisons of schools by parents and policymakers and would encourage Web designers to create flexible, user-friendly presentations that would make the information more accessible, rich, and easy to find.

4. Create a regional support system to provide oversight for all districts and interventions for struggling districts.

County superintendents and their offices, particularly through their network of regional alliances, are in a better position than Sacramento to support recovery efforts in troubled local districts and schools. These offices would: monitor local compliance with state and federal mandates; create academic crisis management and assistance teams to help districts that are academically bankrupt or otherwise require academic intervention; and directly intervene in failing districts. We envision a separate intervention strategy for each struggling district, tailored to specific circumstances within the guidelines described below.

5. Institute a school inspection system.

To provide essential information about why a school's program is or is not working, the state should implement an inspection system similar to those used successfully by several European nations and, most recently, New York City. Site visits by experienced external inspectors would examine how well schools are gathering and using data to monitor student performance; setting goals and developing plans; implementing these plans; aligning academic standards with instruction; building and aligning staff skills and expertise; and monitoring and revising improvement plans based on regular evaluations of student progress. They also would ensure that the school is receiving adequate district support.

Inspectors report publicly on their findings within just a few weeks, enhancing accountability through public engagement. Then, inspectors advise the school on corrections needed to make improvements in deficient areas and help the school monitor its own progress and make its own improvements. By quickly illuminating areas needing improvement and identifying whether a school is capable of improving itself, the inspection system provides a vital component of the state's intervention system.

6. Institute clear intervention rules.

The state should move toward a zero-tolerance policy for chronically low-performing schools and districts. If a school continues to underperform after the programmatic assistance described above, the state should take more drastic actions by assigning a trustee with broad executive powers to the school. The trustee should have the authority to convert the school to a charter school, assign the school to a neighboring successful district or county office, assign control of the school to an education

management organization, or reorganize the school. The state should use multiple measures to determine if a school is not meeting expectations, including the overall level of student performance, No Child Left Behind status, value-added measures of improvement, and school inspections.

7. Promote choice for families.

Families in California currently may choose among a variety of public school options, including the range of district schools, charter schools, and others. However well-established in law it may be, the practice of choice is more

illusory than real. In order to make real choices available to parents, we recommend full equalization of funding between district and charter schools and full disclosure, district by district, of the education options available to students. Such disclosure will rely on and be advanced by easier-to-use information tools and by a data system that will allow real comparison of available options.

The technical report discusses these recommendations in more depth, along with their underlying rationales and implementation processes.

What You Should Expect To See

If implemented successfully as part of our proposed systemic reform, these changes should help improve student performance by:

- Clarifying roles and responsibilities at the state, county, district, and school levels.
- Focusing everyone, regardless of specific role or responsibility, on student performance.
- Eliminating conflicts of interest when the same state office is responsible for program development and implementation along with evaluation and accountability.
- Promoting the integrity of data and accountability for results.
- Streamlining the bureaucracy and simplifying overly complex rules that now place a premium on compliance, not student success.
- Aligning policy, finance, and program in the Governor's office with ultimate accountability for the system resting there.
- Transitioning to an accountability system that relies on the growth in student academic achievement.
- Moving responsibility for assistance away from Sacramento, closer to schools and classrooms.
- Supplementing test scores with more in-depth analyses of school performance, with constructive recommendations for change.



Joint Committee to Develop a Master Plan for Education

Joint Committee to Develop a Master Plan for Education

Senator Dede Alpert, Chair

Assemblywoman Elaine Alquist, Co-Vice Chair

Assemblywoman Virginia Strom-Martin, Co-Vice Chair

The California Master Plan for Education

***Master Plan
for Education***



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The California Master Plan for Education

California's Challenge

Public education is a vital interest of our state in that it provides Californians with the capacity, knowledge, and skills to sustain our system of government, to foster a thriving economy, and to provide the foundation for a harmonious society. As the global technological economy continues to evolve, Californians require additional, enriching educational opportunities throughout their lives. Today, students enter, exit, and re-enter the education system at various points in their lives, bringing increasingly diverse learning needs to each classroom. To be responsive to Californians' needs, our state must have a comprehensive, coherent, and flexible education system in which all sectors, from pre-kindergarten through postsecondary education, are aligned and coordinated into one integrated system.

In 1999, the California Legislature passed Senate Concurrent Resolution 29, calling for the creation of a new Master Plan for Education. With this charge, California began a new journey to a new destination in a new century – namely, to provide a coherent educational system that is attentive to learner needs, literally from birth through old age. This Master Plan for Education will serve as the roadmap for that journey, with two primary goals: to provide every family with the information, resources, services, involvement, and support it needs to give every child the best possible start in life and in school; and to provide every public school, college, and university with the resources and authority necessary to ensure that all students receive a rigorous, quality education that prepares them to become a self-initiating, self-sustaining learner for the rest of their lives.

A child entering preschool in 2002 can expect to graduate from high school in 2016 and, if he or she chooses, complete her or his bachelor's degree in 2020. It is beyond our ability to know with precision the learning needs of Californians in 2020. The primary need of every student is to become a capable learner who can readily learn whatever content becomes relevant to her or his life and work; therefore, we must craft an educational blueprint that addresses this need and helps frame the decisions we make now by anticipating the diverse learning needs of the future.

The sobering reality of California's education system is that too few schools can now provide the conditions in which the State can fairly ask students to learn to the highest standards, let alone prepare themselves to meet their future learning needs. This reality and several additional compelling issues lead us to construct a comprehensive Master Plan at this time:

- The students who have been served least well in our public schools, colleges, and universities – largely students from low-income families and students of color – also make up an ever greater proportion of California's increasing population; we must extend

to them the same degree of educational promise that has been provided to the generations of California students that preceded them.

- As it was in 1959 when the Master Plan for Higher Education was first developed, California is challenged by estimates of a large increase in postsecondary education enrollment demand ('Tidal Wave II') over the next decade that can be accommodated only with careful systemic planning and sufficient investment.
- Also similar to the conditions of postsecondary education in 1959, today California's K-12 education system is governed by a fragmented set of entities with overlapping roles that sometimes operate in conflict with one another, to the detriment of the educational services offered to students. In addition, fragmentation and isolation prevent K-12 and postsecondary education institutions from effectively aligning and reducing the obstacles students face as they transition from one education sector to another.
- California's K-12 system operates without a clear vision or direction, with the result that it is susceptible to constant and major change by policy-makers that impedes schools' ability to plan for and deliver an education that meets the needs of students.
- California's educational institutions are often too rigidly structured to accommodate the increasingly diverse needs of the state's students.
- The continued economic viability of the entire state depends on a high quality educational system that uses effective strategies to help learners achieve their educational potential and objectives, that responds to high priority public needs, and that continuously engages in efforts to envision the future learning needs of Californians for successful transition to the rapidly evolving world of the modern economy. Providing all students the opportunity to achieve their highest academic and skill potential will enable them to pursue greater economic prosperity over a lifetime, better serving both them and society.

In addition to the foregoing structural issues, there is increasing concern over the disparity in quality of the education that our children are receiving. California no longer has any racial or ethnic group that is a majority of the state's population, yet schools serving large concentrations of low-income students, as well as those serving large numbers of Blacks, Latinos, and Native Americans, disproportionately receive fewer of the resources that matter in a quality education, resulting in lower student achievement. In urban and rural schools, which serve these students in higher concentrations, researchers estimate that as many as half of high school seniors leave school without the skills they need to succeed in further education or the world of work. The implications at the personal and societal level are enormous.

California's business community is increasingly concerned that California's low performance in state and national testing is occurring during a period in which students are required to have more substantial knowledge, and the ability to apply that knowledge, as well as more technical workplace skills in the post-industrial economy. One major newspaper recently stated, "the ranks of the working poor are also expanding and California is evolving, minute by minute, into a two-tiered society," a statement supported by the following facts:

- Barely half of California 4th and 8th graders (52 percent in both cases) demonstrated even basic competence in mathematics as measured by the 2000 administration of the National Assessment of Educational Progress (NAEP), often cited as the nation's report card. Only 15 percent of 4th graders and 18 percent of 8th graders demonstrated proficiency in mathematics that year.

- NAEP scores from 1998, the most recent numbers available, reveal that 48 percent of 4th graders and 64 percent of 8th graders were basic readers, while fewer than one quarter of 4th and 8th graders were proficient or advanced readers.
- Fewer than half of California's 4th and 8th graders demonstrated a basic understanding of science on the 2000 administration of NAEP, ranking California last among the 40 states that participated. Only 14 percent of 4th graders and 15 percent of 8th graders demonstrated proficiency in science.
- Only 56.9 percent of Latino students who entered high school in 1996 graduated four years later. Black students had a similar graduation rate of only 57.8 percent. In contrast, Asian and White students graduated at rates of 86.3 percent and 77.6 percent, respectively.
- Despite the selective nature of admission to the California State University and the University of California, about half of all freshmen regularly admitted to CSU during the past decade have required remedial instruction in English or mathematics, or both, while approximately one-third of UC freshmen have required remedial instruction in English.
- Among the graduates of California's public high schools, White students are roughly twice as likely as their Black and Latino peers to attain CSU and UC eligibility, and Asian graduates are roughly twice as likely as their White counterparts to attain CSU and UC eligibility – a relationship that has existed since 1983.
- Data compiled by the California Council on Science and Technology (2001) indicate that women of all races, and African American and Latino men, represent underutilized pools of labor in the science and technology sector (which provides high-paying jobs). Differences in educational attainment and in choice of educational major contribute to these groups' underrepresentation in science and technology occupations and industries.
- The percentage of American households with at least one computer doubled from 1994 to 2000, rising from 24.1 percent to 51 percent. Computer ownership varies by racial, ethnic, and income groups, however, with 55.7 percent of White households and 65.6 percent of Asian households owning a computer in 2000, compared to 32.6 percent and 33.7 percent of Black and Latino households, respectively.
- The 2000 Employment Policy Forum report indicates that as many as 70 percent of students entering the workforce do not have sufficient skills to adapt to the simple writing needs of a business environment.
- The National Alliance of Business reports that a 1998 survey of 430 CEO's of product and service companies, identified in the media as the fastest growing sector of U.S. business over the last five years, found that 69 percent of them reported the shortage of skilled, trained workers as a barrier to growth, up 10 percent from the year before.

These data are indicative of the huge gap that exists between what many Californians need from their educational system and what they are actually receiving. To date, this gap has been only marginally affected by the many major reforms that have been imposed on our public schools, colleges, and universities since the mid-1980's. It provides stark evidence that a piecemeal approach to reforming education is ineffective. A comprehensive, long-term approach to refocusing education in California is clearly needed; and this approach must have a clear focus on improved student achievement. The Master Plan should be used by the Legislature as a template to ensure that proposed education legislation in coming years is consistently directed toward reaching the goals set forth in this Plan.

California's Vision

This California Master Plan for Education provides a long-term vision for an education system that is available to *every* Californian and that focuses on both learner needs and outcomes. This Plan is intended to serve as a framework to guide state and local policy-makers, as well as our educators, educational and community-based agencies, and business leaders, in making decisions that support this focus; to provide clear statements of expectations and goals; and to facilitate flexibility in responding to local needs and taking advantage of opportunities.

A Vision for California's Educational System

California will develop and maintain a coherent system of first-rate schools, colleges, and universities that prepares all students for learning and for transition to and success in a successive level of education, the workplace, and society at large, and that is fully responsive to the changing needs of our state and our people.

If this Master Plan's vision is to be met, our schools, colleges, and universities must make serving students' learning needs their primary focus, including at the most advanced levels of education. School districts, county and regional entities, community-based organizations, postsecondary institutions, business and industry, and the State must all collaborate with each other in building an aligned system of education that ensures the availability of the necessary resources to meet learner needs. All functions and policies of our education system must be regularly reviewed and revised to ensure that each supports this focus; in short, this vision requires a dynamic plan that is based on learner needs and that is comprehensive, grounded in data, and reviewed regularly for evidence of progress and need for revision.

Foundational Principle

The fundamental principle that serves as the foundation for this Master Plan is that an effective and accountable education system must focus first and foremost on the learner. Policies, practices, structures, and financing must all be re-evaluated and modified as needed to ensure they are supportive of learners and their acquisition of the knowledge and skills that will enable them to be successful learners and earners throughout their lifetimes.

Equal opportunity for all has been a broad goal of American public education for generations. Only in approximately the last 30 years, however, have the nation's educational and political establishments begun to develop a commitment to a two-pronged refinement of that goal, one unprecedented in any culture in history: First, the public schools will be ensured the capacity to provide the various kinds of instructional and other support necessary for *all* children to succeed, *including* children whose readiness to learn has received little or no attention prior to their

entering school, and those whose life circumstances continue to be less conducive to formal education than those of many others. Second, all children will not only begin school in an education system prepared to ‘take them as it finds them,’ but their persistence in that system will be developed, nurtured, and rewarded such that they will all ultimately graduate from high school with the knowledge, skills, and habits of mind requisite to self-initiated, life-long learning. This Master Plan is California’s first comprehensive template for the accomplishment of that radical goal.

It is important to emphasize that this California Master Plan for Education is focused on *all* students. Every school-age child is constitutionally guaranteed access to a free public education and is entitled to a high-quality educational experience without regard to his or her individual educational objectives. This guarantee applies to students attending rural, suburban, and urban schools; students from low, middle, and high-income families; students whose home language is not English as well as those who have spoken English their entire lives; high-achieving students and students who require supplemental education services to succeed in school; and students with visible disabilities as well as those with less obvious disabilities. The opportunity to participate in high-quality educational experiences is one to which older adult learners are entitled as well, should they choose to pursue adult or postsecondary education within the state. That these students are diverse and represent a kaleidoscope of cultures, abilities, and learning styles is a given in California and represents both great promise and great challenge in the forging of a coherent educational system that focuses on student achievement and responds to the myriad ways in which students choose to use their knowledge and skills.

Our committee’s focus on learners, and the foregoing goals for students, coincide with a newfound understanding of human brain development and learning. As the tenets of this Master Plan are implemented over time, every element of California’s education system can be informed by this knowledge to ensure that appropriate learning opportunities occur at developmentally optimal times for learners, resulting in gains in every student’s knowledge and cognitive development.

We have sought to identify ways in which our educational institutions can become more coherent or ‘seamless,’ providing learners with school and college experiences free of educational and bureaucratic impediments. We have sought to ensure equity within California’s education system, through recommendations to distribute the resources and opportunities necessary for a high-quality education to every student, irrespective of his or her circumstances. Even as we have examined what is required to provide a high-quality education, we have also sought to facilitate the critical evolution from access to success, by focusing on greater academic achievement and career preparation across the full spectrum of students at all levels. Finally, we have sought to create effective and comprehensive accountability for the entire education system by delineating authority and responsibility for all its participants in a manner that ensures each can be held accountable for ensuring all students learn.

It must be recognized that this 2002 Master Plan is being crafted at a time when California, like the rest of the nation, has entered into an economic downturn after nearly half a decade of unprecedented economic prosperity (which followed a deep recession that opened the last decade of the 20th century). This economic development is instructive in two very important ways: it

highlights the cyclical nature of California’s ‘boom and bust’ economy, which has so dramatically shaped and reshaped educational opportunities; and it underscores the importance of Californians’ taking a long-term approach to our collective investment in education. The committee realizes that an enormous increase in our investment in education will be required to fully implement the provisions of this Master Plan. Not all returns from this investment will be immediate; some will require years to be realized. This Master Plan, however, provides a guide to where new investments are most urgently needed to advance our vision for California education and, when it becomes necessary, where reduced investment might be directed to ensure least disruption to our collective commitment to promoting student achievement. It is envisioned that this Plan will guide our educational system for the next two decades; it should be used by the Legislature as a template to ensure that proposed education legislation in coming years is focused on reaching the goals contained in this Plan. Built-in flexibility will accommodate necessary changes during the life of the document.

Engaging the populace in planning for a more effective, learner-focused education system, especially for a system as large and complex as California’s, requires creativity, a willingness to take risks, and a healthy amount of patience. Nonetheless, if our vision for California’s educational enterprise is to be realized, it is imperative that all Californians become personally involved in the education and well-being of our learners – young and old alike. It is the challenge of this Master Plan for Education both to make that engagement happen and to guide it as it does. The Plan addresses this challenge by declaring the vision, principles, and goals of California’s educational system; by clearly delineating the roles and responsibilities of all participants in the system; and by describing a system to ensure that those roles are effectively carried out to serve students.

We must engage *every child*, so he or she knows there is a place for him or her in our schools and in our society. We must engage communities both to foster a shared sense of purpose and to share responsibility for preparing and supporting every student. Ultimately, we must engage our entire state and its policymakers to make all Californians aware of the needs and purposes of our state’s education system and the critical importance of planning for a future in which we raise the educational bar for all students while simultaneously opening the doors of academic and economic opportunity wider than ever before.

Organization of the Plan

The Joint Committee’s vision is certainly ambitious. Ultimately, its implementation will require clear perspectives and input on the extent to which the vision remains in sight and within reach. This report seeks to provide those perspectives through its focus on four critical areas of California’s educational system: access, achievement, accountability, and affordability. Each of the corresponding sections of this Plan provides a context for the interpretation of subsequent findings, describes today’s realities and our vision of how California’s education system could operate under the guidance of this Master Plan, and offers specific recommendations on what priorities should be pursued. Consistent with the goal of constructing a coherent education system, recommendations specific to preschool, K-12 education (including alternative education delivery structures), adult education, and postsecondary education are separately listed only

when necessary to address unique features of these portions of the education system. Similarly, this 2002 Master Plan seeks 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. Finally, the Plan provides, in its appendices, data and references the reader can use to acquire a deeper understanding of California's education system and the research base that supports many of the recommendations contained in this Master Plan.

Accountability for Learner Outcomes and Institutional Performance

The Context

In order to guarantee that students receive the high-quality education that is promised to them, accountability must be infused throughout California's education system. A meaningful system of accountability builds on clear expectations by providing a clear definition of the roles and responsibilities of all participants, evaluating the outcomes of efforts, and ensuring that consequences are attached to those outcomes as a means to influence their improvement.

Effective accountability requires the linkage of authority and responsibility throughout our system of education. In this context, accountability is fostered by clearly defining the responsibilities of each participant in the system, ensuring that sufficient authority is afforded

“It is important to focus on the consequences of programs, old and new, to keep uncovering their shortcomings so that the message gets through, and to locate those programs that do have positive effects and can be extended and expanded.”

-- Carol Weiss, 1989

each participant to carry out those responsibilities, and then ensuring that those responsibilities are carried out. Currently, 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. 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 soluble until education is understood as a coherent process. How California structures and governs education is crucial to our commitment to infusing greater accountability in public education. This Plan clarifies what responsibilities should be assigned to what entities at the state, regional, and local levels.

On a daily basis, elected officials, agency heads, school district and campus academic leaders, professional educators and, most important of all, the citizens of California are being asked to pass judgment on a bewildering array of new educational initiatives without the comprehensive, reliable, flexibly arranged, easily accessible, and timely data needed to make informed judgments. California collects a considerable amount of data on students, schools, and colleges; but that data collection is fragmented, and the data collected more directly serve the need to meet various state and federal reporting requirements

than to evaluate the quality and effectiveness of public and private education in increasing student achievement.

A majority of Americans and Californians are calling for greater accountability for our public education system. Despite a growing ambivalence about the amount of testing that is taking place in public schools, the public still supports testing that measures student learning against a clear set of standards but dislikes any accountability system that relies too heavily on testing at the expense of broader-based evaluations of school performance. The public understands that testing provides a gauge for identifying significant strengths of schools that can be built upon, immediate needs that must be addressed, and eventual changes that it would be desirable to implement. Testing should not just monitor student achievement, it should also be used to advance teaching and learning in all schools.

Surveys of public opinion also reveal that efforts to develop accountability systems should take a positive view of public education.⁴⁸ There is little to be gained by giving in to the rhetoric of crisis and failure of schools. It is still the case that the very best students enrolled in American public schools compete well with the very best students in other nations. Rather, states should focus on long-term progress desired and study successful schools, learn what they are doing right, and seek to replicate those activities in other schools. In the minds of the public, money has much to do with school performance. They view school performance in three tiers: schools located in high income areas that are good to excellent; schools located in middle income areas that are fair to good but for which there is ample room for improvement; and schools located in low income areas that provide an inadequate education or that are in crisis. While they believe more money must be invested in public schools, they do not believe that money alone will make the difference; there must also be measures in place to hold teachers and administrators accountable for student learning. They also express a fear that accountability systems that build too tight a relationship between school performance and funding may have the unintended effect of displacing the goal of improving student learning for doing whatever it takes to attract additional money.

The goals of an education accountability system should be carefully considered before being implemented. Too often goals are only casually considered if they are considered at all. On the surface, the purposes of accountability appear to be self-evident: to identify and punish low performers and to provide rewards and incentives for higher performance. The more important objective, however, should be to derive consensus on what is meant by performance. What is it about education that is important to individuals, the State, and society at large? What are our expectations about effectiveness and efficiency? What about breadth of opportunity and depth of achievement? These are the questions that give accountability its deeper meaning, and efforts to collaboratively generate answers to them are what provide the 'buy-in' from stakeholders that ultimately will make or break any accountability system. The process of collaboratively defining what is meant by performance will also go a long way toward addressing another key impediment to change, lack of trust. Most stakeholders believe in their own capacity to set rigorous and fair standards but distrust the ability or will of others to do so. Hence, many stakeholders are reluctant to embrace any accountability system without detailed understanding of how it will affect their interests. Further, if they perceive too great an emphasis is being given

⁴⁸ Educational Testing Service, *A Measured Response: Americans Speak on Education Reform*, (2001).

to ways to punish low performance, they may actively oppose or seek to undermine any accountability system.

Another critical issue to address in any effort to establish accountability in public education is the question of who should be held accountable for what and to whom. No one actor can be held entirely or even largely responsible for any given outcome. The education process is simply too complex with too many actors. Key actors that must be considered include the following:

- Students – traditionally they have borne the full burden of educational outcomes. Either they applied themselves to learning or they didn't. Student failure to learn was due to either a lack of effort or a lack of intelligence.
- Peer groups – students are influenced significantly by the things their peer groups value. Students who work too hard to achieve can face rejection and/or ridicule from their peers. Who is responsible for peer influences? Parents? Students and schools? Culture?
- Teachers and faculty – recent studies have emphasized the role of teachers in facilitating student achievement at all levels of education. They have often been blamed for not having subject matter competence or poor pedagogical skills, when students have not achieve at desired levels. Such assignment of blame , however, ignores the fact that students have different abilities and dispositions for learning. A student who refuses to apply him/herself to learning will not achieve no matter how well prepared the teacher is.
- Schools and colleges – they also play a role in promoting student achievement. Do they provide adequate support and the tools needed by teachers to do an effective job of providing high-quality education opportunities to students? Is the curriculum relevant and aligned across grade levels?
- Government – all of the other actors in public education are influenced by the actions taken by federal, state, and local government. Whether resources are adequate to accomplish the educational standards adopted and whether goals are clearly understood are both affected by government decisions. Laws and regulations passed by federal, state, and local government largely shape what public education does.
- Business – it has traditionally been viewed as a customer of education and as having a responsibility to clearly communicate the knowledge and skills it wants in future employees. Increasingly business has also become a provider of education, offering training and professional development for its employees, and even developing courses and skill certifications that are offered to a larger audience. This role has made business a key player with an important responsibility to improve educational performance.

None of the actors in the foregoing list account for the influence, and consequent responsibility, of organized groups like labor unions, professional associations, accrediting bodies, and, in the case of postsecondary education, academic/faculty senates. What quickly becomes apparent is that an accountability system, to be effective, must be approached from the perspective of shared responsibility, with all stakeholders recognizing and accepting their share of responsibility for ensuring and sustaining educational improvement over time.

After careful consideration of the goals to be pursued and who should be assigned what responsibilities, it is important to decide what measures will be used to evaluate educational performance at the various levels. The goals pursued will largely define what measures are

appropriate and valid for evaluating performance. The differing missions assigned to the various education providers will complicate the measures. Public school performance, for instance, can usually be measured against clearly stated academic content and proficiency standards with either standardized or criterion-referenced test instruments. However, postsecondary education providers usually do not have a common body of knowledge that is expected to be taught to every student, have multiple majors with unique competency requirements, have faculty who are responsible for generating new knowledge as well as disseminating current knowledge, and so on. Compliance audits and program or policy reviews have been typical ways in which states have attempted to hold postsecondary institutions accountable. The differences in accountability approaches and educational missions mentioned previously underscore the need to consider multiple measures, including qualitative measures, tailored to the particular education outcomes desired and to particular types of education institutions. Not every desired outcome can be easily quantified.

Performance depends on both motivation and capacity. If a person or institution is unmotivated to perform at high levels, no amount of capacity-building will make a difference. Conversely, if a person or institution has only limited capacity to perform at high levels, no level of motivation will yield the desired performance level. Effective accountability systems must consider both intrinsic and extrinsic incentives that can be provided to individuals and institutions to motivate them to use their capacities more effectively, as well as to help them build their capacities when they are insufficient to achieve the desired performance levels.⁴⁹

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 help 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, just as students and education providers are held accountable. Even the best-designed accountability system cannot be expected to anticipate and account for every aspect of the education enterprise. It may need to be periodically refined. This fact should not be interpreted as a need for the system to be modified annually. 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 of progress.

⁴⁹ Paul E. Lingenfelter, "Focus on Educational Accountability," *Network News*, SHEEO, Volume 20, No.3, (November 2001)

California Today

California has made significant but insufficient steps to instill greater accountability in its public schools. Beginning in 1998, the State Board of Education began adopting a set of academic content standards for all of its public schools. The standards specify in detail what should be taught at each grade level in the areas of mathematics, English/language arts, science, social science, and the performing arts. For the first time, there is no ambiguity about what is to be taught to all students enrolled in public schools. Until adoption of these standards, schools throughout the state offered courses that carried the same or similar titles but with content that differed radically. The consequences of this legacy have been evident in both the differential performance of students on standardized assessment instruments and students' differential eligibility for admission to the California State University and the University of California. It has also been evident in the persistence of demand for remedial instruction by students admitted to California State University and University of California campuses, students who have distinguished themselves from their peers by being among the top one-third or one-eighth of all public high school graduates in the state, respectively.

State policymakers are currently in the process of completing a determination of the level of proficiency desired from all students in each of the content areas. This determination is an important next step, as it sets the benchmark against which judgments will be made about the adequacy of student achievement as measured by the State's mandated test instrument. Although proficiency standards are expected to be high in each area, there is no expectation that student performance will, or should, yield a normal-curve distribution of student achievement. Rather, it represents the benchmark that public schools are striving to achieve with all students and against which decisions will be made about the resources needed to achieve that goal. Unfortunately, California erred in its decision to impose use of a standardized test, the Stanford Achievement Test Version 9 (SAT-9) as the measure of student achievement. That decision was motivated more by political considerations than by the alignment of the test items with the content the State decided should be taught in every public school. The consequences of this decision were predictable: initial student performance results on the SAT-9 were disappointing, complaints about the inappropriateness of the test have been shrill and increasing, and judgments about school performance have been made on the basis of faulty data. Efforts are underway by Department of Education staff to augment the SAT-9 test with what are being referred to as standards-based test items that are aligned to the adopted academic content standards.

In 2000, the Governor proposed and the Legislature adopted a series of incentives to further the cause of accountability for public schools. These incentives included monetary rewards for schools and school personnel that meet or exceed performance targets set for each school. It also included disincentives for low-performing schools, ranging from removal of the principal for persistent low performance to identification of schools required or invited to participate in the Intensive Intervention-Underperforming Schools Program (II-USP). Schools participating in the II-USP program, whether voluntarily or involuntarily, are required to develop plans and strategies for improving student achievement within a designated time period or risk state take-

over. One unintended consequence of these incentives has been the perception by teachers of increased pressure to ‘teach to the test,’ even though the dominant test at the time (SAT-9) bore little relationship to California’s academic content standards. More time has been devoted to teaching test-taking strategies and, in some more extreme cases, altering student test scores or compromising the security of the test itself in an effort to boost student scores. The transition to the standards-based test items should alleviate some of this concern and redirect teacher attention to teaching the content standards since they are what the test will be assessing.

Another unintended consequence of the State Testing and Reporting (STAR) system has been heightened pressure on principals, since they alone have been subject to removal if school performance did not improve significantly. There was no provision initially to grant principals the authority to remove or reassign teachers who were ineffective in promoting student achievement. Union-negotiated contracts that protect teacher employment and restrict reassignments on the basis of seniority further complicate the situation. This fact has hindered California’s efforts to attract and retain qualified school leadership, because prospective administrators understand that they will be held accountable for outcomes which they will not be able to influence through exercising management authority.

Yet another impediment to effective accountability in public schools is the confusion of roles and responsibility for governance and oversight. California has four state-level oversight entities, without clear delineation of which is responsible for what, creating confusion for local schools and districts about what objectives they are expected to pursue – particularly when the interpretations and directives from these state entities are not always in alignment with or even complementary to each other. The result is an environment in which local districts and schools simply ‘shop around’ for an interpretation consistent with their current disposition for action. The state entities are: (1) the Governor, who appoints all members of the State Board of Education, promulgates an annual budget that sets forth priorities for education, and nearly always is the final arbiter of differences of opinion about education policy due to his line-item veto authority; (2) the State Board of Education, which is by law the policy-setting body for public schools but which has very limited ability to ensure its policies are implemented; (3) the Superintendent of Public Instruction, an elected constitutional officer who manages the California Department of Education (CDE) staff, and who has little formal policy-setting authority, but influences policy through its implementation; and (4) the Secretary for Education, originally created by former Governor Pete Wilson in 1991 by executive order as the Secretary for Child Development and Education, with a small complement of staff whose duties are largely duplicative of those in the CDE.

This confusion of roles and authority among the various state oversight entities more often than not contributes to finger pointing rather than constructive approaches to problem solving. This result is particularly the case when school performance falls below desired levels. Such finger pointing sends mixed messages to local districts and schools as to the State’s priorities for student achievement and institutional performance. An additional layer of complexity exists when the role of county offices of education is factored in. By constitutional provision, every county has a county superintendent of schools and a county board of education, the responsibilities of whom are minimally specified in statute. In addition to approving the annual budgets of individual school districts, they have also accrued over time the role of providing

support and technical service to local districts, directly providing some educational offerings in the instance of small school districts, and serving as an appellate body with regard to local family disagreements with district decisions. All but five counties have elected county superintendents. The responsibilities of county superintendents are specified in statute. In this confusing environment of overlapping responsibilities, it is virtually impossible to hold any individual or entity accountable overall for school or district performance.

Establishing an effective accountability system for public postsecondary education has been even more elusive than for the public K-12 system. This fact results in part from the different missions assigned to each of the systems and, in part, from the differing structures of each of the systems. There is no common body of knowledge for which consensus exists about what is expected to be taught to every student enrolled in a public college or university. As a consequence, there has been no basis for establishing a measure of student achievement; and the State has had to rely on auditing compliance with state mandates and guidelines, such as admission of freshmen from among the top one-third and one-eighth of high school graduates (for the California State University and University of California systems, respectively), enrollment numbers, admission and enrollment of underrepresented student groups, numbers of transfers, and degrees awarded. Even these measures of student achievement are little more than ‘snapshots,’ since they are not specifically linked to unique students or cohort groups.

In 1998, the California Community Colleges advanced a bold proposal to break this logjam by offering to provide data on specific student outcomes, aligned with its missions, in exchange for increased state financial investment. This proposal, known as the Partnership for Excellence (PFE) Program, was billed as a ‘pay for performance’ program in which the California Community Colleges Board of Governors would define a set of discrete objectives for numbers of students achieving transfer readiness, numbers of students actually transferring to baccalaureate degree-granting institutions, success of remedial education programs, percentage of students earning associate degrees and certificates, and increases in numbers of students served in workforce preparation programs. The laudable intentions of the PFE program were frustrated by the failure of the State to maintain its commitment to augment the community college’s budget by the expected amount, and a budget allocation process within the Chancellor’s Office that resulted in PFE money being distributed to each college as an entitlement rather than a reward for performance. In some ways, this outcome should have been predictable. The community colleges are required by statute to submit all policy and budget issues to consultation with a prescribed group of community college stakeholders. Moreover, constitutional provisions define the community college Board of Governors and its Chancellor’s office as state agencies, while designating local college districts as local education agencies. As a consequence, any policy directive from the Board of Governors directly, or through its administrative staff (Chancellor’s Office), is subject to a ruling by the Department of Finance (DOF) on additional cost requirements. If the DOF determines that costs would be incurred to implement the state mandate, the Chancellor’s Office is prohibited from enforcing the mandate, effectively neutralizing any directives by the Board of Governors. Under these circumstances, accountability continues to be elusive within the community college system.

Imposing accountability for student learning or any other desired outcome on the University of California is also elusive, but for very different reasons. Since being designated as a public trust

in the California constitution in 1879, the University of California has been exempt from direct control by the Legislature or the Governor. Any policy priority of the Legislature, as expressed in statute or resolution, is regarded as binding only if the University of California Regents, by resolution, agree to adopt or concur with the State's priorities. The University of California is a land-grant university and has an ethical obligation to be responsive to public needs. However, the 1879 constitutional convention sought to insulate the University from the vagaries of crass political manipulation by granting it constitutional status – a move that most observers agree has generally been a benefit to both the University and the State. It also has been an impediment at times to the State's efforts to obtain information on how public funds are being expended to achieve state goals and priorities, prompting legislative efforts to use other policy and budget mechanisms to leverage greater responsiveness to state interests.

The California State University is neither protected by the state constitution as a public trust nor affected by the separation of state and local education agencies as the community colleges are. Consequently, it has been subject to far greater control by the Legislature in the conduct of its affairs and deployment of its budget. This fact has generated great stress within the California State University system over the years and prompted a concerted effort by the Board of Trustees to achieve increased flexibility in the conduct of its affairs in exchange for being held accountable for providing evidence of the system's responsiveness to and achievement of state policy priorities. In the minds of some policy observers, the California State University's success in this regard has also spurred old aspirations to acquire a status more akin to that of the University of California.

California has had very little control over the operations of not-for-profit independent colleges and universities, despite the fact that they have been viewed as a vital component of the state's postsecondary education system. An attempt to incorporate these institutions in statutes to rid the state of private, for-profit 'diploma mill' institutions in 1989 was successfully resisted. Independent colleges and universities have argued that regional accreditation standards offer sufficient evidence of institutional quality that it is neither necessary nor desirable for the State to impose additional statutory or regulatory burdens on this sector. Nonetheless, these institutions have sought to be cooperative with the State and the efforts of the California Postsecondary Education Commission to gather and maintain data on postsecondary education outcomes. Highly prescriptive statutes have been enacted, however, to regulate the operations of private for-profit postsecondary institutions both to restore integrity to the degrees offered by these institutions and to protect Californians from fraud. The State has never achieved success in bringing these for-profit institutions into the fold as full-fledged members of the California's postsecondary education community.

For these and other reasons, including the various missions of public, private, and independent postsecondary institutions, and selectivity differences in assembling their respective student bodies, building an effective accountability system for postsecondary education has been a true conundrum for California. In response to the fiscal crisis of the early 1990's, both the California State University and University of California systems collaboratively entered into a "compact" with the Governor at that time to stabilize their funding in exchange for a commitment to meet certain performance goals. They have since renewed that effort with the current Governor in what have come to be known as "partnership agreements." While these agreements have been a

step in the right direction, they have had two primary weaknesses: they have not been publicly discussed and reported widely, and they have failed to include any measures of student learning.

The Vision

We envision an education system in which student achievement will not be left to chance or ‘innate’ intelligence, which will not tolerate sorting of students into tracks in which less is expected of some students than others, and which will categorically reject the notion that student achievement must be distributed along a bell curve. California would build and sustain an education system that would hold itself collectively accountable for the achievement of all students at or above a common standard; collect and analyze data regularly to evaluate the strengths and weaknesses of its education providers; direct resources to build capacity in schools, colleges, and universities performing below desired levels; encourage replication of effective practices; and allow flexibility in the approaches taken by education institutions to achieve desired outcomes.

Our accountability system would have clear statements of a limited set of goals for each level of education provided in the state. We reaffirm our belief in, and commitment to, brokering federal, state, and local resources to ensure that families would have access to resources to provide nourishment, health care, and stimulating experiences for their young children so that they would be ready to learn upon entry to formal schooling. Elected officials would routinely ask for and analyze data on the numbers of poor families with children in California who were not receiving health care and early developmental screening to detect potential impediments to proper child development. Incentives would be provided to health and child care providers to collaborate with each other to reach unserved families with children residing in neighborhoods served by low-performing schools.

We would begin a process of expanding access to preschool for all families who desire to take advantage of it and would make full day kindergarten a requirement for all children of compulsory attendance age. We would phase in these educational services both to better manage the cost of implementation and to ensure particular attention to the improvement of the educational opportunities for students residing in neighborhoods served by our lowest performing schools before extension of those benefits to families served by higher performing schools. We would regularly review data on the achievement of students who participate in preschool and extended day kindergarten to determine how their achievement compared with that of their peers who did not participate in these services. We would also review data on the qualifications and experiences of the teachers of these students and note where additional school capacity might be required. We would require that all students enrolling in kindergarten undergo developmental screening, or have parents provide evidence that such screening had already been conducted, to ensure that any disabilities that might impede learning were identified early and appropriate interventions prescribed.

We would adhere to our academic content standards, establish desired proficiency levels for each area, strengthen our teacher preparation programs to ensure all new teachers have the content knowledge and skills to teach to those standards, complete development of criterion-referenced

assessment instruments to measure student achievement, and routinely mail school report cards to parents of enrolled students. These report cards would contain information on student achievement, and average school, district, and state achievement results. We would expand the School Accountability Report Card to include in it indicators of the ‘opportunities for teaching and learning’ that are provided in the schools and include these indicators in the Superintendent of Public Instruction’s reporting of the Academic Performance Index, and thereby assist parents in understanding both the achievement of their children relative to the opportunities provided to them, and the opportunities their children receive in comparison to the opportunities indicators that derive from the California Quality Education Model. We would direct local districts to carefully monitor student achievement data and expenditures at each school under their jurisdiction but would require annual submission of only a limited set of data on student characteristics and achievement, personnel characteristics, and status of compliance with state standards. We would identify a clear set of progressive interventions to be implemented based on evaluation of institutional performance. For low-performing schools, emphasis would be given to assessing the balance between institutional capacity and motivation. Early interventions would be aimed at increasing institutional capacity, while more severe interventions would involve dissolution of district or school leadership and appointment of new supervisory teams drawn from local constituencies and monitored by regional offices of education on behalf of the State. For high-performing schools, early interventions would focus on public recognition of schools and/or districts and listing of them as a referral for technical assistance in replicating effective practices. Continuous high performance would be rewarded with supplemental appropriations to districts/schools to enhance professional development, capacity to provide technical assistance to other schools, and improvement of teaching and learning conditions.

We envision making substantial progress in our efforts to measure student achievement in a common body of knowledge taught by all postsecondary education institutions, allowing for locally defined measures unique to our community colleges, California State University, and University of California systems. Each of our public postsecondary education systems would agree to use a modified high school exit examination as a basis for determining readiness of high school students to enroll in collegiate courses within their sector. The exam would be administered in the 11th grade year, and each system would determine an achievement score appropriate to expectations of student readiness. High school students interested in attending the California State University or the University of California, but not achieving high enough scores on the exit exam, would focus their efforts in the 12th grade to achieving the necessary levels of proficiency, and eliminating any need for remedial instruction upon college enrollment. Both the California State University and the University of California systems would provide assistance to high schools by training successful undergraduate and graduate students to provide learning support to high school students and/or encouraging them to engage in service learning activities as part of their curricular requirements. Local community colleges would provide opportunities for high school seniors to enroll concurrently to further strengthen their readiness for college or university enrollment and to accelerate their progress toward earning collegiate certificates or degrees. All three public sectors of postsecondary education would routinely provide feedback to high school principals, and to English or math department chairs as appropriate, data on the academic performance of their graduates in English and math courses completed at their respective system campuses.

We would establish a transfer associate degree program that would smooth the transition of community college students to the California State University and the University of California systems, or to California's independent colleges and universities with minimal or no loss of time or credits. The academic senates of the individual system would collaborate to revise and enhance the charge of their voluntary Intersegmental Council of Academic Senates to take the lead in efforts to align courses among the systems and class levels and to promote efficient updates when course content were revised to reflect new knowledge generated through the research of their peers. Faculty within the University of California and the California State University systems would strengthen their collaboration with each other to articulate graduate programs at the masters and doctorate levels as a means of recruiting students from underrepresented groups into, and expediting their completion of, advanced degree programs. While limiting their initial efforts to masters and doctoral programs within the same discipline, they would be prompted by the potential benefits to students to next turn their attention to opportunities for articulating graduate programs across disciplines.

We would clearly communicate the state expectation that adult education programs are intended to equip adults with skills and knowledge to be self-sufficient. A set of indicators would be in place permitting regular evaluation of the effectiveness of adult education programs. We would ensure that adequate funding would be provided to support provision of basic educational skills, English literacy and proficiency, vocational preparation, and civics in every adult education program. Establishment and modification of standards and measures for adult education performance would be located within the Department of Education, and adult education services would be delivered by high school districts independently or in collaboration with local community colleges and community-based agencies. Adult education providers would also collaborate with the State's Labor and Workforce Development Agency, which would be assigned primary responsibility for public and private workforce preparation programs, in order to ensure coordination and alignment of training production and workforce demand. Adult education programs would also be customized throughout the state by augmentation of services in the previously mentioned priority areas with other courses and training needed by adults in local communities to become self sufficient and productive members of society.

Beyond their traditional goal of providing broad access to postsecondary education, state officials would also be clearly focused on ensuring the success of those students who chose to enroll. To further this end, the California Community Colleges, the California State University, and the University of California systems would be required to annually submit all data required by the National Center for Educational Statistics and a limited set of additional data on desired student outcomes and characteristics, personnel characteristics, expenditures, and compliance with state standards. All required data would be reported by unique student identifier, to enable longitudinal monitoring of student outcomes and would be consistently submitted to the State's intersegmental education commission. Independent and private colleges and universities would be requested to submit similar data and, for certain key data on student outcomes, we would condition continued eligibility to participate in the State's financial aid program on compliance with this request.

We would take steps to better ensure quality in the educational offerings of private, for-profit institutions offering degrees, by transferring oversight and program approval to the State's

postsecondary education commission. We believe this step would be necessary to ensure that students who chose to enroll in these institutions received an education of a quality equivalent to that of public and not-for-profit, accredited independent institutions and to facilitate transitions, with minimal or no loss of credits, between and among all postsecondary education institutions approved to operate in the state. This accomplishment would not only provide greater equity in expectations for quality but would contribute to a more efficient postsecondary education enterprise by relieving some of the demand for enrollment in public institutions. The State's intersegmental education commission would monitor data on student outcomes in each type of institution and advise the Legislature and Governor of any trends indicating a need for increased scrutiny and of practices associated with high performance that might warrant replication and should therefore be disseminated.

We would anticipate the educational needs of Californians in the future by charging the State's education commissions to regularly engage in long-term planning, using comprehensive educational and demographic data as a basis for that planning. The education commissions would also collaborate with the Department of Finance's Demographic Research Unit to incorporate the unit's forecasts of California population trends and progression through public schools, and with the Governor's chief state education officer to evaluate the effectiveness of state policy intended to improve education outcomes and coordination.

What is Needed?

For many, the concept of accountability is limited to the acts of measuring, reporting, and responding to schools' and students' test scores. Once scores are reported, the schools or students are 'held accountable' through systems of rewards and sanctions, or perhaps simply publicity. Significantly, such accountability most often flows in a particular direction; students, and then their teachers and parents, are likely to be 'held accountable' by school boards, the State, or the public. There are few mechanisms for students, teachers, or families to hold accountable anyone else with responsibility in the education system. The current statewide Academic Performance Index (API), School Accountability Report Cards (SARC), and the Intensive Intervention/Underperforming Schools Program (II/USP) are the State's first steps toward a useful accountability system that can support education in California. They should be continued and refined to enhance their effectiveness in identifying student needs and resource deficits and promoting improvements in teaching and learning.

Even within this narrow conception of accountability as measurement and response, California must expand its view to a system of shared accountability in which improved learning results are tightly linked to improved conditions for learning. Systemic, shared accountability includes those things that the State and school districts are responsible for providing to ensure a high-quality education for all students as well as a regular review of data to *evaluate* school offerings and use of resources to promote student achievement.

Once the fundamental prerequisite for accountability - linkage of authority with responsibility - has been met, there is still the question of how effective discharge of that responsibility can be compelled. At both the state and local levels, of course, the voters have the ultimate power to act on their judgment of the performance of elected representatives and officers. This Plan describes

a structure that ensures that the public will be provided complete information regarding that performance. Moreover, within government, the Legislature and Governor share the power that comes with budgetary authority: the ultimate sanction at their disposal is simply to reduce or eliminate funding for entities or officials that are not performing satisfactorily. However, reducing funding for a low-performing school district, for example, is not generally a constructive approach; doing so merely further impairs the district's ability to perform and is contrary to the priority placed on promoting student achievement in this Plan. More often, a curtailment of discretionary expenditure authority is a more effective basic approach – that is, rather than taking away a portion of a school district's (or other entity's) funding, the Legislature and Governor, or an authority acting pursuant to their instructions, can sequester an appropriate amount of that district's funding and direct how it must be expended to improve a specific aspect or aspects of the district's performance. Discretionary expenditure authority can then be restored when the district's performance has improved. Accountability's real task is completed, in other words, not when blame is assigned for failure or punishment is meted out, but when accountability mechanisms lead to changes that foster adequate learning opportunities and improved outcomes.

Governance – Aligning Responsibilities, Authority, and Accountability

State-Level Pre K-12 and Adult Education

The structure of California's state-level governance of K-12 public education is one that has no clear lines of accountability due to multiple entities having overlapping responsibilities. Key players in the state-level governance of the public schools include:

- *The Superintendent of Public Instruction (SPI)* – this position is one of seven statewide elective offices specified in California's constitution. The responsibilities of the SPI are specified in statute, but the SPI is commonly expected to serve as the chief advocate for public education and manager of the State Department of Education. The SPI is also believed to be directly accountable to the people of California by virtue of the fact that the Superintendent is an elected officer.
- *The State Board of Education (SBE)* – this 11-member board is appointed by the Governor and has responsibility for setting policy for the State's public schools. The SPI serves formally as secretary to the SBE but is not considered staff to the board. The SBE maintains a nominal staff of its own to handle its business.
- *The Secretary for Education* – originally created by former Governor Pete Wilson in 1991 as Secretary for Child Development and Education, this position has never been formally established by constitutional provision or statute. Current Governor Gray Davis has continued the position but dropped the 'Child Development' portion of the title. 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.

- *The Governor* – by virtue of the budget authority assigned to this office, the authority to appoint members of the SBE, and 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.

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. Irrespective of the extent to which this is true, it is important to note that schools may receive state-level directives and advisories from each of these sources.

Any governance structure that is recommended to provide meaningful accountability at the state level must be sustainable. The scope of authority of several of the entities cited above has continually evolved over the past two decades. An effort to establish offices and delineate duties therefore must anticipate the abilities of various offices to redefine roles or insulate the system against such redefinition. In particular, the significant level of constitutional authority that rests with the Governor – as demonstrated by Governors’ creation and expansion of the Office of the Secretary for Education – has allowed the Governor to have an impact the other three and consolidate policy-making authority with offices under its control.

The interests and will of the electorate must also be considered in developing governance structures. Clearly, Californians support having an elected representative whose exclusive focus is education. With one exception, every significant state-level review of K-12 accountability has recommended that the office of Superintendent of Public Instruction be made appointive, but the State – either through action by its representative government or direct vote of the electorate – has been unwilling to act to implement that recommendation.

Accountability can be substantially increased, even in the context of multiple state-level entities with authority for education, by aligning the operations of the State Board of Education and certain aspects of the Department of Education with the Governor. We therefore recommend:

Recommendation 26

Authority over the operations of California’s PreK-12 public education system at large, and ultimate responsibility for the delivery of education to California’s PreK-12 public education students in particular, should both reside within the Office of the Governor. The Office of the Governor should have authority to implement the following functions, as assigned to its various sub-entities by the Legislature:

- **Apportion resources to schools to support teaching and learning, pursuant to statutory and budgetary direction;**
- **Manage the state financial accountability program and school district fiscal audit reviews;**

- Establish education standards and other learning expectations for students and a process for periodic review and modification of those standards and expectations;
 - Adopt K-8 textbooks (a function constitutionally assigned to the State Board of Education);
 - Establish developmentally appropriate program and operating standards for early childhood education and require continuity between the academic guidelines, standards and curricula for preschool and kindergarten;
 - Administer school improvement programs; and
 - Promote an understanding of effective uses of data to improve student learning.
-

The committee's working group on Governance gave considerable attention to the linkage between the K-12 management function, currently residing in the Department of Education – which is under the direction of an independently elected Superintendent of Public Instruction – and the Office of the Governor. We view this linkage as essential, since the Department of Education is responsible for so many crucial education administrative functions. The absence of a clear administrative structure has led to confusion and mixed messages communicated to county offices of education and local school boards, particularly when administrative functions are not implemented satisfactorily. Assurance of equitable opportunities for learning and achievement of all students requires that lines of accountability lead clearly to the Governor. To further clarify structures, roles, and responsibilities, we also recommend:

Recommendation 26.1 – The Governor should appoint a cabinet-level Chief Education Officer, to carry out, on behalf of the Governor, all state-level operations, management, and programmatic functions, and to serve as the Director of the Department of Education.

Recommendation 26.2 – The Governor should continue to appoint, with the consent of the State Senate, the State Board of Education. The Board's members should be drawn from and represent distinct geographical regions, and should reflect the ethnic and gender diversity of the state's populace. The functions of the State Board of Education should be limited to state policy matters specified by the Legislature.

Recommendation 26.3 – Once management of the California Department of Education has been transferred to the Governor's office, the separate executive director and staff of the State Board within the Department of Education should be eliminated.

A healthy and complementary relationship can exist between the Governor's Office and a Superintendent with a newly defined set of focused responsibilities that will benefit all public school children. Hence, we recommend assignment of all functions related to non-fiscal accountability to the SPI position that will enable the SPI to provide an independent and informed voice on behalf of students and their families in the annual budget and legislative deliberations that affect public schools.

Recommendation 27

The Superintendent of Public Instruction should remain an elected position and be responsible for all aspects of accountability for public education other than fiscal accountability. The Superintendent should exercise the following functions related to accountability in California’s K-12 education system:

- **Provide for and manage a comprehensive accountability system of student and institutional measurement, to include indicators of the opportunities for teaching and learning, outputs, quality of information, and governance/policy instruments that aim to ensure adequate and equitable provision of education;**
- **Ensure compliance with special education and civil rights law by all relevant participants in the education system.**
- **Monitor the impact of state policy on the success of local K-12 programs in fostering student achievement;**
- **Monitor the implementation of state and federal programs to ensure that they meet the needs of all targeted students;**
- **Provide public identification of schools that have failed to meet student achievement targets;**
- **Define and implement the processes for intervention in schools that fail to meet student achievement targets pursuant to state and federal laws;**
- **Serve as an advisor to the Legislature and the Governor and as an advocate to promote the State’s Master Plan for Education and system accountability; and**
- **Act as the independent spokesperson of California’s populace, and of students in particular, in public discourse on educational issues.**

Local-Level PreK-12 and Adult Education

Historically, Californians and their policy-makers have supported a significant degree of local control over the delivery of K-12 education. County superintendents and county boards of education were constitutionally created to provide support and oversight to communities on behalf of the State. School districts were statutorily created and given significant responsibility to determine the policies and programs that could best meet the state’s constitutional guarantee of elementary and secondary education in the context of local conditions. The scope of responsibility of these local governing entities has been significantly narrowed over time, in conjunction with the State’s assuming a greater share of the fiscal burden of providing K-12 education and in response to local districts’ uneven provision of educational opportunity, among other factors.

The ways in which local control is exercised have also been altered since the advent of collective bargaining between school boards and their unionized employees. While the governmental institution of K-12 public education has evolved in important ways since that time – for example, in a consistent trend of court cases that found the State has a basic responsibility for the operation of public schools that it cannot entirely delegate to local school districts – the role and

scope of collective bargaining have not been comprehensively reconsidered in light of that evolution.

Many advantages obtain from a significant degree of local control. Local agencies are in a position to clearly identify the distinct and diverse needs of their students and communities, and to modify the educational program to best meet those needs. Local decision making – including policy development and the determination of fiscal priorities – enhances the access of citizens to the policy functions of government, and through that access can enhance the involvement of and support in educational processes by the communities they serve. Further, the availability of differences in local programs offer families the opportunity to seek the education that they desire for their children. For these reasons, an appropriate measure of local control should be firmly reestablished.

Local control – in the context of a state guaranteed education – can best be maintained by a clear delineation of the roles and responsibilities of the various local entities. In addition, the State should foster a configuration of local entities that leads to the optimal support of students’ learning needs, maximizes educational effectiveness, and promotes efficiency. Toward these ends, we recommend:

Recommendation 28

Local school district governing boards should be assigned the policy and administrative authority and a set of management responsibilities to enable them to effectively operate schools that are responsive both to state-level standards and policy priorities and to local community needs. These responsibilities should include, but not be limited to, the following:

- **Establish a vision for the goals and objectives the district;**
- **Develop and adopt district policy on how best to implement local, state, and federal goals and requirements for the PreK-12 system as a whole, within the local context;**
- **Recruit/select highly qualified individuals for senior leadership positions;**
- **Ensure that the district superintendent is meeting the vision, goals and performance objectives of the district, and ensure that the superintendent holds district personnel accountable;**
- **Adopt a fiscally responsible budget based on the district’s vision and goals, and regularly monitor the fiscal health of the district;**
- **Allocate available resources within the district so as to balance baseline equity—appropriately staffed, safe, clean, and decent schools for all students—with targeted additional resources pursuant to special funding categories described in the California Quality Education Model;**
- **Establish a framework for the district’s collective bargaining process, in the instances in which bargaining is used, and adopt responsible agreements that reflect the interests of the public;**
- **Adopt district curriculum and monitor student progress;**

- **Provide support, as necessary, to ensure the success of schools within the district;**
 - **Collaborate and seek sustained positive partnerships with other non-education elements of local government, local employers, postsecondary education institutions, and community organizations; and**
 - **With particular regard to middle and secondary grades, maintain constant institutional emphasis on locally tailored efforts to achieve and maintain high rates of pupil attendance.**
-

Evidence and testimony reviewed reveal numerous local school districts that are operating efficiently and effectively in promoting the achievement of students. Unfortunately, testimony and data received indicate too many schools and school districts have not been as effective in promoting student achievement as California needs them to be. This unevenness in school/district performance is of great concern. Some of it can be addressed by assigning a set of responsibilities and authority to local school boards that are clear and aligned with the goals California has set for its public education system as a whole. The foregoing list highlights those responsibilities that have emerged as the most important to successful implementation of this Plan.

Recommendation 29

The State should take steps to bring all school districts into unified PreK-12 structures.

District governance structures should support the objectives of focusing on meeting student needs and enhancing student achievement. Such focus is necessarily served when the governing board has responsibility for the comprehensive educational interests of the students in its charge, as opposed to each student's interest for a limited portion of his or her experience. By contrast, our public schools are governed by a variety of structural arrangements, many of which perpetuate isolated approaches to education delivery within a particular sector, rather than the more aligned and collaborative approach advocated in this Master Plan. At the state level, this student focus is supported by the development of academic standards, which should inherently provide a certain level of curricular alignment among districts. However, our vision of a coherent system of schools, colleges, and universities would be fostered by the adoption of unified school districts throughout the state. The unified district approach reinforces the goal of achieving course alignment and articulation across grade levels. The Education Trust has provided data indicating that other states pursuing reforms aimed at improving student achievement have been most successful when they have chosen a unified PreK-16 approach.

Recommendation 29.1 – The Legislature should develop fiscal and governance incentives to promote local communities organizing their local schools into unified districts, and should eliminate all fiscal and other disincentives to unification.

Recommendation 30

Local districts should, where appropriate, consolidate, disaggregate, or form networks to share operational aspects, to ensure that the educational needs of their students are effectively met and that their operational efficiency is maximized.

In many areas of the state, small schools and small district school boards work together well to effectively promote student achievement. At the same time, many small districts are unable to realize the cost-efficiencies that come with larger populations, to extend to all their students the opportunities envisioned by this report as constituting a high-quality education, or may expend limited, valuable resources on business functions that might be more efficiently consolidated with those of other districts. Conversely, larger districts, which can maximize cost-efficiencies and opportunity, are often criticized for being dissociated from the communities they serve, as a simple result of their size. California students should benefit from district sizes that are designed to support optimal levels of student achievement. Types of district consolidation and networking may need to be different for purposes of educational program delivery and for business operations. The committee does not yet have sufficient data to recommend a particular array of options in this regard. We therefore recommend a process be undertaken to identify and implement these options, including appropriate incentives and disincentives, pursuant to the following recommendations:

Recommendation 30.1 – The Legislature should undertake a comprehensive study to determine the optimal size ranges for school districts with respect to both educational delivery and the conduct of business operations. The study should additionally identify a range of funding considerations that are based on size and structural options and that could be appropriately leveraged to attain optimal conditions.

Recommendation 30.2 – Each county committee on school organization should review the findings of the study and should have a period of three years to develop and recommend local plans and conduct local elections that would implement the findings of the study for all school districts within its jurisdiction.

Recommendation 31

Local districts should be provided the opportunity to exercise a degree of firmly established local control, protected from encroachment by state laws, through an amendment to the state constitution permitting those districts to adopt limited ‘home rule’ authority by votes of their electorates in a manner similar to that long authorized in the constitution for cities and counties.

Although local control is strongly favored politically, the Legislature nevertheless can and does frequently create new laws controlling various topics that had previously been matters of local discretion. A constitutional ‘home rule’ provision for school districts could limit that problem, by giving local districts the ability to develop their own “ordinances” that would supersede state law in specified areas. To be successful, a ‘home rule’ provision would have to very carefully spell out a limited set of matters which districts could control and clearly exclude areas of State interest, such as standards and accountability, compliance with civil rights and special education laws, etc.

To avoid legal confusion that might result from different ‘home rule’ ordinances on the same subject matter in districts with overlapping boundaries, the ‘home rule’ authority would necessarily be limited to unified districts – but could then function as an incentive to unification.

The concept of ‘home rule’ inherently enhances the relationship of the local electorate to its governing board, since the operational provisions granting ‘home rule’ must be adopted, and can only be amended, by the vote of the district’s citizens. Governing boards can be still more responsive to local educational priorities, and can be held more accountable by local electorates, when they are able to generate revenues locally and can demonstrate a direct connection between a revenue source and specific services. Therefore, the scope of authority of ‘home rule’ districts should include the new local taxation authority proposed in this report (see Recommendation 46).

Recommendation 32

The Legislature should initiate a state-level inquiry to examine the optimal size of county offices of education, the potential transition of county offices of education into regional entities, and the efficiencies that might be realized from the consolidation of various operational aspects of county offices to organize their services to meet current and emerging district and regional needs, including fiscal oversight and management and administrative assistance. Based on the findings of this inquiry, the Master Plan should be amended, as appropriate, to incorporate action based on the findings of this inquiry.

California’s public school system is too large and complex to be effectively managed centrally at the state level. There are local needs that are best met and oversight functions that are best carried out at a level that is neither defined by the broad perspective of the State, nor the more parochial perspectives of local districts. However, some county offices of education are either too small or too large to discharge their responsibilities effectively and efficiently. Moreover, the enormous additional investment that will be required to implement the provisions of this Master Plan prompts a search for efficiencies and cost avoidance that will enable a larger proportion of education appropriations to be directed to the core functions of teaching and learning.

County offices of education provide a set of services that are valued by most local school districts. Many provide educational services that would otherwise not be available to students or schools due to small size and California's funding mechanism, which does not generate sufficient funding for small districts to directly provide these services. Larger districts have developed internal capacities that obviate the need for county offices to do much more than review annual budgets and hear appeals of various district decisions. The cost of maintaining a county office of education in every county in the state, with similar structures and operations, must be critically examined for cost effectiveness and the potential advantages of consolidation into a reduced number of regions or consolidation of operations. In addition, the specific responsibilities assigned to county/regional offices of education should reflect the extent to which they might be instrumental in the State's effort to ensure that all schools and districts meet minimum standards for a high-quality education. County/regional offices are much better positioned to monitor compliance with certain state requirements than is a single state entity.

Recommendation 33

County/Regional offices of education should be assigned a set of functions, resources, and authority both to serve local districts in their efforts to provide comprehensive curricula to students and professional development opportunities for professional staff, and to act as monitoring agents on behalf of the State to ensure that every public school meets minimal standards of educational quality. These functions and responsibilities should include the following:

- **Directly provide educational services to students served by small districts that might not otherwise be able to provide a comprehensive array of curricular offerings or learning support and to students attending court and county community schools;**
- **Provide professional development, or facilitate the provision of professional development to education personnel in school districts requesting such services;**
- **Serve as the appellate body for parents who disagree with specified decisions of local school boards;**
- **Monitor fiscal decisions of local school boards and, when appropriate, intervene to forestall imminent bankruptcy if local budget decisions were to be implemented;**
- **Serve as the primary catalyst and facilitating agency to ensure that all schools have access to a technology infrastructure that enables electronic exchange of information and educational materials; and**
- **Monitor the facility decisions of local boards and, when appropriate, intervene to ensure that every school maintains facilities that comply with state quality assurance standards.**

Preschool-Postsecondary Education

For the past 42 years, California's postsecondary education enterprise has been guided by the *Master Plan for Higher Education*, which differentiated the missions to be pursued by each public college and university system, defined the pools from which they would select their freshman population, and established a mechanism for coordination, planning, and policy development. Upon review of the strengths and weaknesses of each of the governing boards, a particular concern emerged that there is incomplete information available on institutional and system performance and student achievement. All three public postsecondary education systems should be *required* to participate in data collection specified by the State for evaluation of their performance. Although the Joint Committee has identified the need for the University of California to expand its efforts to work more effectively with the PreK-12 community, the Legislature, and the Governor's administration to ensure that state-identified priorities are met, there is no compelling reason to alter the powers, responsibilities or structure of the Regents as specified in the State constitution. Similarly, the structure, powers, and responsibilities of the Trustees of the California State University are not in need of modification at this time. However, the Board of Governors for the California Community Colleges requires modification to elevate its powers, structure, and responsibilities commensurate with that assigned to the California State University Board of Trustees.

California also has an extensive array of regionally accredited not-for-profit and for-profit colleges and universities that make a substantial contribution to meeting the postsecondary education needs of Californians. They should continue to be considered a vital part of California's postsecondary education sector. In addition, California provides state approval to approximately 230 private, degree-granting institutions and nearly 2,500 private postsecondary vocational schools in the state, many of which are not regionally accredited. These institutions have been separately regulated and operate apart from California's education system. Both sets of non-public institutions should be explicitly incorporated into California's vision for a student-focused education system and subject to similar expectations for quality and measures of student achievement.

Effective planning has been and will continue to be essential to accommodating the demand for postsecondary education in this state. It has enabled California to leverage the resources of independent colleges and universities to complement the capacity of its public postsecondary education institutions in meeting the needs of Californians for education and training beyond high school. Long range planning should be expanded to leverage the resources of private postsecondary education institutions as well.

Long-range planning is equally essential to its preschool to adult school sectors of education. The Legislature and Governor should be able to turn to a single source to acquire information to anticipate the needs of public education in their annual policy and budget deliberations. We offer recommendations below to achieve this end:

Recommendation 34

The California Community Colleges should be reconstituted as a public trust with its board of governors responsible for overall governance, setting system policy priorities, budget advocacy, and accountability for a multi-campus system. The primary functions of the California Community Colleges should continue to include instruction in the general or liberal arts and sciences up through, but not exceeding, the second year of postsecondary education leading to associate's degrees or transfer to other institutions; education, training, and services that advance California's economic growth; and vocational and technical instruction leading to employment, and community services. Community colleges should also be authorized to:

- **Provide instruction at the upper division level jointly with the California State University, University of California, or a WASC-accredited independent or private postsecondary education institution.**
-

The California Community College system has suffered from fragmentation for decades stemming from governance responsibilities' having been assigned by statute to local boards of trustees, now 72 in number, and designation of the California Community Colleges Chancellor's Office as a state agency, subject to oversight by a variety of other state agencies. In addition to personnel salaries and actions being subject to approval by the Department of General Services, the State Personnel Board, and the Governor (in the case of senior staff appointments), policy priorities adopted by the Board of Governors cannot be enforced without triggering the state mandates clause of the California constitution – effectively neutralizing the Board of Governors' ability to govern the system. The result is highly unequal performance and highly unequal opportunities to learn afforded to students enrolled in community colleges throughout the state.

The community college system, to be effective, needs a clear statement of functions and authority for the Board of Governors and the local boards of trustees. This assignment of respective functions should clarify that it is the responsibility of the Board of Governors to ensure the performance of such duties as system governance, establishing statewide policy, negotiating funding, managing, and setting accountability standards for all the colleges collectively. As with its California State University and University of California counterparts, the Board of Governors should have the flexibility to delegate primary responsibility for academic matters to its faculty senate, recognizing the considerable expertise that resides within the faculty ranks, and the authority to establish and disband any number of advisory/consultation groups to assist it in making final decisions on policy priorities for the system. There is also concern about the number and size of local districts, both in terms of capacity to maintain quality teaching and learning opportunities for all students and the containment of costs for administrative oversight of the colleges. To address these concerns, we offer the following additional recommendations:

Recommendation 34.1 – The membership of the California Community College Board of Governors should be modified to include as ex-officio members the

Governor, the Superintendent of Public Instruction, the Lieutenant Governor, and the Speaker of the Assembly.

Recommendation 34.2 – The responsibilities of the California Community College Board of Governors should be defined as the following:

- **Exercise general supervision over, and coordination of, the local community college districts;**
- **Provide leadership and direction through research and planning;**
- **Establish minimum conditions and standards for all districts to receive state support and to function within the system;**
- **Establish specific accountability measures and assure evaluation of district performance based on those measures;**
- **Approve courses of instruction and educational programs that meet local, regional, and state needs;**
- **Administer state operational and capital outlay support programs;**
- **Adopt a proposed system budget and allocation process;**
- **Ensure system-wide articulation with other segments of education; and**
- **Represent the districts before state and national legislative and executive agencies.**

Recommendation 34.3 – The responsibilities of the California Community College local boards of trustees should be defined as the following:

- **Establish, maintain, and oversee the colleges within each district;**
- **Assure each district meets the minimum conditions and standards established by the Board of Governors;**
- **Establish policies for local academic, operations, and facilities planning to assure accomplishment of the statutory mission within conditions and standards established by the Board of Governors;**
- **Adopt local district budgets;**
- **Oversee the procurement and management of property;**
- **Establish policies governing student conduct; and**
- **Establish policies to guide new course development, course revision/deletion, and curricular quality.**

Recommendation 34.4 – The California Community College Board of Governors should have the same degree of flexibility and authority as that of the California State University, including the authority to appoint and approve senior staff of the Board of Governors.

Recommendation 34.5 – A state assessment should be conducted on the value of and need for restructuring of local districts, with attention to the size and number of colleges in a district, as well as the scope of authority that should be assigned to each district. Should this assessment find restructuring valuable and desirable, incentives should be provided to encourage restructuring.

Recommendation 35

The status of the California State University as a public trust; and the size, composition, term of office, and responsibilities of its Board of Trustees should remain unchanged. The primary functions of the California State University should continue to include instruction in the liberal arts and sciences through the master's degree, in the professions and applied fields that require more than two years of postsecondary education, and in teacher education. It should continue to be authorized to:

- **Award the doctoral degree jointly with the University of California or with a WASC-accredited independent or private postsecondary institution;**
 - **Engage in faculty research, using state-supported facilities provided for and consistent with the primary function of the California State University.**
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Recommendation 36

The University of California should continue to be constituted as provided in Section 9, Article IX of California's constitution. The size, composition, term of office, and responsibilities of its Board of Regents should remain unchanged. The primary functions of the University of California should continue to include instruction in the liberal arts and sciences and in the professions, including teacher education. It should continue to have exclusive jurisdiction among public postsecondary education for instruction in the professions of law, medicine, dentistry, and veterinary medicine. The University of California should continue to have sole authority to award doctoral degrees in all fields, except that it may agree to jointly award doctoral degrees with the California State University in selected fields. The University of California should continue to be the primary, although not exclusive, academic agency for research.

Recommendation 37

The Legislature should convene a task force to develop a strategic plan for the delivery of adult education, including a list of indicators that should be used to assess the effectiveness of California's Adult Education system. The task force assembled for this purpose should submit its plan to the Legislature for adoption.

The task force should solicit advice from representatives of the Department of Education, the California Community Colleges, local service providers in the areas of adult and noncredit education, including regional occupation centers and programs, the Employment Development

Department, at least one local workforce investment board, the Legislative Analyst's Office, and the Governor's Office. Advisors should also include representatives from important stakeholder groups including business and adult education students.

California's commitment to educating its populace is reflected in its provision of educational services to adults through both the K-12 and the community college systems. These services address adults' needs to become self-sufficient in a timely manner. Attainment of self sufficiency usually entails developing basic educational skills, learning English, acquiring vocational training, and otherwise preparing to participate effectively and productively in society and the economy. The State has not established systematic procedures for determining how and what services should be provided to help adults achieve self sufficiency, however, and this multi-million dollar enterprise is currently difficult for some adult learners to navigate as they embark on efforts to prepare themselves to meet the demands of the contemporary high-performance workplace and to participate effectively in civic affairs. It is in the State's interest to ensure that the delivery system for adult education meets students' immediate learning objectives and that students successfully transition into employment, gain English language literacy and civic skills, gain access to additional formal education, and pursue the long-term skills development goals they have identified as part of a plan for lifelong learning.

Increased efficiency would result if the provision of adult education services were delineated by curricular function or geographic location between school districts and community colleges. Adult education providers should target elementary and secondary basic skills courses to California adults seeking instruction that enables them to become self sufficient, as well as instruction that leads to meeting requirements for high school diplomas or their equivalent, and be assigned responsibility for instructing adults without high school diplomas in the knowledge and skills assessed in the California High School Exit Examination.

Other categories of instruction provided by adult education programs and community colleges that overlap should be reviewed to determine if this same delineation, or any other, would be appropriate. Therefore, for all instructional categories, the task force should assess whether K-12 operated adult schools should be limited to providing services to students who do not have a high school diploma or its equivalent and the community colleges limited to providing services to those who either have a high school diploma or who are at least 18 and whose academic goals include a certificate, an associate's degree, or transfer preparation. Both providers should also be obligated to structure their educational offerings to be consistent with contemporary academic standards.

Remedial or developmental instruction aimed at preparing adults for enrollment in credit-bearing collegiate coursework is part of the mission assigned to community colleges and, to a lesser extent, a function performed by the California State University and University of California systems. Such instruction should not be described as leading toward a high school diploma or its equivalent and should not be viewed as part of the adult education delivery system.

English as a Second Language, Elementary and Secondary Basic Skills, and Vocational Education courses should be considered state priorities for adult education. These categories constitute the greatest needs for the majority of adult education participants. Other categories of

instruction provide valued services to local communities and may be provided as resources permit. The State should also ensure that resources are available to identify and accommodate learning disabilities among adult participants, many of whom struggle through academic experiences with unidentified learning disabilities. Counseling services must also be supported to assist adult learners in pursuing life-long learning, including opportunities to build basic communication, information-handling, civic, and other job related skills.

Vocational Education programs included in adult education should be aligned programmatically with other workforce preparation programs in the community, including those linked with one-stop career centers and regional occupation programs and centers because of the services both sectors provide to the adult learner.

In some areas of the state, community colleges have been the primary, if not exclusive, providers of adult education. By definition, remedial education provided by postsecondary education institutions is precollegiate instruction and hence overlaps the function suggested as proper for adult education. This fact does not have to result in confusion or undesirable competition, provided the area of overlap is both constrained and well defined. To ensure that such confusion is avoided, we further recommend:

Recommendation 37.1 – To ensure that comparable quality of instruction is available to all Californians enrolling in adult continuing education, the State should quickly move toward reciprocity of instructional credentials, based on appropriate minimum qualifications, between the K-12-operated adult and community college-operated noncredit education systems, to allow instructors to teach in either or both systems.

Recommendation 37.2 – State priorities for adult and noncredit education should include English as a Second Language, Elementary and Secondary Basic Skills, and Vocational Education. The State should strive to provide adequate resources to ensure that these priorities are addressed by all adult education providers.

Recommendation 38

The Legislature should review the founding statutes of the California Postsecondary Education Commission (CPEC) and should confirm or amend them, as appropriate, to ensure that the commission has the capacity and authority to carry out its mission as the coordinating entity for postsecondary education and chief objective adviser to the Governor and Legislature regarding the continuing improvement of California postsecondary education.

In order to meet the comprehensive, yet diverse, educational needs of all Californians, the 1960 *Master Plan for Higher Education* delineated a multi-part system of postsecondary education including the three public segments (the California Community Colleges, the California State University, and the University of California), coordinated with California's independent colleges

and universities. In order to provide the Legislature and the Governor a coherent, broad analysis and objective advice regarding the current and future interrelated operation of these postsecondary segments, the California Postsecondary Education Commission (CPEC) was created in 1973.

In our current time of profound change and enormous enrollment growth, CPEC's coordination and analysis mission continues to be of vital importance. However, the commission is currently impeded by insufficient funding and by a plethora of statutory and legislative directives regarding its work that are beyond its capacity to fulfill. This has lessened the commission's capacity to speak for the broad public interest on the issues most critical to postsecondary student success. The commission is further impeded by its not being assigned sufficient authority to require coordinated efforts on the part of the postsecondary segments. The Legislature should ensure adequate funding for CPEC to carry out its most essential functions, and eliminate those lesser priority demands that stretch the agency beyond its primary goals. More broadly, this Joint Committee believes that CPEC must provide more than policy analysis; it must provide a prominent voice for the public interest in postsecondary education, aiming to inform the Legislature and the public on the fiscal and programmatic implications of California's need for a better-educated population and on how California postsecondary education could be improved to enable all Californians to realize their potential.

While the University of California, the California State University, the California Community Colleges, and California's independent colleges and universities hold the public interest central to their missions and planning, they cannot individually see or plan for the overall development between them. CPEC must serve the roles of both coordinating and planning for a much more integrated and visionary approach to postsecondary education between and among the segments. The Joint Committee further believes the commission would benefit from the immediate involvement of the leadership of the different segments. Hence, we recommend:

Recommendation 38.1 - The Commission's primary functions should include:

- **Providing long-range planning for meeting the postsecondary education needs of Californians, including the adequate provision of facilities, programs, and campuses, and assessing and advising state policymakers regarding priorities dictated by current and evolving public needs;**
- **Providing policy and fiscal analyses regarding the most critical issues affecting the success of Californians in attending and graduating from postsecondary education institutions;**
- **Coordinating the analyses, policy recommendations, and long-range planning proposals of various public and private entities, as needed, to secure the long-term fiscal stability and public financing of public postsecondary education, including the development of student fee and financial aid policies and the efficient use of state resources across segmental boundaries;**
- **Advising the Legislature on appropriate accountability indicators for postsecondary education, to be adopted in statute, and subsequently reporting annually to the Legislature and the Governor on the performance of public postsecondary institutions in meeting the adopted indicators.**

- **Evaluating and reporting to the Legislature and the Governor the extent to which public postsecondary education institutions are operating consistent with state policy priorities and discharging the responsibilities assigned to them in statute;**
- **Reviewing and approving new public campuses for postsecondary education; and**
- **Reviewing academic programs for public, postsecondary education institutions.**

Recommendation 38.2 – CPEC should be given the authority to require information to be submitted by the various segments of postsecondary education. Each year, immediately prior to the Legislature’s postsecondary education budget deliberations, CPEC should provide a report to the budget committee chairs of both houses, and to the Legislative Analyst, regarding the record of the various segments in responding to the Commission’s requests for information.

Recommendation 38.3 – CPEC should continue to be advised by the existing statutory advisory committee. The segmental representatives to the CPEC statutory advisory committee should consist of the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, the President of the Association of Independent California Colleges and Universities, and the Superintendent of Public Instruction, or an executive-level designee of each.

Recommendation 39

The Legislature and Governor should immediately create a new California Education Commission (CEC). The CEC should have initial responsibility for planning, coordination, and analysis that encompasses preschool and K-12 education, as well as the interface between K-12 and postsecondary education.

The lack of overall coordination among the State’s multiple education agencies is one of the largest systemic governance problems in California. Combined with insufficient delineation of authority, this problem results in an educational system that is not structured in a manner conducive to consistent responsiveness to the comprehensive needs of learners. As has been discussed throughout this report, coordination is necessary not only among the distinct postsecondary education sectors, which operate in concert to serve all Californians, but between K-12 and postsecondary education, as well as between preschool and K-12. To realize this Plan’s vision of a coherent system of education in California, a single entity – a California Education Commission – should be assigned responsibility for these coordinating, planning, and forecasting functions, encompassing PreK-12 education and the interface between the PreK-12 and the postsecondary education sectors.

The California Education Commission should initially focus on the planning and coordinating functions related to the interface of the PreK-12 and postsecondary sectors, since there is an absolute deficiency of structural capacity in California to address those issues today. As they pursue their educational goals, California students encounter critical disjunctures within our education system. These disjunctures pertain especially to many aspects of the transition from high school to college, and to joint programs that span multiple segments of education.

The development of rational public policy for education requires the availability of comprehensive data, as well as other critical information, on which to base judgments of program effectiveness, policy and fiscal needs, demographically-driven needs, and other critical issues. These data should incorporate, but not be limited to, information regarding students, personnel, facilities, and instructional materials. California's many education and state agencies currently gather and maintain significant amounts of data related to education, but their data collection efforts are fragmented – often data on similar elements are gathered pursuant to differing data standards, such that the information cannot be integrated in a manner that can serve public policy interests. These multiple data sources can be better combined to enable a more complete understanding of the current and anticipated conditions of our education system only if they are gathered pursuant to common standards and maintained comprehensively within a single entity. The proposed roles related to multiple aspects of public education that would be assigned to the California Education Commission would make it the logically appropriate entity to carry out the function of serving as the state's education data repository. Moreover, many observers ascribe conflicts of interest to agencies that both collect/maintain and use data; such perceived conflicts could be substantially reduced by requiring the CEC to publish the methodology and assumptions used when using collected data for analytic purposes.

To ensure that the critical functions assigned to the commission are effectively met, we further recommend:

Recommendation 39.1. – The commission's primary functions should be:

- **Providing long-range analysis and planning for meeting the educational needs of all Californians;**
- **Providing policy and fiscal advice, based on data analysis, that represents the public interest in California's education system;**
- **Serving as California's statewide education data repository;**
- **Evaluating the extent to which all public education institutions are operating consistent with state policy priorities;**
- **Advising the Legislature and the Governor on the potential and actual impacts of major education policy proposals or initiatives;**
- **Coordinating statewide articulation of curriculum and assessment between the PreK-12 and postsecondary education sectors;**
- **Providing long-term planning for the development of joint and other shared use of facilities and programs between PreK-12 and postsecondary education entities;**
- **Sponsoring and directing inter-segmental programs that benefit students making the transition from secondary school to college and university; and**

- **Coordinating outreach activities among PreK-12 schools and postsecondary education and work-sector entities.**

Recommendation 39.2 – The Legislature should identify and implement effective mechanisms to compel all relevant agencies with responsibility for gathering and maintaining comprehensive data on one or more aspects of California’s education system, preschool through university, to submit specified data to the commission.

Recommendation 39.3 – The Joint Committee should consider structuring the California Education Commission with eight lay representatives: four appointed by the Governor, two appointed by the Senate Rules Committee, and two appointed by the Assembly Speaker. In addition, the Superintendent of Public Instruction should serve as the chair of the commission. This structural option should be evaluated against other options and the preferred model submitted to the Legislature and Governor for adoption.

Recommendation 40

All oversight of state-approved private colleges and universities offering academic degrees at the associate of arts level or higher should be transferred from the Department of Consumer Affairs to the California Postsecondary Education Commission, to ensure the quality and integrity of degrees awarded under the auspices of the State of California.

California has an enviable reputation for the quality of its regionally accredited public and independent colleges and universities. However, the private, non-accredited sector has not always shared in that reputation, a fact that led to enactment of the Private Postsecondary and Vocational Education Act in 1989. These institutions are currently regulated by the Department of Consumer Affairs’ Bureau of Private Postsecondary and Vocational Education, which was created by 1997 legislation as the successor to the independent council created by the 1989 Act. The Joint Committee is concerned, both about the difficulties the Bureau has encountered in its efforts to implement the complex, and occasionally conflicting provisions of the 1997 legislation, and about the existence of separate governance structures for each sector of postsecondary education. The absence of confidence in the quality of academic programs provided by state-approved private institutions frustrates the ambitions of students who seek to move between these institutions and regionally accredited public and independent institutions.

In addition to academic degree-granting institutions, a number of private institutions focus on workforce training and preparation for a variety of careers. The Governor has proposed that vocational and workforce preparation programs should be consolidated to achieve greater coordination and common standards for assessing performance. There is merit to further consideration of this proposal and we therefore suggest no change at this time for unaccredited postsecondary vocational schools. Accordingly, we offer the following additional recommendations:

Recommendation 40.1 – The California Postsecondary Education Commission should develop standards to promote articulation, when appropriate, and to foster collaborative shared use of facilities and instructional equipment between state-approved private colleges and universities awarding academic degrees and regionally accredited public and independent colleges and universities.

Recommendation 40.2 – The California Postsecondary Education Commission should be designated as the state approval agency for veterans' institutions and veterans' courses, and should have the same powers as are currently conferred on the Director of Education by Section 12090 et seq. of the Education Code, to enter into agreements and cooperate with the United States Department of Veterans Affairs, or any other federal agency, regarding approval of courses, and to approve and supervise institutions that offer courses to veterans.

Shared Accountability

An accountability system for California must be guided by valid, comprehensive, understandable, and regularly reported data on a set of indicators that permit useful, informed decisions and judgments about student learning and the conditions under which the students learn. Ultimately, adequate and well-advised support for public schools depends upon the public's will to shape California's educational and other policy priorities and to making wise investments on behalf of high-quality and equitable schooling. A system of multiple indicators for accountability and improvement is crucial to marshalling public will and to wise investments in the schooling that most benefits students and the state. To develop such a system of accountability for California, the State must be guided by the following principles:

- Testing may be a necessary part of an accountability system; however, testing does not equal accountability;
- Accountability systems increase the probability of, but do not guarantee, high-quality practice leading to positive outcomes;
- Effective accountability systems call attention to needs and direct resources for addressing those needs, rather than simply initiating punitive measures;
- Indicators, like test scores, are information for an accountability system; they are not the system itself;
- Tests can enhance or undermine learning and accountability, depending on what they measure, how they are used, and how they are administered; and
- Accountability occurs only when policymakers and education providers act on information in ways that create better opportunities and outcomes for individuals and groups of students.

Educational indicators must include both input and outcome measures. The reasons for the inclusion of input measures is that some aspects of schools – for example, the provision of minimally adequate and safe facilities, and access to a curriculum of sufficient breadth – should be considered basic requirements of all districts and basic rights of all students, whether or not

they influence outcome measures. Outcome measures may be insufficient to reflect compliance with these basic requirements and rights, and therefore input standards are needed as well.

Two types of input standards are proposed. The first, called *guidelines*, would be used as a model against which a district could compare its own expenditure choices. The elements in these guidelines would be based on the proposed California Quality Education Model⁵⁰ that would generate target funding levels in California. The second set of input standards would establish *minimum requirements* for all districts and schools, which they could not fall below under any conditions and for which the State would have an obligation to ensure the provision of adequate resources. The combination of *guidelines* and *minimum requirements* would therefore provide districts with flexibility in devising their priorities for spending, while also protecting students by establishing certain absolute minimum requirements.

To build this shared accountability system, the following actions should be taken:

Recommendation 41

The State should establish a system of regularly reported indicators for PreK-12 accountability and improvement and develop a system of appropriate rewards and interventions, based on those indicators, that will promote continuous improvement of student achievement.

The Legislature should develop and the Superintendent of Public Instruction should report yearly on a comprehensive set of educational indicators, constructed from the data provided by an integrated, longitudinal, learner-focused data system and from other school-level data about educational resources, conditions, and learning opportunities. Such indicators must be easy to understand and trusted as valid and reliable. They must enable policymakers, professionals, families, and the public to monitor the status and quality of the educational system and provide information to guide the improvement of policy and practice.

To be useful, the state accountability system should monitor all levels (student, education personnel, school, district, local and state governing boards, state education agencies, Legislature, and Governor) of the educational system, and include appropriate indicators that measure the effectiveness of each level (PreK-postsecondary education) in exercising its responsibilities. Consequently, the State's indicators should enable the public to hold policymakers and governing bodies accountable for providing the commitment, policy mechanisms, resources, and conditions necessary to a high-quality system of education, as well as to hold schools, educators, and students accountable for the outcomes that result.

While this Master Plan focuses on holding all participants in the education system accountable for student outcomes, comprehensive understanding of student achievement levels is informed by identification of the availability of learning resources and opportunities. Additional

⁵⁰ See recommendations in the Affordability section of this Master Plan for a description of the California Quality Education model.

information on the resources and opportunities to learn provided to students should be reported to the public and used by the Superintendent of Public Instruction to help the public gain a greater understanding of student achievement.

The indicators should provide comprehensive information about all schools, not just about those that are low-performing. Although there are many exemplary schools, the State needs information about these schools just as it needs information about schools in which students are underserved. Finally, the indicators should be structured to permit analysis of opportunities and outcomes by racial, ethnic, linguistic, and gender populations, and among students assigned to various programs within schools. Given the intended purposes of these indicators, we further recommend the following:

Recommendation 41.1 – The K-12 Academic Performance Index (API) should be expanded in statute so that it includes grade promotion and other indicators of academic outcomes, in addition to multiple measures of student achievement and indicators of opportunities for teaching and learning.

Recommendation 41.2 – The Superintendent of Public Instruction should identify appropriate school-level indicators of schools’ status regarding the availability and use of high-quality learning resources, conditions, and opportunities, based on standards that specify what government agencies – the State and school districts – must provide all schools. This information should be collected by the California Education Commission and reported by the Superintendent of Public Instruction in a format that permits comparison against standards arising from the state’s California Quality Education Model and made publicly available through revision of the School Accountability Report Card.

Recommendation 41.3 – The California Education Commission should collect appropriate and relevant data to allow the Superintendent of Public Instruction to assess and report on the effectiveness of California’s programs for young children, and integrate these data collection and analysis efforts with the K-12 API effort.

Recommendation 41.4 – The State should create benchmarks and criteria, based on prototype schools, that will serve as desirable models of high-quality schools. They would also serve as the basis for determining adequacy of funding and provide potential expenditure streams to guide local education decision makers. The State should also collect and disseminate information about actual schools with effective programs and practices that promote student achievement.

Recommendation 41.5 – The State should develop a long-term strategic plan for the meaningful use of accountability data and indicators that are linked to state educational goals by state and local policymakers, educators, and all Californians to determine the impact of programs and interventions designed to improve learning conditions and outcomes. The plan should also contain strategies for remedying identified inadequacies.

Recommendation 41.6 – The State should develop a series of progressive interventions in K-12 education that support low performing schools’ efforts to build their organizational capacity, develop high-quality programs, and support student learning, particularly in schools of the greatest need. The State should also develop a series of progressive rewards that recognize schools for significant improvement and high achievement. The criteria for implementing interventions and rewards should be clearly defined and linked to the evaluation of annual performance data.

Recommendation 41.7 – The State should develop a series of definitive actions to apply as consequences to any entity within the public education system that fails to meet its responsibilities. These actions should range from loss of flexibility in defined expenditure decisions to the loss of control of its responsibilities.

Recommendation 41.8 – The accountability system should enable policymakers and the public to detect performance barriers beyond the level of the school, and distinguish carefully among actors or agencies primarily causing them. At a minimum, the Superintendent of Public Instruction should measure, report, and use all performance indicators at the state and district levels, as well as at the school level, and develop mechanisms to hold state agencies and districts directly accountable for their schools’ performance, consistent with the discussion of accountability on pages 108-109 of this report.

Recommendation 41.9 – The State should establish a consistent and straightforward way for local schools to describe their expenditure and programmatic decisions, to compare them with the State’s prototype expenditure guidelines, minimum standards, and outcome goals, and to clarify the trade-offs implicit in budget decisions.

Recommendation 42

The California Department of Education should expand adult education course standards to include student performance measures such as those developed by the National Skill Standards Board, the Secretary’s Commission on Achieving Necessary Skills (SCANS), and Equipped for the Future.

Currently there are state-approved model standards for five of the ten existing categories of noncredit and adult education. The established standards support programs in English as a Second Language, Adult Elementary and Secondary Skills, Parent Education, Older Adult, and Adults with Disabilities programs. With the exception of those for the Adults with Disabilities category, the standards are currently being reviewed and updated by providers of adult education services. If the program categories are revised to include an emphasis on workforce learning, these standards should be expanded to include student performance measures such as those developed by the National Skills Standards Board, SCANS, and Equipped for the Future. To promote meeting these multiple standards for adult education, we further recommend:

Recommendation 42.1 – The State should support and expand existing accountability mechanisms for adult education providers that emphasize student performance and reward institutions for improving student achievement. The State should also encourage incorporation of the foregoing standards for workplace skills and adoption of state standards for student achievement.

Recommendation 43

The State should bring postsecondary education into an integrated accountability system by developing a set of accountability indicators that are consistent with state policy objectives and institutional missions and that would monitor quality and equity in access and achievement of all students in common academic content areas. All public, independent, and private institutions should be required to participate in the reporting of these accountability indicators as a condition of receiving state moneys either through direct appropriation or student financial aid.

The principle of accountability should apply at both the PreK-12 and postsecondary levels, although the particulars of accountability must differ for the two levels. While elementary and secondary standards work toward a set of knowledge and skills common to all students, postsecondary certificate and degree programs are based on student specialization in particular disciplines, so that multiple measures must be developed to address the various specializations. All postsecondary education institutions require their undergraduates to complete a common set of general education courses, which could serve as a foundation for accountability in common content areas. Postsecondary institutions should determine additional measures of accountability for undergraduate major and graduate subject matter areas, for which their respective faculty establish competencies. The Monterey Bay campus of the California State University has already proceeded to develop “major learning requirements” for each of its majors; those requirements warrant examination to identify the challenges that must be overcome to successfully make progress in this area.

Efforts to bring the postsecondary segments into an integrated accountability system should incorporate, yet move beyond the input measures traditionally used for accreditation and other purposes, measuring more fully the student and institutional *outcomes* that reflect State and institutional priorities. Included in these outcome measures should be labor market participation of graduates, such as those currently used by many business schools. They should provide information that assists consumers in making informed decisions on accessing postsecondary education, assists policy-makers in determining state policy and fiscal investment decisions, and assists institutions in their efforts to achieve continuous improvement. An expanded accountability system should build on the initial, but insufficient, accountability mechanisms that California already has put in place under the aegis of the Community Colleges Partnership for Excellence and the University of California and California State University partnership models. These models document enrollment, successful course completion, advancement to the next academic level within basic skill disciplines, workforce preparation, degree and certificate

attainment, and the achievement of university transfer. These partnerships should be expanded to incorporate the Legislature as a full member of the partnership between the Governor and each postsecondary education sector. In this regard, we further recommend:

Recommendation 43.1 – The State’s accountability framework for postsecondary education should be improved by modification and expansion of the ‘partnership’ budget approach, currently applied to the University of California and the California State University systems, to include all postsecondary education, clarify the link between performance and funding, and adopt realistic alternatives for times of revenue downturns.

Recommendation 43.2 – The State should specify the set of indicators of student and institutional performance on which every public college and university must provide data annually, along with an implementation timeline.

Summary

The State has a responsibility to monitor the performance of public education institutions and, in the case of K-12 schools, is ultimately accountable for the proper use of public funds to ensure that every student is provided access to a high-quality education in a safe and properly maintained facility. As a practical matter, accountability for educational outcomes is, and should be, shared among a variety of people and entities. Holding these multiple actors properly accountable requires that their respective shares of responsibility be clear and broadly understood. The recommendations in this section of the Master Plan identify the major actors, delineate their responsibilities, and suggest ways in which they should be held accountable for their actions. Building a system of shared responsibility requires:

- Redefining the responsibilities of the Governor, the Board of Education, and Superintendent of Public Instruction (SPI) so that they are complementary to each other, and assigning ultimate responsibility for the public schools to the Governor’s Office.
- Clearly defining the powers and responsibilities of various state, regional/county, and local governance and administrative entities for all sectors of public education.
- Charging the SPI with responsibility for developing indicators of the opportunities for teaching and learning that are necessary to support high-quality education for every student, based on the elements of the California Quality Education Model, and with using those indicators to help parents and policymakers to interpret student achievement data.
- Promoting the use of locally developed assessment on a frequent basis, to provide teachers with information that would enable them to adjust their instructional strategies, prompt them to assess for potential learning disabilities, and/or help them refer students to supplemental support services, as needed.
- Requiring public postsecondary education to take actions that would result in a clear understanding of a set of learning outcomes are the students it enrolls expected to achieve and appropriate measures for evaluating the performance of its campuses.

- Incorporating data on student achievement into a state-level accountability system at all education levels.

In addition, serious attention should be given to examining the feasibility of using certain labor market outcomes as part of a system of indicators of the performance of education institutions, particularly for assessing the readiness of graduates of secondary and postsecondary institutions to successfully enter the workforce and engage in civic activities.

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September 4, 2002

Senator Dede Alpert
Chair, Joint Committee to Develop a Master Plan for Education
1020 N Street, Suite 560
Sacramento, CA 95819

Dear Senator Alpert:

I am writing to express my concerns with Recommendations 29 and 30 of the Master Plan for Education. While I agree that the Department of Education's role and responsibilities should be clearly defined, as well as that of the State Board of Education (SBE) and the Office of the Secretary for Education (OSE), I do not agree with redefining the Superintendent of Public Instruction's (SPI) role as one of overseer of accountability (non-fiscal).

The electorate has made it abundantly clear that they prefer an elected representative whose exclusive focus is education. The tension that presently exists between the SPI and the administration has evolved from recently expanding the scope of the OSE. If we give the Administration even more authority (i.e. the management of the K-12 system via the appointment of a cabinet-level Chief Education Officer serving as the Director of the Department of Education), we will have achieved a mega-authority system residing with the Governor and her/his appointees.

If the elected Superintendent is reduced to monitoring and managing an accountability system he or she did not create, then the office becomes similar to the legislature's and serves a comparable function. However, the Superintendent would have no authority to implement change, unlike that of the legislature.

I strongly suggest that we keep the Superintendent's role as is, reign in the overlap with the OSE and provide for legislative appointees to the SBE by the Speaker and the President Pro Tem of the Senate. In addition, I would create criteria for the appointees based on geographical representation, ethnicity, gender and occupation for a more balanced Board reflective of our state's diversity. In this way we do not necessarily eliminate tension amongst the various governance entities, but we cast a wider net of influence within the scope of decision-making.

Sincerely,

Virginia Strom-Martin
Assemblymember, 1st District

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A Double-Headed System: *A History of K-12 Governance in California and Options for Restructuring*

By Murray J. Haberman

*In Response to a Request
by Senator Dede Alpert*

JULY 1999

CRB-99-011

C A L I F O R N I A

R E S E A R C H B U R E A U

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Introduction

Since California's statehood 150 years ago, the authority and responsibilities of the Superintendent of Public Instruction and those of the State Board of Education have been challenged by governors, legislative leaders, and by the educational leaders themselves. These challenges have led to various interpretations by Attorneys General, Legislative Counsels, and the Courts regarding how the State's Constitution and various statutes define the role and function of the Superintendent and the State Board, and how each of these authorities is responsible for the governance of the state's K-12 education system.

This paper presents a history of the Superintendent of Public Instruction, the State Board of Education, and the recently established Secretary of Education, by tracing the creation and development of these respective authorities – from the drafting of California's first Constitution through the present day. It discusses how current statutes do not clearly define their functional responsibilities, and how this lack of clarity has caused conflict. This paper also examines governance models used in other states. It concludes with a series of options that the Legislature and Governor may wish to consider for restructuring the governance and administration of K-12 education in California.

A History of Major Events Affecting K-12 Governance in California

1849 – The Creation of the Position of the Superintendent of Public Instruction

The first debate in California over K-12 governance focused on whether the Superintendent of Public Instruction should be popularly “elected” or “appointed” by the Legislature.¹ This question of an elected or appointed Superintendent has been a recurring theme in discussions of education governance for the last century and a half. The issue was initially resolved when California's first Constitution was enacted in 1849. It stated that “[t]he legislature shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years . . .”² Although provisions relating to the term of office and manner of election have been



The First School House in San Francisco
John Swett, *History of the Public School System*, 1876.

amended from time to time since the first constitution,³ the position of Superintendent has remained an elective constitutional office.⁴

The framers of California's first Constitution recognized the importance of education. By creating an “elected” Superintendent, they believed that the stature of Superintendent would

be commensurate with the incumbent's responsibility for organizing and providing funds to the State's education system. Initially, the Superintendent was statutorily required to: organize school districts; assist in the election of school trustees; build schoolhouses; and secure teachers. As the State school system evolved, the Legislature broadened the Superintendent's responsibilities to include: supervising the schools, several educational agencies and state asylums and orphanages; preparing forms for school records; gathering information and statistics on public education; apportioning school funds; making biennial reports to the Governor; and publishing the school laws. In addition, the Superintendent, as executive officer to the State Board of Education, was responsible for carrying out the policies of the Board regarding textbooks, teacher credentialing, and the investigation of teacher-training institutions.⁵

1852 - Creation of the State Board of Education

The State Board of Education was not mentioned in the State's first Constitution. Instead, the first legislation mentioning the State Board of Education was adopted by the legislature in 1852. Those statutes called for the organization of school districts to be governed by three trustees—the Governor, the Superintendent of Public Instruction, and the Surveyor General—called the Board of Education. The Surveyor General was included because the law originally proposed to entrust the board with the sale of lands made available for the support of schools by the federal government.⁶ The Board was never given this latter responsibility, and it remained without such powers or duties. However, it was given the authority to apportion money to the schools.⁷



Girls' High and Normal School
John Swett, *History of the Public School System*, 1876.

In 1864, the membership on the Board was changed to include the superintendents of schools from major counties. In addition, the Surveyor General was removed as a member of the Board. That same year, the State Board of Education was given authority to select textbooks, to require a uniform course of studies, and to make rules and regulations for the schools.⁸

Six years later, in 1870, legislation was enacted that again changed the composition of the Board to include the Governor, the Superintendent of Public Instruction, the Principal of the State Normal School⁹ (a teacher training institute), the Superintendent of Public Schools of the City and County of San Francisco, the Superintendent of Common Schools of the counties of Sacramento, Santa Clara, Alameda, Sonoma and San Joaquin, and two professional teachers, who were nominated by the Superintendent of Public Instruction, and elected by and with the consent of the Board.¹⁰

1879 - Constitutional Reform and the Diminishing Role of the State Board of Education

In 1879, a new Constitutional Convention was called, and California's second Constitution was adopted later that year. The new Constitution returned to the county boards of education the responsibility for selecting textbooks, certifying teachers, prescribing courses of study, and making rules and regulations for the schools. This shift took place in large part because many delegates to the convention believed that the State Board would succumb to pressures of graft when they selected textbooks.¹¹

Further, a review of the proceedings of the Constitutional Convention of 1878-79 suggests that the delegates were worried about granting authority to a professional board over whom the public had little control. Over the course of the Constitutional Convention, arguments in favor of maintaining an elected State Superintendent with administrative responsibilities were strong, and the delegates voted to maintain the elected office of the Superintendent.^{12 13}

The delegates to the Constitutional Convention of California of 1879 wanted to continue to provide the people of California with a highly qualified and popularly elected Constitutional officer in charge of the school system. Yet they also wanted to decentralize most matters that related to the schools. To accomplish this task, many of the duties previously undertaken by the State Board were transferred to county superintendents or county boards of supervisors.¹⁴

Although the State Board of Education was stripped of most of its statutory powers, its existence continued in amended Code. However, its membership was reduced to only the Governor, the Superintendent of Public Instruction, and the principal of the State Normal School. As new Normal Schools were established, the principals of those schools became Board members.¹⁵

1884 - Establishing a Constitutional Basis for the State Board of Education

In 1884, the State Board of Education was written into the Constitution through amendment. With this amendment, the Board was assigned the primary responsibility of selecting and providing textbooks to the state's public schools. This was done in large part because the system of each county adopting its own textbooks proved to be inefficient and expensive, and was disliked by both teachers and the public.¹⁶ The amendment also required that the Governor, Superintendent, and principals of the Normal Schools serve as ex-officio members by virtue of their positions. A decade later in 1894, the President of the University of California, who was a professor of pedagogy, also became an ex-officio member of the Board.¹⁷

1912 - Birth of the Modern State Board of Education

Until 1912, the State Board of Education practically served as an advisory council to the Superintendent for Public Instruction.¹⁸ However, in that year, a longstanding controversy over who had the authority to select textbooks formed the basis for the modern State Board of Education. The Superintendent of Public Instruction and the State Board of Education each believed they had the authority for selecting textbooks for the State's public school students. To reconcile the issue, during the election of 1912, voters were presented with a constitutional amendment titled *Free School Text Books*. If adopted, this amendment would provide that

textbooks “shall be furnished and distributed by the state free of cost or any charge whatever, to all children.” The amendment also called for a redesign in the selection process for State Board of Education members. It urged the Legislature to prescribe a new system for the Board’s “appointment” or “election.”¹⁹ At the time, many educators favored a board composed entirely of laymen, rather than a board of professional educators and officeholders.²⁰

The constitutional provision that created the modern State Board of Education received almost no mention in the 1912 ballot pamphlet. The proponents included two brief paragraphs indicating that the people should not be worried about this change. The pamphlet arguments stated that the proposed amendment provided for a reorganization of the State Board of Education by the Legislature—with the approval of the Governor. It went on to say that since the power and corrective action for initiative, referendum and recall was in the hands of the people, “no fear need exist that the legislature, the governor and the reorganized board of education would not perform their full and comprehensive duties in their respective spheres of action.” There was no mention of the proposed reorganization of the board. Instead, nearly every word of the ballot pamphlet arguments was devoted to the subject of free textbooks.²¹ (For ballot arguments see Appendix A1.)

The amendment passed,²² and the Legislature of 1913 gave the Governor the authority to appoint seven members to the State Board, with the legislative intent that no Board member would be actively engaged in educational work. Members of this new Board had terms the same length as the Governor’s.²³ The legislature prescribed that the Superintendent of Public Instruction would be the Secretary of the Board, and would be responsible for all correspondence and record keeping, and that the State Board would determine questions of policy.²⁴ The Superintendent, under the direction of the Board, would enforce those policies. Specifically, the Superintendent was charged with carrying out the “general rules and regulations as the State Board of Education may adopt, the work of all assistant superintendents of public instruction, and such other appointees and employees of the Board as may be provided by law.”²⁵

With the Board controlled by the Governor, the Legislature considered the issue of whether members of the State Board of Education should be elected or appointed. Then Superintendent of Public Instruction Edward Hyatt termed the debate a “vexed question,” and suggested that the current system was designed to “consist of a democratic superintendent and a bureaucratic board, each to be a check and a safeguard upon the other.”²⁶



California State Library, California Collection. Circa 1856.

In addition to defining the selection process of Board members, and the role of the Superintendent, the constitutional amendment of 1912 and the legislation of 1913 caused a new attitude toward the agency responsible for public education in Sacramento. Previously, the Superintendent had dominated the agency, and under his tutelage, the unofficial label of Department of Public Instruction was most often used. From 1913 on, however, the State Board of Education took on a greater level of importance, and the agency took on the label of the State Department of Education.²⁷

It was recognized at the time that the juxtaposition of roles between the Board and Superintendent could cause potential conflict. After all, the Superintendent was still responsible to the people who elected him. Thus, it was possible that the policy-making board would not have its policies carried out by an elected official who was accountable to the people.

1919 - Emergence of a “Two-Headed” System of Governance

In 1919, a State Department of Education publication titled the “Blue Bulletin” foresaw the potential for conflict between the Superintendent and the State Board. The Bulletin noted that although the two authorities had succeeded in working together, the fact remained that there were effectively two distinct state departments, and that it was just a matter of time before these departments would find themselves in conflict, since both had administrative responsibilities. It predicted that such conflict would be disastrous to educational leadership in the state.²⁸

The Legislature was aware of this problem, and in 1919 it asked for a legislative investigation to determine the needs and support for public schools and other educational institutions in the state.²⁹ In 1920, the Legislature issued its *Report of the Special Legislative Committee on Education*. This study was commonly referred to as the “Jones Report,” because of the Education Committee chairmanship of Senator Herbert C. Jones.

The report identified the “double-headed” governance system as a primary problem of the state education system. It noted that the problem was a product of the 1912 constitutional amendment, and subsequent 1913 enabling legislation, which provided for a lay State Board of Education to succeed the previous ex-officio professional Board.³⁰ The report noted that so long as the then Superintendent of Public Instruction remained in office, and so long as the State Board of Education continued to pursue its present policy direction, harmonious relations between the two authorities *could* continue. However, it also noted that the situation was fraught with danger, and that sooner or later this type of arrangement was destined to cause trouble.³¹

The report noted “that part of the state educational organization represented by the State Board of Education is clearly responsible to the Governor and Legislature for its acts, while the part represented by the Superintendent of Public Instruction remains independent of both the State Board of Education and Governor, and largely independent of the Legislature as well, and may work with the State Board of Education or against it, according to the character of the official elected to the office of Superintendent.”³²

It was clear that an antagonistic Superintendent might at some time raise the constitutional question as to the right of the State Board of Education to do anything other than set broad

policy. The Jones Report noted that “Undoubtedly, then, the present California educational organization must be regarded as temporary and transitional, and dangerous for the future, and it should be superseded at the earliest opportunity by a more rational form of state educational organization.”³³

The authors of the report proposed a constitutional amendment that would abolish electing a Superintendent of Public Instruction, and recommended that the State Board of Education should appoint a Commissioner of Education to act as chief executive officer of the Board. The authors also recommended that the educational governance functions being exercised elsewhere, primarily at the county level, should be reassigned over time to a new State Department of Education.³⁴

1921 - Birth of the State Department of Education

Acting on some of the recommendations of the Jones Report, the Legislature, during its 1921 session, began the work of forming a new State Department of Education. Legislation enacted in May 1921 created a Department under the control of a Director of Education, and the Superintendent of Public Instruction was to be ex-officio Director. The law that established the new State Department of Education was consistent with recommendations contained in the Jones Report. However, other sections of the law perpetuated the conflicting organizational features to which the report had objected – namely the continuation of an elected Superintendent and an appointed State Board. Each entity maintained most of its previous responsibilities.³⁵

In spite of the perpetuation of this “double-headed” governance system, the 1921 legislation did have a major effect on the administration of educational matters. A new Department of Education in Sacramento was created that centralized many of the state’s education activities. Specifically, the Department became responsible for: (1) developing the curriculum of both elementary and secondary schools; (2) publishing the state series of elementary school textbooks; (3) preparing an official list of approved high school textbooks; and (4) administering and influencing the various teachers colleges throughout the state.³⁶

1923 - Governance Controversy Hits K-12 Education Again

Although the 1921 legislation contained many reform measures, it failed to adequately address the “double-headed” governance problem. A major controversy between the Superintendent of Public Instruction and the State Board of Education took place in 1923. In that year, Will C. Wood began his second term of office as Superintendent of Public Instruction, while Friend W. Richardson began his term as Governor. Richardson was a conservative, and his attitude toward education was expressed in his 1923 budget message. In that message he wrote “. . . extravagance in educational matters has run riot during the past few years, and politicians in the guise of educators have squandered the people’s money with a lavish hand and have denounced advocates of thrift as enemies of education.”³⁷ His policies were met with immediate criticism from various educational associations; however, various taxpayer associations endorsed his opinions and policies.³⁸

The confrontational situation foreseen by the Jones Report became a reality in 1924 when a majority of the State Board of Education, appointed by Richardson, sided with the Governor in

opposition to the Superintendent of Public Instruction, and refused to confirm the Superintendent's appointments of the presidents of the San Jose and San Francisco State Teachers Colleges. The denial of these appointments caused several years of conflict between the Board and Superintendent regarding the authority power held by each entity.

In his biennial report of 1927, Superintendent Wood recommended that legislation should be adopted to reorganize the present "double-headed" system of educational governance. He asked that laws be passed to clearly define the powers of the State Board of Education (which he argued should be purely legislative and regulatory) and the powers of the Superintendent of Public Instruction (which he argued should be executive and supervisory).³⁹

In response to Wood's recommendation, Senator H.C. Jones introduced a bill. That bill proposed reorganizing the State Board of Education to include members who would be appointed to ten-year terms; and a Board appointed Director of Education, who would take over the duties, powers, and responsibilities of the Superintendent of Public Instruction. The bill was approved overwhelmingly by the Legislature, but the latter portion of the bill (elimination of the Superintendent) required a Constitutional amendment. Such an amendment was put before the people in 1928, but it failed.⁴⁰ (For ballot arguments see Appendix A2.)



The "Russ" Public School from Douglas Gunn's *Picturesque San Diego with Historical Descriptive Notes*, 1887.

In spite of the failure at the ballot box to eliminate the elected Superintendent, the Legislature did enact several reforms: (1) a new State Board of Education of ten members, appointed by the Governor with Senate approval, was created; (2) the three commissionerships established in 1913 were abolished; (3) the Board was given power to establish upon recommendation of the Superintendent, such divisions in the State Department of Education as appeared advisable for the efficient transaction of the business; and (4) the chiefs of those divisions were to be appointed by the Board, on nomination of the Superintendent, at salaries fixed by the Board, subject to the approval of the State Board of Control.⁴¹

1929 - Birth of the "Education Code"

The Legislature continued its reform efforts into the 1929 session when it enacted a separate School Code. Section 2.1321 of that School Code provided: "The state department of education shall be administered through: (1) the State Board of Education which shall be the governing and policy determining body of the department; and (2) the Director of Education⁴² in whom all executive and administrative functions of the department are vested and who is the executive officer of the State Board of Education."⁴³ The Legislature's effort at reform

worked, at least temporarily, as there was little discord between the Superintendent and the State Board from 1930 through most of the Second World War.⁴⁴

1943 - First Attorney General Opinion on the Roles of the Superintendent and State Board of Education

Although there was relative calm in the administration of K-12 education in California for roughly a decade and a half, the lingering problem of the double-headed governance system was re-ignited in 1943. In that year, the State Board requested an Attorney General's opinion regarding its legal position compared to that of the State Department of Education. The Attorney General reviewed various sections of the State Constitution, School Code, and Political Code and acknowledged that the statutes were contradictory and ambiguous.⁴⁵ The Attorney General refused to address conflicts that might arise between the Board and Superintendent in the future. He did suggest that the ambiguous language should be called to the attention of the Legislature so that it might clarify the code sections relative to the respective powers, duties and functions of the State Board of Education, the Superintendent of Public Instruction and the State Department of Education. The Legislature took no action that year.⁴⁶

1944 - The Mills and Strayer Reports

In June 1944, a special legislative session was called to consider education bills. During that session, the Legislature appropriated funds for two studies of the administration, organization, and financial support of the public school system.⁴⁷ One study, the "Mills Report," emphasized the need to

clarify the roles and responsibilities of those charged with governing K-12 education in California.⁴⁸ Based on its recommendations, and with the support of the Superintendent, the Department of Education was substantially reorganized. The second study, the "Strayer Report," reached similar conclusions to those outlined by Mills. It called for the



California State Library, California Collection. San Diego Normal School.

professionalization of the office of the State Superintendent of Public Instruction, and recommended a Constitutional Amendment that would provide for the selection of the Superintendent by a lay board rather than by popular vote.⁴⁹ This latter recommendation was not acted upon.

1954 - Second Attorney General Opinion Regarding the Roles of the Superintendent and State Board of Education

In 1954, the Superintendent asked the Attorney General whether the Board could set different admission standards for the then 10 state colleges, and delegate to the Superintendent authority to modify those standards.⁵⁰ The Attorney General advised the Board that it had the authority to set separate standards, and that the Superintendent must act within the standards set by the Board.

The Attorney General explained that the Superintendent had the duty to see that standards set by the state board were carried into effect within a framework set by the board. The Attorney General opined that the Superintendent, as an administrative officer, had the power to apply the board's rules: "By such delegation the director is vested with ministerial and administrative functions which are to be exercised in obedience to and in conformity with the definite rules, guidelines and standards that are established by the Board."⁵¹ In spite of his opinion, it remained unclear exactly what powers the two authorities had.

1955 - The Hardesty Report and Other Reform Efforts

In the ensuing years, proposals were made from time to time to change the relationship between the State Board of Education and the Superintendent of Public Instruction. For example, in 1955, the Hardesty Report of the California Committee on Public School

Administration proposed that the Superintendent be appointed by the Board, which would be composed of nine members.⁵² In addition, in 1958, Proposition 13 was placed on the ballot. That proposition would have amended the State Constitution to provide for an appointed Superintendent, but the voters again soundly defeated the measure.⁵³ (For ballot arguments, see Appendix A3.)



Unidentified Schoolhouse, Circa 1888.
California State Library, California Collection

In 1959, then Superintendent Roy E. Simpson proposed that the Board should appoint the Superintendent, and that the Board should have the power to determine the term of office and salary of the Superintendent. He also recommended an 11-member Board, appointed by the Governor, each member requiring Senate confirmation. However, his recommendation was not acted upon.⁵⁴

1963 - Third Attorney General Opinion on the Roles of the Superintendent and State Board of Education

The next major conflict between the Superintendent of Public Instruction and the State Board of Education occurred in 1963. At that time, the Board was confronted by then Superintendent of Public Instruction Max Rafferty who refused to convey the Board's opposition to a piece of Legislation known as the "Winton Bill"—a measure that partially circumscribed the Board's powers with respect to textbooks. Rafferty requested an opinion from the Attorney General by asking three questions:

- May the Superintendent refuse to execute an order of the Board to perform an act which is contrary to his beliefs?
- What remedy does the Board have in the event the Superintendent fails or refuses to execute an order?
- If the Board and the Superintendent issue contrary orders to an officer or employee of the Department, which is that officer or employee bound to follow?

Deputy Attorney General Richard L. Mayers prepared the opinion, and chose in large part to answer the questions broadly. His opinion stated:

- The Board may require the Superintendent to make known to the Legislature its positions on legislation, and the Superintendent may not refuse to execute this order solely because the order may be contrary to his own personal beliefs and wishes.
- In the absence of a Board rule or directive, the manner in which a Board resolution is to be executed is an administrative matter properly left to the Superintendent; he might make the Board's position known personally or through a subordinate employee.
- The law does not provide for the removal of the Superintendent for failure to obey lawful orders of the Board other than by recall. The Superintendent is not subject to impeachment.
- Since the particular situation did not involve a refusal to carry out a Board order, that question is only hypothetical and, thus, the Attorney General deemed it appropriate to defer a reply.⁵⁵

The Attorney General closed his "Rafferty Opinion" with this observation: "This analysis of the respective powers and duties of the State Board of Education and the Superintendent of Public Instruction once again underscores the long-recognized problem in this area. It would be fruitless here to discourse upon the difficulty of requiring a policy-making board appointed by the Governor [and confirmed by the Senate] to have its policies carried out by and through an individual who is elected by the people."⁵⁶

1963 - The Little Reports

One of the immediate outcomes of Superintendent Rafferty's election in 1962, was a discussion in the legislature regarding the role and function of the Superintendent vis-a-vis the State Board. In response to this discussion, three Assembly Constitutional Amendments were

introduced during the 1963 legislative session that would have done away with the popular election of the Superintendent.⁵⁷ All three failed to make the ballot.⁵⁸

In that same year, largely in response to burgeoning enrollment levels and ongoing governance controversies, the Legislature once again commissioned major studies on the structure and administration of K-12 education in California. The accounting firm of Arthur D. Little was employed to carry out the bulk of this work. Two recommendations from the first phase of the study related directly to the appropriate role of the State Board of Education and the State Department of Education. Specifically, the report recommended that “The California State Board of Education is both logically and legally in a position to initiate and lead State level developmental planning for education,”⁵⁹ and that “The California State Department of Education, as the staff and administrative agency of the State Board of Education, has a vital role to play in the State level planning process.”⁶⁰



California State Library, California Collection, Class on Beach.

The second phase of the Little study, published in 1967, addressed itself more specifically to the roles of the Superintendent of Public Instruction and the State Board of Education. It recommended that the State Board of Education should consist of ten members who would be appointed by the Governor from a list of candidates developed by the Legislature, and that Board members should be appointed for terms of ten years.⁶¹ It further recommended that the State Superintendent should be appointed by and fully responsible to the State Board and serve as its Executive Officer, Secretary, and as Chief Administrative Officer of the State Department of Education.⁶²

The Little study noted that the situation (in which the State Superintendent is popularly elected) made it impossible for a governing board to control its executive officer and ensure effective administration. “This represents a violation of a very fundamental principle of organization. The potential for conflict in this situation is all too apparent and results in confusion of purpose and dissipation of energy, time, and opportunity. The numerous opinions of various attorneys general over time attest to the continued seriousness of the problem, as do the actions of the Legislature in moving into what is perceived as a chaotic situation.”⁶³

The Little study defined the respective roles of the State Board of Education, the Superintendent of Public Instruction, and the Governor’s Cabinet. It noted that the mission of the State Board was to: (1) govern the State system of public and community college education and the State Department of Education; initiate long-range planning; (2) define long-range goals, priorities, and comprehensive plans; recommend policy goals and plans to the Governor

and Legislature; and (3) set policy, establish programs, and adopt rules and regulations within limits and according to the charter established by the Legislature.⁶⁴ The report also recommended that the Board should act to ensure equality of educational opportunity and the quality of education by setting and enforcing standards.⁶⁵

The Legislature chose to maintain the State's bifurcated system of K-12 governance by not acting on Little's recommendations.

1968 – Another Proposal for Constitutional Reform

In spite of the numerous efforts and recommendations for reform, it is important to note that up until this time the constitutional provisions governing the State Board of Education had remained virtually unchanged since their adoption in 1912. Another unsuccessful attempt at reform was made in 1968 (during the tenure of Superintendent of Public Instruction Max Rafferty) to allow the Legislature, by two-thirds vote, to change the selection process for the Superintendent from statewide election to some other means. The voters defeated a 1968 statewide initiative, Proposition 1, which among other things would have changed the process for selecting the Superintendent.⁶⁶ (For ballot arguments see Appendix A4.)

Numerous leaders in government at the time supported the reform effort.⁶⁷ However, like all former efforts to change the office of Superintendent of Public Instruction from an elected to an appointed position, the recommendation to amend the Constitution was once again rejected. Nevertheless, the numerous studies and analyses of educational administration and governance conducted during this time did result in some changes in the operation of the State Department of Education. The Department of Education was restructured and strengthened through the efforts and encouragement of the Superintendent. In particular, the Department reorganized its junior college staff, and steps were taken that resulted in the legislative establishment of a separate governing board for public junior colleges (renamed community colleges), effective January 1, 1968.⁶⁸

1970 - The Veysey-Rodda Act

The Veysey-Rodda Act, adopted by the Legislature in June 1970, significantly streamlined the constitutional provisions covering the State Board of Education.⁶⁹ It accomplished two key objectives: (1) it removed the requirement that state-adopted textbooks for elementary schools be in uniform series; and (2) it removed the provisions charging county superintendents and country boards of education with responsibility for the examination and certification of teachers, thus leaving those matters subject to state law.⁷⁰

Since 1970, the constitutional provisions regarding the State Board of Education have remained substantially unchanged. A 1976 constitutional amendment did modify Section 7 of Article IX, but only to provide for multi-county boards of education.⁷¹ The last major statutory change to the State Board was the addition of a voting student member in 1983.⁷²

1982-1990 - Honig, Deukmejian, and a Little Hoover Commission Report

Some recent conflicts between the Superintendent of Public Instruction and the State Board of Education can trace their roots to the election of Bill Honig as Superintendent of Public Instruction and George Deukmejian as Governor, both in 1982. That election resulted in a Superintendent of Public Instruction (identified as a Democrat, even though the position is nonpartisan)⁷³ and a largely Republican State Board of Education, during a time in which partisan wrangling became commonplace in state government, especially over the issue of K-12 funding. The discord lasted for several years.

The conflict over the authority of the Superintendent of Public Instruction, the State Department of Education, and the State Board of Education came to a head when the Milton Marks Commission on California State Government Organization and Economy (known as the Little Hoover Commission) issued a report in February 1990 entitled, *K-12 Education in California: A Look at Some Policy Issues*. In its report the Commission found that the structure of the California educational system was not operating as legally intended. It observed that the Superintendent of Public Instruction had assumed the role of policy maker, and that the State's schools were without the benefits associated with effective educational policy that would be the case if they were governed by a strong state board.⁷⁴

The Little Hoover Commission report outlined several recommendations. Among those, the commission urged the passage of legislation that would give the Board authority to approve the Department of Education's budget. Such authority would make it clear that the Board's authority is superior to that of the Department. The Commission also recommended that the Attorney General file an action to prevent the Department from violating the Administrative Procedure Act. Its recommendation was based on a concern that the Department was circumventing the State's regulatory process in its approval and distribution of program guidelines—a responsibility it believed was assigned to the State Board.⁷⁵

1991 - State Board of Education vs. Honig

The 1990 Little Hoover Commission report highlighted the inconsistencies in the relationship between the Superintendent and the State Board, and ultimately these inconsistencies led to litigation between the two governing bodies. After months of negotiation between the Superintendent and the State Board regarding the authority each had over the other, the Board filed a petition for a writ of mandate in the California Supreme Court on November 14, 1991. The Supreme Court transferred the petition to the Appellate Court, which ultimately issued an alternative writ.

The Appellate Court decision found in part: "We conclude the Legislature intended the [State Board of Education] to establish goals affecting public education in California, principles to guide the operations of the Department, and approaches for achieving the stated goals. Its role as 'the governing . . . body of the department' (§ 33301, subd. (a)) refers to governance in the broad sense by virtue of its policymaking authority. The Legislature did not intend the Board to involve itself in 'micro-management.' Thus, its responsibility to 'direct and control' the Department . . . necessarily involves general program and budget oversight as a means of monitoring the effectiveness of its policies."

The Court continued that “By contrast, the Legislature intended the Superintendent [of Public Instruction] to be involved in ‘the practical management and direction of the executive department.’ In this role, the Superintendent is responsible for day-to-day execution of Board policies, supervision of staff, and more detailed aspects of program and budget oversight.”⁷⁶ Upon appeal to the State Supreme Court by the Superintendent of Public Instruction, the high court refused to review the Appellate Court decision, thus allowing it to stand.

1991 - The Creation of the Position of the Secretary of Child Development and Education

Further complicating the Court’s interpretations of roles and functions of the Superintendent and the State Board of Education, Governor Pete Wilson attempted to create in statute the position of Secretary for Child Development and Education. The Governor began the process by issuing Executive Order W-1-91. It stated that the new Secretary: (1) would sit as a member of his cabinet; (2) would be responsible for presenting recommendations to the Governor to ensure the well being of California’s children; (3) serve as the Governor’s liaison with appropriate state agencies and departments on child development and education issues; (4) serve as the Governor’s children’s and education advocate throughout the nation and California; (5) chair the Interagency Council for Child Development; and (6) consult with the Director of the Department of Finance, the Secretary of Health and Welfare, and other appropriate agency and department heads on policy and fiscal recommendations affecting state and local child development and education services and programs.⁷⁷

Although previous Governors have employed various “advisors” on education,⁷⁸ the introduction of a third head who would be responsible for advising the Governor on education policy caused additional consternation for the Superintendent and for the Democrat controlled legislature. From 1991 to 1995, Governor Wilson sponsored four bills to create statutorily the Secretary for Child Development and Education as a position in his Cabinet.⁷⁹ However, the Legislature refused to create the new position, and rejected each of the Governor’s bills. Although the Secretary for Child Development and Education position was never created in statute, Governor Wilson maintained the Cabinet-level post by funding it through his Office of Planning and Research. Governor Gray Davis has retained the Cabinet-level position, but has renamed it Secretary for Education.

1993 - Senate Bill 856 (Dills)

In response to the Appellate Court decision in *State Board of Education vs. Honig*, Senator Ralph Dills introduced legislation in 1993, which proposed to clarify the legislature’s intent with regard to the appropriate roles of the Superintendent of Public Instruction and the State Board of Education. Specifically, SB 856 would have deleted the Education Code provisions that required the Superintendent of Public Instruction to execute the policies of the State Board of Education. In effect, this legislation would have clearly placed the Superintendent of Public Instruction at the center of the policy making process for K-12 education. SB 856 would have required the State Board of Education to carry out the duties and functions outlined in statute and the Constitution; however, no further duties or functions were implied. In addition, SB 856 stated that “the State Board of Education shall serve in an *advisory capacity* to the Superintendent of Public Instruction with regard to all other education related matters.”⁸⁰ Both houses of the Legislature passed the bill, but the Governor vetoed it.⁸¹

1996 - California Constitution Revision Commission Recommends Eliminating the Elected Superintendent

In its 1996 report, the Constitution Revision Commission wrote “that California has an educational system that provides no real focal point for responsibility, no flexibility for local districts and responsibilities are widely scattered, resulting in no single official or entity being accountable for the state’s education system either at the state or local level.”⁸² The Commission noted that California’s structure of K-12 governance at the state level was confusing, inefficient, and lacked a clear delineation of accountability between the Superintendent of Public Instruction, the State Board of Education, the Governor, and Secretary for Education. To correct this situation, it encouraged the Governor and Legislature to clarify K-12 governance at the state level.⁸³

To accomplish the task, the Commission recommended that the elected office of Superintendent of Public Instruction be eliminated in favor of a Governor-appointed education executive, subject to Senate confirmation. The Constitutional issue surrounding the role of the Superintendent and that of the State Board of Education hinged on the value of separation (an independent voice of an elected official) compared to the importance of a unified state education policy and implementation structure.⁸⁴ The Commission wrote that the Governor should be responsible for K-12 education, and it recommended that the responsibilities of the Superintendent be outlined in statute rather than by the Constitution. It also recommended deleting Constitutional references to the State Board of Education.⁸⁵ The Commission’s recommendations were not acted upon.

1998 - Interpreting the State Board’s Authority

The Constitution Revision Commission was accurate in recognizing the lack of clarity in the authority of the various education leaders. In 1998, a conflict arose over the responsibilities and authority the State Board of Education in light of the passage of Proposition 227 – the voter imposed initiative that requires one-year English immersion programs for limited English speaking students. Many school districts throughout the state had been required to offer multi-year bilingual education programs and services to their limited-English-speaking students prior to the proposition’s passage. Proposition 227, however, required that school districts develop one-year “sheltered English immersion” programs, and prescribed that if parents wanted their children to continue in a bilingual education program, that they would have to submit a waiver request, and the district would have to offer a bilingual education program.

The issue of contention between the Superintendent and the State Board dealt with whether the Board had the unilateral authority to grant waivers from Proposition 227 directly to school districts that wanted to continue their existing programs. The Superintendent’s General Counsel opined that the Board had such authority since existing law requires the Board to approve all requests for waiver of any section of the Education Code except in specified cases.⁸⁶ However, the Board’s Staff Counsel advised the Board that it did not have such unilateral authority, and that such waivers would be contrary to the intent of the electorate.

The lack of clarity of existing statutes, coupled with the provisions of Proposition 227, caused at least two differing legal interpretations regarding the authority and powers of State Board.

In addition, current litigation regarding the provisions of Proposition 227 might affect how English immersion and bilingual education school programs are implemented.

Governance Structures

The history of the conflicting roles of the Superintendent and the State Board of Education may lead the reader to question whether California's current model of K-12 governance is the most effective. Although California's structure of governance is not unique, only ten other states throughout the nation have a similar governance system. This is not to suggest that California's system is necessarily unworkable, but rather that the current system may invite discord among the state's educational leaders when they challenge each other's roles and functions.

The California Quagmire

California's Constitution requires that the Superintendent of Public Instruction be elected, and that the State Board be either appointed or elected. The Constitution, however, neither prescribes the duties of these education entities, nor does it define the relationship between the two authorities. By contrast, current statutes define the powers and responsibilities of both the Superintendent and the State Board more specifically. These laws: require that the Governor appoint the State Board; make the Board responsible for all questions of policy; and require the Superintendent to execute the policies that have been decided upon by the Board.

Although these statutes appear to clearly differentiate between the responsibilities of these two authorities, they are unclear as to whether the Superintendent has the authority to set policy, or how the Board might govern state programs. The Superintendent is elected, holds a Constitutional office, and is held accountable at the ballot box. Thus it is difficult to see how the incumbent serving in this position can be precluded from developing and setting policy. Likewise, so long as the State Board has the responsibility to set policy for the K-12 system, its involvement in the oversight of state programs is inevitable.

This quagmire was noted in a recent report by the Office of the Legislative Analyst in which the authors wrote, "state statutes fail to establish a consistent governance framework for the board and SPI [Superintendent of Public Instruction]. State law places the board in charge of policy despite its status as an appointed board serving with an elected SPI. Then, current law draws both the board and the SPI into policy making without a clear division of responsibilities between the two entities. Instead of creating clear lines of authority and accountability, statutes permit (or even encourage) conflict over 'turf' and power."⁸⁷ In order to preclude such turf battles, it may be time for the Governor and the Legislature to consider an alternative governance structure for K-12 education in California.

Alternative Governance Structures

The Education Commission of the States has identified four basic structures of K-12 governance. These structures describe the formal relationships among the Governor, the Chief State School Officer (CSSO), and the State Board of Education (SBE), and reflect various alternatives for the "appointment" and/or "election" of state education policy- and decision-makers.⁸⁸ Forty states conform to one of these four basic structures:

- Structure One—the Governor appoints the State Board of Education, which in turn appoints the Chief State School Officer.
- Structure Two—the citizenry elects the State Board of Education rather than its being appointed by the governor; as in Structure One, the State Board of Education appoints the Chief State School Officer.
- Structure Three—the Governor appoints the State Board of Education; the Chief State School Officer is elected (the California model).
- Structure Four—the Governor appoints both the State Board of Education and the Chief State School Officer.⁸⁹

Table 1 shows that no one structure has been decisively chosen over any other by the fifty states. Of the forty states that have chosen one of the four basic governance structures, twelve states have selected Structure One, eight states employ Structure Two, eleven states embrace Structure Three, and nine reflect Structure Four. The remaining ten states have unique governance structures.⁹⁰

Several States Have Made Some Governance Changes

During the past two decades, several states have made some changes to their K-12 governance systems. Some states have changed their structures entirely, or changed their rules of governance. Other states have made modest changes in the manner and authority by which Board members are appointed, while others have changed their number of Board members. Several states created a new Secretary for Education position (as was done here in California). In Arkansas, Florida, Maine, Maryland, New Jersey and Tennessee, for example, statutes specify that the CSSO is a member of the Governor's Cabinet.⁹¹

A Move Toward Centralization

Many states throughout the nation are attempting to centralize education policy in the Governor's office. In 35 states, the Governor appoints all or some of the State Board of Education (SBE) members. In 21 states, the Governor also, either directly or indirectly through his/her appointed SBE, appoints the Chief State School Officer (CSSO). For these states, considerable authority and accountability over education policy rests with the Governor.⁹² Conversely, in 12 states the SBE is elected, while in 11 states the CSSO is elected. For these latter states, the responsibility for setting educational policy is split among various decision-makers, and the Governor's influence over education policy matters is reduced.⁹³

The Role and Function of a State Board of Education (SBE)

The State Boards of Education throughout the nation have a variety of roles and functions. Although all Boards are legal administrative bodies, not all of them have parallel powers and duties, and the authority delegated to each varies.⁹⁴ Generally, most Boards have several common responsibilities, including: establishing certification standards for teachers and administrators; establishing high school graduation requirements; establishing state testing and assessment programs; selecting textbooks for use by school districts; establishing standards for accreditation of local school districts; establishing standards for preparation programs for

teachers and administrators; reviewing and approving the budget of the state education agency; establishing pupil academic standards; and developing rules and regulations for the administration of state programs.⁹⁵

Selecting the State Board of Education

There are a variety of mechanisms for selecting members to a State Board of Education. As Table 2 shows, in 29 states, the Governor appoints all members of the State Board, and in four states the Governor shares appointments to the Board with either the electorate or the legislature. Thirty states require Board members to be confirmed by either the legislature as a whole or by the Senate. Board members are elected in 11 states, either in partisan elections (six states) or nonpartisan elections (five states). In three states, Board members are selected in a combination of election and appointment.

As part of the selection process, some states restrict the number of Board members who are affiliated with any one political party. In addition, several states require that Board members represent various geographic areas of the state.⁹⁶

The Role and Function of the Chief State School Officer (CSSO)

The CSSO in most states is usually “responsible for the general administration of the state’s public school system, heads the state department of education and directs the activities of the department’s professional staff in regulating and supporting the state’s public schools. In some states, CSSOs have a role in adjudicating education controversies in the administrative appeals process . . . The [CSSO’s] relationship to the SBE depends, in part, on how the law provides for his or her selection. The CSSO usually sets the agenda for the state department of education, and the department under the CSSO’s leadership conducts research and provides data to inform the SBE in its policy-making function. By proposing legislation, setting the department’s agenda and controlling information provided by the state department of education, the CSSO can influence what issues are considered by the state legislature and the SBE.”⁹⁷

The titles most often associated with the CSSO are Superintendent of Public Instruction, Superintendent of Education, Commissioner of Education, Director of Education, and Secretary of Education. Often the title associated with the incumbent reflects what role and function the CSSO plays.

Table 1. Education Governance Structures in the Fifty States

STRUCTURE ONE (12 states)	STRUCTURE TWO (8 states)	STRUCTURE THREE (11 states)	STRUCTURE FOUR (9 states)
<i>Governor appoints SBE; SBE appoints the CSSO</i>	<i>SBE is elected; SBE appoints the CSSO</i>	<i>Governor appoints SBE; CSSO is elected</i>	<i>Governor appoints both the SBE and the CSSO</i>
Alaska Arkansas Connecticut Illinois Kentucky Maryland Massachusetts Missouri New Hampshire Rhode Island Vermont West Virginia	Alabama Colorado Hawaii Kansas Michigan Nebraska Nevada Utah	Arizona California Georgia Idaho Indiana Montana North Carolina North Dakota Oklahoma Oregon Wyoming	Delaware Iowa Maine Minnesota New Jersey Pennsylvania South Dakota Tennessee Virginia

States that do not conform to one of the four basic structures:

Florida – The state board of education (SBE) consists of seven elected cabinet members: the governor, secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and chief state school officer (CSSO).

Louisiana – Eight state board members are elected, and the governor appoints three members. The SBE appoints the CSSO.

Mississippi – The governor appoints five SBE members, while the lieutenant governor and speaker of the house each appoint two members. The SBE appoints the CSSO.

New Mexico – Ten SBE members are elected, and the governor appoints five. The SBE appoints the CSSO.

New York – The state legislature elects SBE members, and the SBE appoints the CSSO.

Ohio – State board is a hybrid, with 11 members elected and eight appointed by the governor with the advice and consent of the senate. CSSO appointed by SBE.

South Carolina – Legislative delegations elect 16 SBE members, and the governor appoints one SBE member. The CSSO is elected.

Texas – The SBE is elected, and the governor appoints the CSSO.

Washington – Local school boards elect SBE members, and the citizenry elects the CSSO.

Wisconsin – There is no SBE, and the CSSO is elected.

Source: State Education Governance Structures. Denver, CO: Education Commission of the States, 1993. Updated 1998.

Selecting the Chief State School Officer

The CSSO is elected in 15 states—six on a nonpartisan basis and nine on a partisan basis. In most of these states, the elected CSSO is part of the executive branch, or has an independent state administrative office with specific powers and duties prescribed by the state legislature.⁹⁸ Many states during the last century have moved away from electing their CSSO to appointing them. In 1900, the State Board appointed only 3 CSSOs, 7 were appointed by the Governor, and 4 by some other means; 31 were elected. In 1950, the Board appointed 13 CSSOs, 6 were appointed by the Governor, and 29 were elected.⁹⁹ Since 1983, three states have given up their elected CSSO in place of an appointed one.

Today, as Table 2 shows, the CSSO is appointed in 35 states, either by the State Board (25 states) or by the Governor (10 states). In those 25 states in which the Board appoints the CSSO, four require either gubernatorial or legislative approval. In the ten states in which the Governor appoints the CSSO, all appointments require legislative approval.

If California were to change its structure for selecting its CSSO from “elected” to “appointed,” a Constitutional Amendment would be required.

Table 2. Method of Selection of State Boards of Education and the Chief State School Officer

State	Method of Selection of State Board	Method of Selection of Chief State School Officer
Alabama	PB	AB
Alaska	AG; confirmed by Legislature	AB; approved by Governor
Arizona	AG; confirmed by Senate	PB
Arkansas	AG; confirmed by Senate	AB; approved by Governor
California	AG; confirmed by Senate	NPB
Colorado	PB	AB
Connecticut	AG; confirmed by Legislature	AB
Delaware	AG; confirmed by Senate	AG; confirmed by Senate
Florida	PB	PB
Georgia	AG; confirmed by Senate	PB
Hawaii	NPB	AB
Idaho	AG; confirmed by Senate	PB
Illinois	AG; confirmed by Senate	AB
Indiana	10 by AG; plus CSSO	PB
Iowa	AG; confirmed by Senate	AG; confirmed by Senate
Kansas	PB	AB
Kentucky	AG; confirmed by Legislature	AB
Louisiana	8 elected; 3 AG (confirmed by Senate)	AB
Maine	AG; confirmed by Legislature	AG; confirmed by Legislature
Maryland	AG; confirmed by Senate	AB
Massachusetts	AG	AB
Michigan	PB	AB
Minnesota	AG; confirmed by Senate	AG; confirmed by Senate
Mississippi	5 AG (confirmed by Senate); 4 by Legislature	AB; confirmed by Senate
Missouri	AG; confirmed by Senate	AB
Montana	AG; confirmed by Senate	PB
Nebraska	NPB	AB
Nevada	NPB	AB
New Hampshire	AG	AB
New Jersey	AG; confirmed by Senate	AG; confirmed by Senate
New Mexico	10 elected; 5 AG (confirmed by Senate)	AB
New York	Appointed by Legislature	AB
North Carolina	AG; confirmed by Legislature	PB
North Dakota	AG	NPB
Ohio	11 NPB; 8 AG	AB
Oklahoma	AG; confirmed by Senate	NPB
Oregon	AG; confirmed by Senate	NPB
Pennsylvania	Appointed by Legislature	AG; confirmed by Senate
Rhode Island	AG; confirmed by Senate	AB
South Carolina	16 Appointed by Legislature; 1 AG	PB
South Dakota	AG; confirmed by Senate	AG; confirmed by Senate
Tennessee	AG; confirmed by Legislature	AG; confirmed by Legislature
Texas	PB	AG; confirmed by Senate
Utah	NPB	AB
Vermont	AG; confirmed by Senate	AB; Governor approves
Virginia	AG; confirmed by Legislature	AG; confirmed by Legislature
Washington	9 elected by school boards; 1 by private schools	NPB
West Virginia	AG; confirmed by Senate	AB
Wisconsin	None	NPB
Wyoming	AG; confirmed by Senate	PB

SOURCE: Adapted from Council of Chief State School Officers and Education Commission of the States -- AB=Appointed by board; AG=Appointed by Governor or other administrative authority; PB=Partisan ballot; NPB=Nonpartisan ballot

A Precursor to Options for Restructuring California’s K-12 Governance System

California has long been plagued with a “two-headed” system of K-12 governance. Under this system there have been longstanding disputes over who is responsible for statewide policy making and the administration of California’s public school system. Numerous reports and studies since 1919 have recommended clarifying, redefining, or reinventing the roles and selection process for the Superintendent of Public Instruction and the State Board of Education. However, many of these recommendations were either not adopted by the legislature, were vetoed by the Governor, or were rejected by the voters. Since the State’s inception, California’s underlying structure of K-12 governance has remained virtually unchanged.

Following a national trend, recent California governors and members of this state’s legislature have encouraged the centralization of both policy making and the administration of K-12 education at the state level. Such centralization began with the passage of Proposition 13 in 1978. That proposition shifted the burden for financing K-12 education from local governments (via their property tax bases) to the State’s general fund. In addition, recent efforts at holding schools accountable for the performance of their students to statewide academic standards have furthered the cause of centralization.

With the State holding the purse strings, who controls the billions of state dollars that are earmarked for education will always be at issue. The Governor (and his appointed State Board of Education), the Legislature, the Superintendent for Public Instruction, and the Secretary for Education, as policy makers, have much at stake regarding how resources can be best spent. However, California’s current governance paradigm fosters fertile ground for disagreement, and current constitutional provisions and statutes remain unclear about how much authority each of the various K-12 education leaders has.

As state leaders continue their efforts of developing the State’s education agenda, establishing an effective governance system that addresses the most urgent policies will be no easy task. “There will always be tradeoffs in efforts to design an efficient education system with clear lines of authority while providing adequate checks and balances for control of the state’s education agenda.”¹⁰⁰

California’s longstanding debate over whether its Chief State Schools Officer should be elected or appointed focuses attention on whether the nature of the Superintendent’s office should be political or professional. “There are concerns that appointed chiefs, who are more likely to be professional educators, have a vested interest in the status quo. But concerns are also voiced that elected CSSOs, who are more likely to be politicians, may not fully understand the complexities of the educational enterprise and may make decisions based on political expediency rather than educational efficacy.”¹⁰¹

The expanded role that the Governor and Legislature are playing in the development of statewide education policy is also an issue when considering restructuring education governance. For nearly 150 years, the Superintendent and the State Board of Education in California have functioned somewhat independently from the Governor and Legislature, forming parallel structures (with executive and policy making offices) that administer the details of education policy based on broad gubernatorial and legislative guidelines. The creation

of a Secretary of Education, responsible for developing the Governor's education policy agenda, and for administering several small programs,¹⁰² provides an additional complicating dynamic in the business of education policy formulation and implementation.

With the Governor and Legislature becoming increasingly assertive in developing policy agendas related to school improvement, accountability and performance, the role and function of the Superintendent, the State Board, and the Secretary for Education warrants an extensive review. As part of that review, the Governor and legislature might consider alternative models of governance and administration for California's K-12 education system.

Options for Restructuring the Governance and Administration of K-12 Education

It should be noted that the following options are not mutually exclusive. There are numerous permutations among these options, as it is possible to combine several together. For example, the State Board of Education could be elected, and would appoint the Chief State Schools Officer. Or the Board could be appointed, and would appoint the CSSO. Another example would be both the State Board of Education and the Superintendent for Public Instruction could be elected, and the Superintendent could serve as a member of the Board, similar to how the State Controller sits as a member to the State Board of Equalization. To that end, the intent of the following options is to provide a point of departure for discussions among policy makers regarding alternative K-12 governance structures.

Option 1: Clearly define the role and function of the State Board of Education, the Chief State Schools Officer (currently Superintendent of Public Instruction), and Secretary for Education

The Governor and the Legislature could clearly define *in statute* the role and function of the State Board of Education, the Superintendent of Public Instruction, and the Secretary for Education. In defining these roles, the Governor and the Legislature could prescribe the authority and responsibilities of each of these three entities in a way that would preclude potential conflicts. The assumption here is that each of these educational authorities will continue to exist; yet it is possible to consolidate the function of or eliminate any entity as part of a restructuring effort.

It is important to note, however, that even if the Governor and the Legislature clearly define "statutorily" the roles of the Superintendent and the State Board, it is feasible that the Courts could reinterpret their powers and authority from a "constitutional" perspective.

The State Board of Education would be responsible for setting policy and for the governance of the state's K-12 education system. Some functions that the Governor and the Legislature might prescribe to the Board include, but are not limited to: formulating policies that supplement those prescribed by the Legislature; selecting textbooks for use by school districts; establishing high school graduation requirements; establishing state testing and assessment programs; establishing standards for accreditation of local school districts and preparation programs for teachers and administrators; establishing academic standards; reviewing and approving the budget of the state education agency; establishing certification standards for teachers and

administrators; developing rules and regulations for the administration of state programs; and providing the final stage of an appeals process regarding education controversies.

The role and function of Chief State School Officer (CSSO) would depend on how the incumbent was selected. Some functions that the Governor and the Legislature, or the electorate, might prescribe to the CSSO include, but are not limited to: the general supervision of the state's public school system; director of the State Department of Education; setting the agenda for the Department; directing of the activities of the Department's professional staff in regulating and supporting the public schools; the adjudication of education controversies as part of the administrative appeals process; and conducting research and providing information to the State Board to assist in policy making. If the Superintendent was appointed by the State Board or by the Governor, the incumbent should then be a member of the Governor's cabinet.

The Secretary for Education would be statutorily created, and would be the primary advisor to the Governor on education policy. The Secretary would be a member of the Governor's Cabinet, and would be responsible for developing the Administration's education policy agenda. The Secretary would serve as the Administration's ombudsman to the State's various education interest groups.

Option 2: Change the selection process for Board members

There are several alternatives regarding how State Board members could be selected. The Board could be appointed entirely by the Governor (as currently done), by a combination of appointments by the Governor and Legislature, or it could be elected. If Board members are appointed, the Legislature might wish to prescribe that the number of Board members affiliated with any one political party would be restricted, or that they represent various regions throughout the state. This option would require no change to the State's Constitution.

Option 2a. The Governor makes all appointments to the Board. (Status Quo)

Board member terms would be staggered and would not exceed four years in length. The Senate would confirm each of the Governor's appointments.

Option 2b. The Governor, the Speaker, and the Senate President pro Tempore share appointments to the Board.

The Governor and leaders of both houses of the Legislature would appoint Board members. Board member terms would be staggered and would not exceed four years in length. Senate confirmation might not be necessary.

Option 2c. The People elect the Board.

The People would elect the Board on a non-partisan basis. Elections would be staggered and held in concert with statewide elections every two years. Board members would be term-limited to eight years. Board members would represent various geographic regions of the State.

Option 3: The State Board of Education appoints the Chief State School Officer

The Board would appoint the Chief State School Officer, who in turn would carry out the Board's policies. The appointed CSSO would be responsible for the administration of all state programs through the state education agency. The CSSO would be directly accountable to the Board. This option would require amending the State's Constitution.

Option 4: Give the Governor the prime responsibility for education policy. The Governor appoints both the State Board and a Chief State School Officer

The Governor would appoint the Board. Board member terms would be staggered and would not exceed four years in length. Board members would represent various geographic regions of the state. The Senate would confirm the Governor's appointments.

The Governor would also appoint the state's Chief State School Officer. The CSSO would be a member of the Governor's cabinet, and would be responsible for: (1) carrying out the policies of the State Board; (2) acting as the Governor's primary advisor on education policy; and (3) administering all statewide K-12 programs.

A Constitutional Amendment would be required for these changes.

Option 5: Recognize the elected Superintendent as the State's chief education official

The elected Superintendent for Public Instruction would be responsible for all policy making and direction of K-12 educational activities in the State. The Superintendent would appoint a State Board of Education, whose members would be subject to Senate confirmation. The State Board would be advisory to Superintendent.

Option 6: Recognize an appointed Chief State School Officer as the State's chief education official. Eliminate the State Board of Education.

The Governor would appoint the state's Chief State School Officer. The CSSO would be a member of the Governor's cabinet. The CSSO would be responsible for: (1) developing and implementing all state policies pertaining to K-12 education; and (2) administering all statewide K-12 programs.

The State Board of Education would be eliminated. However, the CSSO might appoint advisory committees to assist him/her in the development of state policies or for the purpose of administering statewide programs.

This option would require a Constitutional Amendment.

Option 7: Maintain the status quo

Although there have been many confrontations between the Superintendent of Public Instruction and the State Board of Education, some scholars argue that such discourse is healthy, in that certain checks-and-balances are fostered by a system whereby a Board (responsible for setting state policy) works *with* an elected Superintendent, who is responsible

for administering the policies of the Board, while responding to the will of the electorate. The Governor would maintain the Secretary of Education position for the purpose of shaping the Administration's K-12 education policy. To that end, the Governor, the Legislature, and the electorate may wish to continue the current governance structure and should recognize that occasional conflicts will take place.

APPENDIX A – BALLOT ARGUMENTS

APPENDIX A1 – Arguments for and against Assembly Constitutional Amendment No. 3
Ballot of Tuesday, November 5, 1912

APPENDIX A2 – Arguments for and against Senate Constitutional Amendment No. 26
Ballot of Tuesday, November 6, 1928

APPENDIX A3 – Arguments for and against Senate Constitutional Amendment No. 2
Ballot of Tuesday, November 4, 1958

APPENDIX A4 – Arguments for and against Legislative Constitutional Amendment,
Proposition 1, Ballot of November 5, 1968

(Reproduced from ballot pamphlets for 1912, 1928, 1958 and 1968)

APPENDIX A1

**Arguments For and Against Assembly
Constitutional Amendment No. 3
Ballot of
Tuesday, November 5, 1912**

FREE SCHOOL TEXT-BOOKS

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3.

A resolution to propose to the people of the State of California an amendment to the constitution of the state by amending section 7 of article IX thereof, relating to boards of education, free text-books, and minimum use of such text-books.

**REASONS FOR ADOPTING ASSEMBLY
CONSTITUTIONAL AMENDMENT NO. 3,
RELATING TO BOARD OF EDUCATION AND FREE
SCHOOL BOOKS.**

This proposed amendment changes section 7 of article IX of the constitution by providing for a reorganization of the state board of education by the legislature—necessarily with the approval of the governor.

With the power and corrective of the initiative, referendum and recall in the hands of the people no fear need exist that the legislature, the governor and such reorganized board of education would not perform their full and comprehensive duties in their respective spheres of action.

The amendment provides that text-books for use in the day and evening elementary schools of the state shall be furnished by the state free of charge or any cost whatever to the children attending such schools: instead of, as at present, that such text-books shall be furnished to such children at the cost price.

Except for the two changes above noted, the proposed amendment makes no change in the existing law.

Under the amendment the best expert services of the country may be employed, or the best copyrights may be used under the royalty system, for the purpose of providing for a uniform

series of text-books for a standardized, uniform, fundamental education of the children of the state, which text-books may be printed, as now, at the state printing office.

The adoption of the amendment will make our elementary or common school education free in fact as well as in name.

With free schoolhouses, free school grounds, free tuition, and free apparatus, there is no reason why free text-books, the most needful of all, should not be furnished.

The cost to the state in making the change will be nominal. The cost of all the text-books of the state series furnished to the school children of the state for fiscal year ending June 30, 1911, amounted to only \$194,264. If a tax to raise that amount had been levied against the assessed valuation of all property in the state for that year, such tax would have amounted to only seven and four tenths mills upon the one hundred dollars valuation. If we add to this the cost of supplementals forced into the schools through the efforts of book agents, teachers and boards of education, which, in some counties, exceeds the cost of the regular series provided by law, the cost to the state will still be nominal.

Under the present efficient management of state printing, the cost of the state series of text-books has been reduced, on an average, at least twenty per cent, and the same management has demonstrated that henceforth these books may be printed and bound, using the best materials and workmanship needed for the purpose, for at least twenty per cent less than the former cost price. Such text-books will be used under such sanitary and other regulations as may be prescribed by the legislature.

So far as cleanliness and prevention of transmission of disease is concerned the children of the state will be as well or better protected under the free than under the present system, where the child and parents, under the theory of absolute ownership, believe they are entitled to do as they please with that which they own. Under private, or any, ownership or control, a book carried into the presence of infectious disease will, like clothing on the person, carry infection into the schools. Hence, real protection does not relate to the ownership of the book, but to public and private care in preventing the transmission of disease.

Free text-books will remove the last excuse that some selfish parents have for not sending their children to school. In many, many cases poor families will be benefited out of all proportion to the cost. It is true, on a pauper showing, free text-books may now be procured; but the American spirit will not endure such humiliation.

Opponents of this amendment will probably argue that it is unjust that the state should be required to furnish free text-books in the public elementary schools and not furnish the like books free to similar grades in private schools under private control. The same objection can as reasonably be made to the whole public school system. The complete answer to the objection is, that the state should not support, in whole, or in part, two school systems, the one system under state control and the other system under private control.

There are opponents to this amendment who profess to doubt its validity. Nearly all of the senate, and practically all of the assembly, lawyers and laymen, hold it to be valid. This fact, without entering into argument, should be sufficient.

A Warning

Some school-teachers, acting consciously or unconsciously in the interest of the private book-publishing concerns, the book trust, have advocated the submission of a constitutional amendment in opposition to the foregoing Assembly Constitutional Amendment No. 3, which proposed measure they hope to get upon the ballot through the initiative, by petition. This scheme provides for local adoption by each county, city and high school district, making in all some three hundred and twenty-five different possible adoptions, would destroy a uniform, fundamental education, and would put the state completely at the mercy of the book trust as to the text-books to be used and prices to be paid. The state printing office would be eliminated as a factor and the immense cost of the state printing plant, including the machinery, would be virtually thrown away, for the sole and only purpose of paying enormous profits to the book trust.

Therefore, every voter in the state should vote FOR Assembly Constitutional Amendment No. 3, which will be No. 2 in the column on the ballot containing the amendments and propositions to be voted upon: *and* every voter should likewise vote AGAINST any other amendment relative to text-books which may appear upon such ballot.

T. W. II. SHANAHAN

Author and Introducer,
Senator Second District

JOHN F. BECKETT

Assemblyman Sixty-third District

FRANK M. SMITH

Assemblyman Fifty-first District

ROBERT L. TELFER

Assemblyman Fifty-fifth District

DAN E. WILLIAMS

Assemblyman Twenty-sixth District
Introducers

ARGUMENT AGAINST ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3, RELATING TO BOARD OF EDUCATION AND FREE SCHOOL BOOKS.

It is provided by law that arguments for and against a proposed constitutional amendment should be sent by the secretary of state to each voter, together with such constitutional amendment. Having been appointed by the speaker of the assembly of the State of California, to prepare and present points against the so-called "Free Text-Book Amendment," I beg to submit the following. The title FREE TEXT-BOOKS, as applied to the foregoing proposed constitutional amendment, is a misnomer, for the reason that the cost of the text-books comes from the state treasury, and you, Mr. Voter, are paying for the same through your taxes. It is true, of course, that the state funds are supplied by the corporations, but in the event that the taxes derived from the corporations are insufficient to operate the state government, you will be required to pay to the state your pro rata of that deficit in order to meet the needs and

requirements of state government. The cost of printing school text-books and distributing them free of charge will run into large figures each year, and may cause or contribute to the cause of creating a deficit, and those of you who do not have children attending the public elementary schools will be contributing to the cost of the books of such children as do attend such schools.

Such an amendment as the foregoing is not required for the purpose of assisting parents who may be unable to pay for their children's books used at public school. If a parent is financially unable to pay for school books for his or her child, or children, there is a provision in the law which will enable such parent to obtain school books free of charge, upon the proper application being made therefor. A sensible teacher or principal, to whom such application is made, will certainly keep such applications from being publicly known, and will thereby avoid offending the feelings or sensibilities of the applicant.

There is a stringent objection, from a sanitary standpoint, viz., to give to a scholar an old and soiled text-book which has been used by others may tend to the spreading of germs and the dissemination of children's diseases. I have been informed that the epidemic of infantile paralysis, last year, in the city of Boston, was largely attributed to the use of infected school text-books.

Educators—teachers in class room principally, uniformly say that scarcely anything plays a greater part in creating a liking in a child for study than a new, crisp and clean text-book—a thing which, during the four years that a text-book is in use, would be unknown. If it were to be the intention of disinfecting these school books after a child had used them, the cost of such disinfection would be great and the process destructive.

As a general proposition, when one receives something for nothing, it is usually treated as being worth nothing, therefore these books will not receive the same treatment at the hands of the children that a privately owned book would receive. A parent who is obliged to spend a few cents which a text-book costs usually sees to it that his child does not destroy, mutilate, or otherwise abuse the book; such parental supervision, in the event of free text-books, will be entirely eliminated.

The giving of books free to the children of state schools and not the children of other schools (and all of them contribute to a great educational benefit to our people), is a discrimination and increases the burden of supporting schools which are not operated by the state.

For the foregoing reasons, I believe that this amendment is unnecessary, and should be defeated.

MILTON L. SCHMITT
Assemblyman, Fortieth District.

APPENDIX A2

**Arguments For and Against Senate Constitutional
Amendment No. 26
Ballot of
Tuesday, November 6, 1928**

EDUCATION

Senate Constitutional Amendment 26

Amends Sections 2, 3 and 7, Article IX, of Constitution. Provides for State Board of Education, composed of ten members with ten-year terms, appointed by Governor with concurrence of Senate, Superintendent of Public Instruction to be Executive Secretary thereof with salary fixed by law; Board to provide, under legislative regulations, text-books for elementary schools; empowers Legislature to transfer jurisdiction of such Superintendent to Director of Education whenever hereafter it creates latter office, vacating other office while latter exists; authorizes regulations whereby holders of State credentials may teach without county certificates.

Argument in Favor of Senate Constitutional Amendment No. 26

To keep the school system of California out of politics is the object of this amendment. Experience shows that this requires a State Board of Education:

- (1) Which holds office for a long time,
- (2) Which is not subject to removal with each turn of the political wheel,
- (3) Which has undivided responsibility and authority.

Our state now labors under the handicap of a double-headed system. The state board is appointed by the Governor; the state superintendent is elected by the people. The possibility of deadlock has long been realized. A legislative commission, in 1919, gave warning of this danger. This deadlock, with its consequent paralysis of our state school system, actually occurred in 1925-1927, when the teachers colleges at San Francisco and San Jose were without presidents for two years because the state board would not ratify the appointments of the state superintendent.

This amendment removes this danger of deadlock. Moreover, it unifies the administration of the state school system under one central agency:—a new State Board of Education, which appoints a director of education. Thereupon the office of state superintendent becomes vacated, his duties being carried out by the director of education.

This substitution takes place only under the safeguards provided in the amendment. These safeguards prevent the domination of the board by any one Governor in any four-year term after its initial appointment. Only in case a Governor is reelected does he have the appointment of a majority of the board.

As a further safeguard each appointment must be confirmed by the very high vote of two-thirds of the senate.

The most important safeguard of all, more effective than the recall, is the power of the legislature to restore the position of state superintendent if the system of appointment by the board does not prove satisfactory.

In the effort to secure unity, the other method of selecting the state board: namely, by election, had to be eliminated because our state constitution places in the board the selection of text-books. If the members of the Board were elected it would, therefore, make the board a political prize sought after by commercial interests.

Experience has shown that uniformly capable city and state superintendents have more often been obtained through appointment than through election.

A state board must have the assurance and independence of action that can only come from long-term appointments, otherwise it will become timid, its eyes always watching elections. If it can be ousted at the whim of changing political administrations, the school system of the state will be kept in constant political turmoil.

The amendment does not change the present provisions with regard to free state textbooks, and makes only minor changes relative to county boards and superintendents and teachers' credentials.

That the legislature almost unanimously approves of this amendment is shown by the fact that only ten votes were cast against it out of 120 members.

The plan proposed resembles the method by which the University of California is administered.

Measures similar to this amendment have been adopted by New York, Massachusetts, Pennsylvania and other states which lead in education. Our present State Superintendent of Public Instruction, the deans of three large California universities and practically all other educational experts strongly endorse it.

HERBERT C. JONES

State Senator, Twenty-eighth District.

SANBORN YOUNG

State Senator, Twenty-seventh District

Argument Against Senate Constitutional Amendment No. 26

Senate Constitutional Amendment No. 26 sets up an appointive State Board of Education with ten members whose term of office is ten years. The members of this board are to be appointed by the Governor and confirmed by the senate and when in office are not subject to recall nor to impeachment, nor to removal from office except for conviction of a crime. Long-term boards, even when subject to removal, have a tendency to become autocratic and domineering. It is inevitable that this unwelcome tendency will be intensified greatly in a board vested with extensive powers, holding office for ten years, and not subject to control by the people.

Amendment No. 26 gives the legislature power to suspend the office of State Superintendent of Public Instruction. Whenever this shall be done, and it is proposed to do it in 1929, a new office to be known as Director of Education is set up by this amendment. This part of the amendment is designed to change the office of State Superintendent of Public Instruction from an elective to an appointive office and to increase the salary from \$5,000 a year and traveling expenses to a larger salary with traveling expenses. This part of the amendment is based on the theory that the people have proven themselves incapable of choosing worthy persons as State Superintendent of Public Instruction. The advocates of this plan forget that California has one of the best public school systems in the nation, which system has been fostered and developed by several of the greatest educational leaders of this country, all of whom were elected Superintendents of Public Instruction by the direct vote of the people. This amendment is a part of that insidious campaign which steadily, step by step, is stripping the people of the power of self-government and is setting up a government by appointment in place of a government by popular election. The advocates of this type of government mask their plans with arguments which ignore their real purpose and call attention to other matters. It is easy to surrender self-government. It is most difficult to regain it. Ostensibly this amendment aims to set up a unified state control of our schools. Really it takes the control of our schools from the people and vests that control in a State Board of Education responsible to no one, not even to the Governor who appoints it, or to the senate which confirms it.

FRANK C. WELLER
State Senator, Thirty-Sixth District

APPENDIX A3

**Arguments For and Against Senate Constitutional
Amendment No. 2
Ballot of
Tuesday, November 4, 1958**

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Senate Constitutional Amendment No. 2. Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation of State Senate.

Analysis by the Legislative Counsel

Under Section 2 of Article IX of the California Constitution, the Superintendent of Public Instruction is now elected to office each four years at the same time the Governor is elected. He takes office on the first Monday after the first day of January following his election.

This constitutional amendment would provide that, after the expiration of the term of the person elected to the office of Superintendent of Public Instruction in 1958, the office shall be filled by appointment. The appointment is to be made by the State Board of Education with the advice and consent of the Senate, and the first such appointment would be made in January, 1963. Under Section 16 of Article XX, the office would be held at the pleasure of the Board of Education, unless the Legislature prescribes a term of office not to exceed four years.

The amendment would also delete obsolete language relating to the salary of the Superintendent, which was superseded in 1944 by the adoption of Section 22 of Article V.

Argument in Favor of Senate Constitutional Amendment No. 2

VOTE "YES" ON PROPOSITION NO. 13 AND IMPROVE OUR SCHOOLS

Proposition No. 13 corrects the present law and fixes the full responsibility for sound educational programs for our children with the Governor.

Under present law the Governor must appoint a State Board of Education which has the responsibility for establishing the educational policies of our state but the law does not provide any staff for this board to carry out the policies it determines.

Proposition No. 13 will bring the method of selection of the Superintendent of Public Instruction into conformance with the method of selection of school district superintendents throughout the state by requiring the State Board of Education to appoint the Superintendent of Public Instruction the same as local school boards appoint district superintendents, with the added protection to the public of confirmation by the Senate.

Proposition No. 13 is endorsed by leading educators including the California School Administrators Association.

Vote “YES” on PROPOSITION NO. 13 and improve our educational system.

GEORGE MILLER, JR.,
State Senator

ERNEST R. GEDDES,
Member of Assembly
49th Assembly District

Argument Against Senate Constitutional Amendment No. 2

The State Superintendent of Public Instruction has always been one of the constitutional officers elected by the people. The framers of our State Constitution quite properly felt that this office was so important that it should be filled by popular election. Thus, under our democratic system, we have for more than 100 years preserved the right of the citizens to pass judgment on anyone seeking this highest of educational offices in the state.

Senate Constitutional Amendment 2 proposes to do away with the traditional way of electing the State Superintendent. It would abandon the system under which any citizen can now seek the job and would place in the hands of the State Board of Education the responsibility of selecting the Superintendent, subject to confirmation by the Senate.

Inasmuch as members of the State Board of Education are appointed by the Governor for terms of four years, this method could lead to domination of the State Superintendent by the Governor or even by special interests.

If the appointment of the Superintendent were to be vested in the Board, the terms of the Board members should be lengthened and staggered to prevent any one Governor from gaining complete control of the Board and of its subsequent appointments. Otherwise it would be unwise to have the Board name the Superintendent.

The argument is made that this constitutional amendment merely utilizes at the state level the same system of having a lay board select a professional educator long used in choosing superintendents for local school districts. While this is true it does not in itself assure the selection of a competent person for the job.

The present system has worked well for more than 100 years and no convincing case has been made to indicate that any change should be made at this time.

If you are going to appoint a State Superintendent of Schools, why not make all other state officials appointive too.

NATHAN F. COOMBS, Senator for Napa County
HUGH P. DONNELLY, Senator for Stanislaus County

APPENDIX A4

Arguments For and Against Legislative Constitutional Amendment Proposition 1 Ballot of Tuesday, November 5, 1968

CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Repeals, amends, and revises various provisions of Constitution relating to public school system, state institutions and public buildings, cities and counties, corporations and public utilities, water use, state civil service, future constitutional revisions, and other matters. Legislature may provide that Superintendent of Public Instruction be chosen by method other than election; and Legislature may increase membership of Public Utilities Commission.

General Analysis by the Legislative Counsel

- A. "Yes" vote on the measure is a vote to revise portions of the California Constitution dealing with the initiative and referendum, public education, state institutions and public buildings, counties and cities, corporations, public utilities, appropriation of water, homesteads and public lands, state civil service, and procedures for amending and revising the Constitution. A "No" vote is a vote to reject this revision. For further details see below.

Detailed Analysis by the Legislative Counsel

This measure would revise portions of the State Constitution listed in the General Analysis above. The revision would include substantive and nonsubstantive changes of the existing provisions, consolidation and rearrangement of provisions, deletion of provisions, and transfer of provisions to the statutory law by Chapter 767 of the Statutes of 1968 which will take effect if this measure is adopted.

Substantive changes in the Constitution that would be effected by the revision, include, among others, the following:

Public Education

- (a) The Superintendent of Public Instruction would be made executive officer of the State Board of Education. The present method of his selection, by statewide election, could be changed by the Legislature by a two-thirds vote.
- (b) Existing provisions requiring the State Board of Education to adopt and provide a uniform series of free textbooks for use in elementary schools would be replaced

with a requirement that the board provide, at state expense, a series of textbooks for use in elementary schools.

- (c) Existing provisions fixing the minimum amount of money to be provided annually for support of the public schools would be replaced by a requirement that the Legislature grant basic state financial aid to each school district.
- (d) Provisions relating to the public school system, the composition thereof, and powers of the Legislature with respect thereto would be revised. The measure would require that school districts and intermediate units be provided by statute, to be governed by boards and executive officers.
- (e) Other provisions concerning the election or appointment of various state and local officers of the public school system would be revised.

Argument in Favor of Proposition 1

California's archaic 1879 Constitution has been amended more than 350 times and is one of the longest constitutions in the world. A former Chief Justice of the California Supreme Court describes it as: ". . . cumbersome, unelastic and outmoded . . . It is not only much too long, but it is almost everything a constitution ought not to be."

In 1962 by more than a 2 to 1 vote, the people mandated modernization of their Constitution. As a result, a blue-ribbon Constitution Revision Commission of leading California citizens was appointed to recommend a revised Constitution. These dedicated citizens, from all walks of life, have now worked without pay for four years and spent thousands of hours at their task. The commission's initial effort produced Proposition 1a which the people approved in 1966 by a vote of 3 to 1 thereby revising the legislative, executive, and judicial articles.

Proposition 1 is the second phase of the Commission's work and represents two years of careful deliberations. It has also been considered extensively by the Legislature and was approved for submission to the people by a two-thirds vote of the members of the Assembly and Senate.

Proposition 1 revises the articles on education, state institutions and public buildings, cities and counties, corporations and public utilities, land and homestead exemption, amending and revising the constitution, and state civil service.

The more significant constitutional provisions in Proposition 1 include continued election of the State Superintendent of Public Instruction, subject to change by statute approved by two-thirds of the members in each house of the Legislature which in turn is subject to the Governor's veto and the people's powers of initiative and referendum. Charges for attending elementary or secondary public schools are prohibited and free elementary textbooks are assured. The present city-county system of local government is preserved. The Public Utilities Commission is continued and provision is made for its powers as an important regulatory agency responsible for protecting the public's interests. And, continuation of California's outstanding civil service system is guaranteed.

It shortens the Constitution by eliminating unnecessary verbiage, obsolete provisions and provisions which are more appropriate in statutory form. It modernizes the remaining provisions by rephrasing and changing them to fit today's needs.

State government today faces new challenges and new responsibilities not dreamed of in 1879. This partial revision of our constitution attempts to meet those challenges by making government more flexible and able to do the job which our citizens have a right to expect. If states are to survive and prosper in our system, they need the tools of effective government— Proposition 1 is another giant step toward that goal. California is again leading the way. Vote YES on Proposition 1.

ASSEMBLYMAN JOE A. GONSALVES
SENATOR RICHARD J. DOLWIG
JUDGE BRUCE W. SUMNER
Chairman, Constitution Revision
Commission

Argument in Favor of Proposition 1

We support this proposed revision of the State Constitution and urge all Californians to vote YES on Proposition 1.

ROBERT FINCH
Lieutenant Governor
JESSE M. UNRUH
Speaker of the Assembly
HUGH M. BURNS
President Pro Tempore of the Senate

Argument Against Proposition 1

This proposition should be turned down by the voters. It opens the way for the state government in Sacramento to assume control of local governmental affairs on a sweeping scale. The proposed revision clearly reflects the idea that a centralized governmental apparatus in Sacramento is better qualified than the citizenry to regulate local affairs.

A "NO" vote on Proposition 1 is urged so that Constitutional guarantees which the people now reserve to themselves will not be lost. For example, the proposed revision:

- REMOVES THE GUARANTEE that specific public officials will be elected;
- REMOVES THE GUARANTEE that the state will participate in the financial support of each school district;

—REMOVES THE GUARANTEE that the goals of the public school system are limited and clearly defined; and it

—REMOVES THE GUARANTEE of local control over local affairs.

The measure removes from the Constitution language which, over the years, has acquired an established meaning, and substitutes undefined ambiguous expressions which are likely to cause great turmoil. It abolishes the guarantee that there be an elected county superintendent of schools, and empowers the state government to provide for “intermediate units” in the public school structure. It eliminates provisions guaranteeing that the state will annually provide school districts with at least \$120 for each pupil, and substitutes the vague expression that the state shall grant “basic state financial aid” to each district. It eliminates provisions which define the particular schools and institutions which are to comprise the public school system and the educational objectives of the system, and provides merely that the state government shall “provide for and support a free public school system.”

The measure removes provisions specifying that each county shall have a board of supervisors, a sheriff, a county clerk, a district attorney, and other officers, and specifies merely that there shall be a “governing body” and “other powers.” It removes restrictions on the power of the state government to limit local property tax rates.

The measure removes the guarantee that the State Superintendent of Public Instruction shall be elected by the people, and authorizes the state government to change the methods of his selection. It removes conflict of interest safeguards affecting the Public Utilities Commission and other public officials. It extensively revises provisions concerning the furnishing of free textbooks for elementary schools. The language specifies that “a series of textbooks” shall be furnished. This could tie the state to the outdated single adoption system or to an entire series of a single publisher or author.

This proposition was rushed through the Legislature without the benefit of adequate consideration and study by local governmental bodies and citizens’ groups. Although we recognize the need to eliminate obsolete or repetitious language in the Constitution and to rearrange and consolidate some of its sections we urge a “NO” vote on this proposition in

order to guarantee the Constitutional safeguards which protect you against the concentration of excessive governmental power in Sacramento.

JOHN STULL, Assemblyman
80th District

ROBERT H. BURKE, Assemblyman
70th District

H. L. RICHARDSON, Senator
19th District

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Endnotes

¹ The written summary of proceedings of the first Constitutional Convention indicates that the debate of selecting the Superintendent included an argument of whether the Legislature would appoint the official, or if the People would elect him. The summary does not mention any consideration of another appointing authority, such as the Governor or a State Board of Education.

² California Constitution of 1849, Art. IX, § 1.

³ California Constitution of 1849, Art. IX, § 1, as amended in 1960, and in 1990 by Prop. 140.

⁴ *State Board of Education v. Bill Honig*. California State Court of Appeal, Third Appellate District, 1993, 4.

⁵ Chapter 53, Article 4, § 1 statutorily changed the Superintendent's responsibilities in 1852. Subsequent changes to the Superintendent's responsibilities were by Statute of 1913, page 774; by Chapter 605 of 1921; and by Chapter 162 of 1929. The role of the Superintendent was also changed by Constitutional Amendment in 1862 and in 1946. Responsibilities of the Board were in Chapter 556 of 1870. Subsequent changes to the Board's responsibilities were by Constitutional Amendment in the following years: 1884, 1894, 1911, 1912, 1970, 1976; and in statute by Chapter 328 of 1913 and by Chapter 453 of 1927. A complete review of these statutes and Constitutional Amendments appears in *State Board of Education v. Bill Honig*, 3-5.

⁶ John Swett, *History of the Public School System of California*, 1876, 12.

⁷ *A History of the California State Department of Education, 1900-1967*, 4.

⁸ *Ibid.*, 6.

⁹ Normal schools were teacher-training institutes, modeled after "normal" schools in Europe. In California, they initially provided three-year training programs. The "normal schools" were a precursor to the California State University, which today has as a primary mission the of training the State's teachers.

¹⁰ Stats. 1869-1870, ch. 556, § 1, 824.

¹¹ *A History of the California State Department of Education, 1900-1967*, 6.

¹² *Debates and Proceedings of the Constitutional Convention of the State of California*, September 28, 1878, Three Volumes, Sacramento, 1880, 1091-1097.

¹³ Edwin F. Klotz., *Analysis of the Relationship of the State Board of Education and the Superintendent of Public Instruction*, November 1967, 6-7.

¹⁴ *Ibid.*, 7.

¹⁵ *A History of the California State Department of Education, 1900-1967*, 6.

¹⁶ *Ibid.*, 7.

¹⁷ *State Board of Education v. Bill Honig*, 5.

¹⁸ *A History of the California State Department of Education, 1900-1967*, 7.

¹⁹ California State Board of Education, *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, (Sacramento: The Board), March 7, 1988, 13.

²⁰ Ellwood P. Cubberly, in *California State Department of Education, Bulletin G-2*, (Sacramento: California State Department of Education), 1928, 5.

²¹ *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, 13-14.

²² The Amendment passed overwhelmingly, with 343,443 people voting "for" and 171,486 people "against."

²³ *A History of the California State Department of Education, 1900-1967*, 7-8.

²⁴ Chapter 328 of the Statutes of 1913.

²⁵ *Analysis of the Relationship of the State Board of Education and the Superintendent of Public Instruction*, 8.

²⁶ *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, 19.

²⁷ Johnson. *Development of the Central State Agency for Public Education in California, 1849-1949*, 1952, 77.

²⁸ E.R. Snyder, "State Department Reorganization", *California Blue Bulletin*, March 1919, 2; in *State Board of Education v. Bill Honig*, 1993, 7-8.

²⁹ *A History of the California State Department of Education, 1900-1967*, 12.

³⁰ *Ibid.*

³¹ *Report of the Special Legislative Committee on Education*, 1920, 17-20.

³² *Ibid.*

³³ *Ibid.*

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- ³⁴ *A History of the California State Department of Education, 1900-1967*, 14.
- ³⁵ *Ibid.*, 16.
- ³⁶ *Ibid.*, 18.
- ³⁷ *Ibid.*
- ³⁸ *Ibid.*
- ³⁹ California State Department of Education, *Thirty-second Biennial Report of the Superintendent of Public Instruction*, (The Department, 1927), 14.
- ⁴⁰ The Amendment to eliminate the elected Superintendent failed by a margin of 551,858 “for” to 714,411 “against.”
- ⁴¹ *A History of the California State Department of Education, 1900-1967*, 21.
- ⁴² The Superintendent for Public Instruction was the ex-officio Director.
- ⁴³ Statutes of 1929, ch. 162, p. 303; School Code, p. 107. This statutory language is now found in § 33301.
- ⁴⁴ *A History of the California State Department of Education, 1900-1967*.
- ⁴⁵ California Attorney General Opinion 36, 1943.
- ⁴⁶ *State Board of Education v. Bill Honig*, 14.
- ⁴⁷ *A History of the California State Department of Education, 1900-1967*, 31.
- ⁴⁸ *A History of the California State Department of Education, 1900-1967*, 31.
- ⁴⁹ *The Administration, Organization and Financial Support of the Public School System, State of California. A Report of the Study Required by Chapter 36, Statutes of 1944*. State Reconstruction and Reemployment Commission, February, 1945, 7-8.
- ⁵⁰ Opinion California Attorney General, 215-216, 1954.
- ⁵¹ *State Board of Education v. Bill Honig*, 15-16.
- ⁵² *A History of the California State Department of Education, 1900-1967*, 37. One member of the Board would be nominated per year by the California School Boards Association and elected by the School districts. Each district would cast one vote.
- ⁵³ The Amendment failed by a margin of 1,519,209 “for” to 2,522,998 “against.”
- ⁵⁴ *A History of the California State Department of Education, 1900-1967*, 37-38.
- ⁵⁵ *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, 22-23.
- ⁵⁶ California Attorney General Opinion 105, 1963, 114-115.
- ⁵⁷ Assembly Constitutional Amendment No. 2, Assembly Constitutional Amendment No. 8 (which also would have required that the State Board of Education would be elected), and Assembly Constitutional Amendment No. 53 of the 1963 Regular (General) Session.
- ⁵⁸ *A History of the California State Department of Education, 1900-1967*, 44.
- ⁵⁹ *The Emerging Requirements for Effective Leadership for California Education*. Submitted by Arthur D. Little, Inc., State Department of Education, November 1964, 1.
- ⁶⁰ *Ibid.*
- ⁶¹ *A New Organizational System for State-Level Educational Administration*, Submitted by Arthur D. Little, Inc., State Department of Education, 1967, 5-6.
- ⁶² *Ibid.*
- ⁶³ *Ibid.* 54-57.
- ⁶⁴ *Ibid.* 64.
- ⁶⁵ *Ibid.*
- ⁶⁶ The Amendment failed by a margin of 2,606,748 “for” to 3,462,301 “against.”
- ⁶⁷ The Commission’s chair, Judge Bruce Sumner, Assemblyman Joe Gonsalves, and Senator Richard Dolwig, as well as Speaker of the Assembly Jesse M. Unruh, Lieutenant Governor Robert Finch, and Senate President Pro Tempore Hugh Burns supported the idea. Senators John Stull and H.L. Richardson and Assemblyman Robert Burke opposed it.
- ⁶⁸ *A History of the California State Department of Education, 1900-1967*, 54.
- ⁶⁹ *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, 16-17.
- ⁷⁰ Chapter 1412 of 1970. Following adoption of [the 1970] amendment, Article IX, Sections 7 and 7.5 of the Constitution read as follows:

Section 7. The Legislature shall provide for the appointment or election of the State Board of Education and a board of education for each county.

Section 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.

⁷¹ *A Brief Review of the History of Constitutional and Statutory Provisions Regarding the State Board of Education and the Superintendent of Public Instruction*, 18.

⁷² This came about with the adoption of AB 2166 (Chapter 1163/83) by Assemblyman Tom Bane. While the original legislation provided for a sunset of the law in 1987, AB 2539 (Chapter 395/1985), also by Mr. Bane, was enacted in 1985 that removed the sunset clause.

⁷³ Superintendent Honig changed his registration from Democrat to Decline-to-State prior to his running for office.

⁷⁴ California. Milton Marks Commission on California State Government Organization and Economy ("Little Hoover Commission"). *K-12 Education in California: A Look at Some Policy Issues*, February 1990, 1.

⁷⁵ *Ibid.*, 35-36.

⁷⁶ *Ibid.*, 71.

⁷⁷ Executive Order W-1-91. Governor Pete Wilson, 1991.

⁷⁸ John C. Bollens and G. Robert Williams, *In a Plain Brown Wrapper*, 150-151.

⁷⁹ SB 479 (Morgan) in 1991, SB 266 (Morgan) in 1993, SB1710 (Bergeson) in 1994, and AB 621 (Brulte) in 1995 each attempted to create a Secretary for Child Development and Education in statute.

⁸⁰ Senate Bill 856 (Dills). Introduced by Senator Ralph Dills in the 1993-94 legislative session.

⁸¹ In his veto message, Governor Wilson wrote that the bill "would restrict governors' ability to shape education policy. To some extent, all governors are elected on the basis of public policy objectives and priorities they outline. The gubernatorially appointed State Board of Education is a very important way that governors can have an avenue into public policy . . . To deny the chief executive of the state the ability to articulate policy objectives in matters of education would be shortsighted and unreasonable."

⁸² *Recommendations of the California Constitution Revision Commission to the Legislature and the Governor*, 45, August 1996.

⁸³ *Ibid.*

⁸⁴ California, Legislative Analyst's Office (LAO), *A K-12 Master Plan*, p.16, (Sacramento: LAO, May 1999).

⁸⁵ *Recommendations of the California Constitution Revision Commission to the Legislature and the Governor*, 47-49.

⁸⁶ Education Code § 33051 (a).

⁸⁷ *Ibid.* 56.

⁸⁸ D. W. Burnes, et al., *State Governance of Education: 1983*, Education Commission of the States.

⁸⁹ *Ibid.*, 6.

⁹⁰ *Update to State Education Governance Structures*, Education Commission of the States, 1999 (Appendix B).

⁹¹ McCarthy, Martha et al., *State Education Governance Structures*, Education Commission of the States, 24.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.* 11.

⁹⁵ Adapted from D. K. Cohen, *State Boards in an Era of Reform*, 60-64.

⁹⁶ *State Education Governance Structures*, 12.

⁹⁷ *Ibid.*, 19.

⁹⁸ *Ibid.*, 22.

⁹⁹ *State Education Governance Structures*, 19-21.

¹⁰⁰ *State Education Governance Structures*, 32.

¹⁰¹ *Ibid.*

¹⁰² One example is the Academic Mentoring Program—a \$10 million grant program for public schools.

California Constitution Revision Commission

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CONSTITUTION
CALIFORNIA CONSTITUTION
of the
REVISION COMMISSION
STATE of CALIFORNIA.

*We the People of California
grateful to Almighty God for our freedom, in order to secure its blessings do
establish this Constitution.*

Article I.

Section 1
**FINAL REPORT
AND**

*All men are by nature free and independent, and have certain inalienable rights,
among which are those of liberty, requiring protection, and protection
requiring, and protection for property, and pursuing and obtaining safety and happiness.*
*All political power is inherent in the people. Government is instituted for the pro-
tection, security, and benefit of the people, and it has no right to alter or reform
the same, whenever the public good may require it.*
**RECOMMENDATIONS
TO THE GOVERNOR
AND THE LEGISLATURE**

Sec. 3.

*The right of trial by jury shall be secured to all, and remain inviolate forever,
but a jury trial may be waived by the parties, in all civil cases, in the manner to be pre-
scribed by law.*

Sec. 4.

*The free exercise and enjoyment of religious profession and worship, without dis-
crimination or preference, shall forever be allowed in this state; and no person shall
be rendered incompetent to be a witness on account of his opinions on matters of re-
ligious belief, but the liberty of conscience hereby secured, shall not be so construed, as to
excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this
state.*

Sec. 5.

*The privilege of the writ of habeas corpus shall not be suspended, unless when in
rebellion or invasion, the public safety may require its suspension.*

1996

Sec. 6.

*Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel
punishments be inflicted, nor shall witnesses be unreasonably detained.*

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CALIFORNIA CONSTITUTION REVISION COMMISSION
1994 to 1996



Dear Governor Wilson and
Members of the California Legislature:

Three years ago, the legislature and the governor agreed that a fundamental review of California government was imperative. The result was the creation of the 23-member California Constitution Revision Commission.

The Commission, consisting of gubernatorial and legislative appointments and selected state officers, met for the first time in May 1994. The governor and legislative leaders addressed the Commission and urged it to be bold and creative and to consider all relevant issues—however controversial. The Commission's recommendations reflect those admonitions. Thirty public meetings were held including four formal public hearings, plus five workshops and, along with the League of Women Voters, 39 community forums and video conferences. The Commission completed its work and went out of business on June 30, 1996. During the course of our work, it became very clear that we needed to change the way state and local governments operate.

For reasons the Commission quickly figured out, the status quo is no longer acceptable. Principal among the reasons is that the state's population with its varied public service needs continues to grow while the resources needed to provide services do not grow as fast. Neither the voters nor state and local officeholders are anxious to raise taxes.

The conclusion is obvious. We must find ways to provide needed services with existing resources. This means that government must operate more efficiently. The state's governmental system developed in the nineteenth century will not be adequate for the twenty-first century.

It is well known to each of you that many voters do not believe that their taxes are being used wisely or efficiently. And, perhaps equally important, it is not clear to our citizens who is responsible for public decisionmaking. With 7,000 units of local government in the state and at least 15,000 elected officials, it seems clear that California has considerably more government than it needs.

Accomplishing needed changes will mean upsetting public institutions, many of which were organized when the state's population was smaller and when public policy issues were far less complex.

Naturally, this is not an easy process. The Commission has made a series of recommendations that would begin this process of change. The advocates for the status quo are more numerous and better organized than those who will support these needed changes. As a consequence, it will be up to state and local political leaders to bring about a more workable and efficient system of government that will be appropriate for the next century.

It is for these reasons that the Commission urges the legislature to begin the process of reviewing our governmental and finance system and placing these issues before the voters. It is critical that we begin to require our governmental organizations to work better and more effectively for the citizens of California.

Sincerely,

A handwritten signature in black ink that reads "Bill Hauck". The signature is written in a cursive, slightly slanted style.

William Hauck
Chairman

THE CALIFORNIA CONSTITUTION REVISION COMMISSION

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* The membership list includes all members who served on the Commission. For the dates of appointment and length of service, see the member biographies at Appendix 1, page 105.

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III

Changing K–12 Education: Focusing Accountability at the State and Local Levels

III. Changing K–12 Education: Focusing Accountability at the State and Local Levels

The governance structure of elementary and secondary education is divided among several state, county, and local authorities. Lines of accountability are blurred. Although elementary and secondary education are a shared local and state responsibility, local K–12 districts have little authority to raise taxes to provide additional funds for education. Additionally, cities, counties, and many special districts provide services that affect a child’s education and health, yet there are few formal incentives for the collaborative delivery of services that might lead to more efficiency and cost savings.

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Perceptions of how the K–12 education system operates do not coincide with reality. In fact, several myths exist as to just how California’s education system operates and who bears ultimate responsibility for K–12 education policies. First, there is a myth that the superintendent of public instruction is responsible for the state’s education system. The reality is many officials make decisions concerning the state’s education system. The current system provides education roles for the governor, superintendent, state Board of Education, county offices and local school district boards, administrators, and teachers. Citizens have difficulty knowing whom they should hold accountable for educational quality and results.

As described in the section on executive branch organization, at the state level California’s public education system is administered by the Department of Education under the direction of the state Board of Education and the Superintendent of Public Instruction. Presently, the superintendent has three roles: 1) Director of the State Department of Education; 2) Executive Secretary to the State Board of Education; and, 3) Superintendent of Schools. The primary responsibilities of the superintendent and the department are to provide education policy direction to local school districts and to work with the educational community to improve academic performance. Any governing or administrative authority over the schools is derived from state laws and not the constitution.

Conflicts frequently occur over who has jurisdiction in a particular educational policy area. For example, the 1993 court decision State Board of Education v. Honig involved a number of issues relating to the roles and responsibilities of the board and the superintendent. The California Appellate Court ruled in favor of the board, and the California Supreme Court let the decision stand. The decision states: “. . . the constitution allows the Legislature to specify roles and responsibilities for both the board and the superintendent.” Therefore, any lack of clarity of authority rests in legislation. “The Legislature has delegated certain powers to the board and the

What is the Problem?

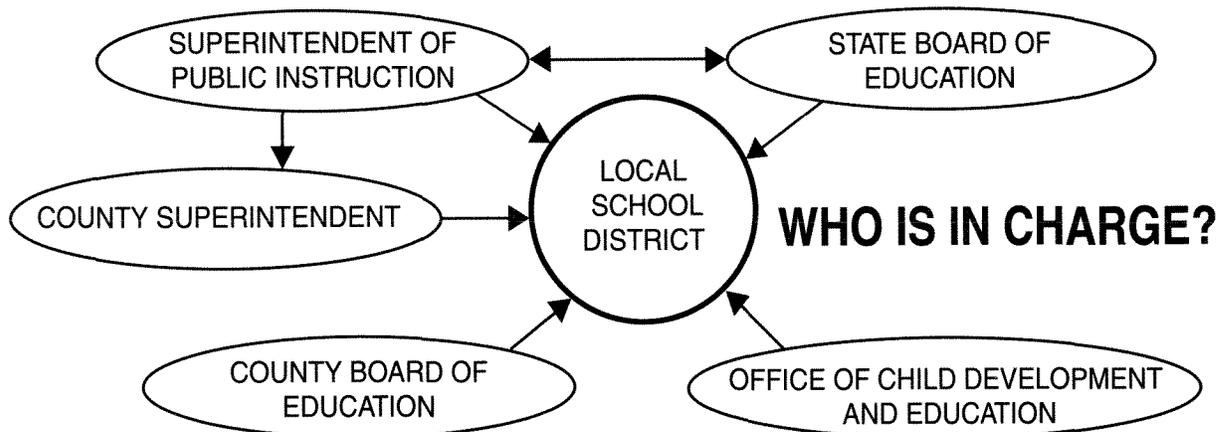
- **At the state level, no one is in charge.**
- **There are few standards to measure performance.**
- **Local policy and financing authority is limited.**

superintendent. The board shall determine all questions of policy within its power. The Legislature has delegated to the superintendent the power to execute, under direction of the state board, the policies which have been decided upon by the board." Therefore, each has regulatory authority dependent upon the assignment of that authority by the Legislature for a particular program or education function. "Although the superintendent is a constitutional officer whose office cannot be extinguished by the Legislature, the powers and duties of that office may, and have been, increased and diminished by the Legislature under its authority."²²

Another myth concerning California's educational system is that local communities fund their own schools and that local school boards operate their schools as they choose. The reality is that the state provides well over half of all funding for K-12 education (the remainder of the funds are local property tax revenue) and prescribes how certain funds must be spent. For the 1996-97 fiscal year an estimated \$28.1 billion will be spent educating 5.4 million school children. Seventeen billion dollars comes from the state General Fund, \$8.6 billion comes from the local property tax, and the remaining \$2.5 billion comes from the federal government. The state controls the allocation of state funds as well as the local property tax.

Local school boards make decisions about how to spend their general purpose state funds and property tax revenue. However, the state also provides categorical funds and dictates how those funds must be spent. The Commission concluded that the current K-12 financing system and the lack of opportunity for communities to raise revenue locally for schools has resulted in people being disconnected from their local schools.

The Commission found that California has an educational system that provides no real focal point for responsibility, no flexibility for local districts, and has widely scattered responsibilities, resulting in no single official or entity being accountable for the state's education system either at the state or local level. The system has no organized method for ensuring that California's pupils are well-educated or that education funds are spent in the best way for each local area.





The Commission found that several reforms are needed to resolve problems with the state’s education system. First, the state must stop micro-managing local school districts, and must delegate to local districts responsibility for meeting state education objectives. The state should ensure access to—and equity of—education and it should establish academic standards for local districts to meet. Local school boards should then be empowered to meet those standards using the methods that work best for their communities. Second, the state must clarify education roles and define which state official bears ultimate responsibility for California’s educational policies.

In the area of school finance, the Commission concluded that the current education funding system is too centralized at the state level. This has fostered a disconnect between citizens and their local education system. The Commission’s recommendations for a shared state-local school finance system have two basic underpinnings. Local school boards should be empowered to operate in a manner that will meet both the state’s interest in education and the needs of their pupils on a local level. School districts should have the option—with local voter approval—to supplement the funds they receive from the state and the basic allocation of property tax revenue. This authority will provide local boards with greater control and flexibility in meeting the education needs of each community. Education has been a vital state interest since the first constitution was adopted in 1849. The 1849 constitution provided that the legislature should “encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvements,” and should maintain a system of free common schools. During the 1879 convention, considerable debate occurred about education issues. The general attitude at the convention was one of distrust of the state government. The delegates gave local governments considerably more control over the schools than had been previously enjoyed. Now, 117 years later, it’s once again time to shift more power, authority, and revenue control from the state to local school districts.



In evaluating needed reforms to the state’s elementary and secondary education system, the Commission established the following goals:

- The state must provide the public with a clear system of accountability.
- The responsibility for providing elementary and secondary education services should be shared between the state and local communities.
- The focus of control of education should be as close to the pupil as possible.

What Change is Needed?

- **Clarify responsibility.**
- **Focus control of education locally.**
- **Eliminate barriers to efficient operation.**
- **Give communities power to supplement the state funding guarantee.**

What Does the Commission Recommend?

- Reforms should eliminate barriers to the efficient operation of the elementary and secondary school system.
- Communities should have the ability to supplement the statewide K–12 funding guarantee.

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Identifying Who Is in Charge

23. Make the governor responsible for K–12 education.

The Commission recommends that the governor should be responsible for the state's role in the elementary and secondary public school system. The roles and responsibilities of the superintendent of public instruction should be outlined in statute rather than in the constitution. The superintendent of public instruction should be appointed by the governor, subject to senate confirmation.

This requirement was discussed in the section on Executive Branch reform, and the information bears repeating here. The general public and many in the education community perceive that the superintendent of public instruction has more authority over the schools than actually exists. Although the superintendent has policymaking authority, the position lacks fiscal and managerial control. Personnel and practice decisions are made by local boards. Overall budget control lies with the governor and the legislature, or often is mandated by initiatives. Decisions about textbooks, testing, and standards rest with a state board appointed by the governor, of which the superintendent is the executive secretary, not a voting member.

Responsibility for the state's education system is further complicated by the lack of constitutional reference to the authority of the governor for elementary and secondary education. Despite that, the historical prominence of the governor in education policy and budget decisions leads the public to presume a certain level of gubernatorial responsibility. The dispersion of responsibility within the education system means that no one has the authority to implement reforms, and citizens don't know whom to hold accountable for educational quality and results.

The Commission's goal is to establish efficient and effective governance for elementary and secondary public education by clearly defining the power and authority of the governor and locally elected school boards. To attain this goal, it is necessary to remove the constitutional status of some offices and boards. If a function is truly necessary, statutes can establish any offices and entities that are required to meet specific needs.

Deleting the constitutional status of the superintendent and giving responsibility for education policy to the governor, would remove a perceived layer of authority between local school boards and the governor. It would also clarify that the governor is ultimately responsible for the state's education policies.

Currently, the state Board of Education has two constitutional responsibilities: approval of textbooks for use by pupils through the eighth grade, and approval of four executive appointments made by the superintendent of public instruction to the state Department of Education. All other policy development and regulatory responsibilities are based in statutes.

The Commission recommends that the governor be given clear constitutional responsibility for elementary and secondary education. The governor and the legislature should have the authority to determine whether a state board is necessary and—if it is necessary—whether its functions should be advisory or regulatory. If such a board is needed, its establishment, roles, and responsibilities should be outlined in statute rather than in the constitution. Establishing the board in statute will allow for more flexibility in its duties and will better allow for changes in those duties to meet current needs. If the constitutional reference is removed, the board’s existing structure and duties could remain or change.

This proposal, coupled with the recommendation to delete the superintendent of public instruction from the constitution, will remove yet another perceived—and sometimes real—layer of governance between local school boards and the governor.

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County superintendents of schools and county boards of education are provided for in the constitution but their roles and responsibilities are spelled out in statute. According to statute, counties provide many educational programs for pupils. The nature of these programs is such that they are often better organized and provided on a regional or areawide basis. This includes programs such as special education for disabled pupils, vocational/occupational skills training, and juvenile court schools. In addition to these programs, statutes require the counties to perform fiscal, organizational, and attendance functions for school districts.

Existing statutes permit local units of government—in this case school boards—to form county, regional, or areawide administrative units and joint powers authorities. Under the Commission’s recommendation, these units could continue existing practices or cooperative services, or they could establish new arrangements, if local school boards need such an entity.

If school districts had more local control, they could use their authority to organize regional or areawide services in a manner that most effectively and efficiently meets their needs. If the state requires an intermediate unit to carry out a specific state function, a regional or county unit could be authorized in statute, or the function could be performed by an entity created as a unit in the state Department of Education.

24. The role of the state Board of Education should be determined by statute.

The Commission recommends deleting constitutional references to the state Board of Education.

25. The role of county superintendents of schools and county boards of education should be determined locally or by statute.

The Commission recommends that constitutional references to county superintendents of schools and county boards of education be deleted. School districts could organize areawide services in a manner that most effectively and efficiently meets their needs.

This recommendation is not a negative reflection on the programs and services provided by counties, rather, it is intended to improve organization and accountability. The recommendation meets a Commission goal of placing program operations closest to the local community and allowing maximum local flexibility for program governance. Additionally, it removes a layer of bureaucracy—both perceived and real—between local school boards and the governor.

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26. Establish an accountability system for public schools.

The Commission recommends establishing an accountability system and standards for public schools.

The constitution mentions education accountability only in section 8.5 of Article XVI (added by Proposition 98), and the reference is very brief. The provision requires school districts to issue accountability report cards for each school. However, there is little statewide uniformity of design for ease of public understanding, and there are no consequences imbedded in the system. In 1995, the state enacted a new statute that establishes new pupil testing and education standards. The legislation created the Commission for the Establishment of Academic Content and Performance Standards to develop educational standards and create a testing program for certain elementary and secondary grades.²³ The goal is to determine and describe what pupils should know and be able to do. Local school districts should then be given authority to decide how to educate children to accomplish those goals.

Current state law requires school districts to adhere to particular fiscal controls, but there is no accountability process or requirement that focuses on pupil achievement or the non-fiscal aspects of school district operations. State laws hold school districts accountable for fiscal operations, particularly if a district has fiscal difficulties. Districts are required to have a fund reserve, account for expenditures in a specified manner, subject financial transactions to an annual audit, and have fiscal documents reviewed by county offices of education and the state Department of Education. Lack of adherence to required forms, procedures, and standards can result in a state “takeover” of the fiscal affairs of a school district.

The Commission recommends that the constitution be amended to require the state to adopt a statute outlining an accountability system for education content, pupil performance, and financial and managerial responsibilities. Under such a provision, the state could enact fiscal accountability and pupil testing provisions that are similar to those contained in current statutes. A constitutionally required system developed in statute will maintain the state’s interest in K–12 education, while permitting periodic statutory changes to allow for new conditions. Of equal importance, such a system would provide a clear statement to the public regarding the degree to which pupils are learning and the efficiency and effectiveness of local districts.

Proposition 98 is a constitutional amendment approved by voters in 1988 and revised in 1990, that established a minimum school funding guarantee—calculated on an annual basis—for elementary and secondary education and the community colleges. The guarantee is a state level aggregate commitment of funds; the proposition does not spell out the process or prescribe how much of the total guarantee dollars will go to elementary and secondary education or community colleges. All distribution decisions are made each year by the governor and legislature. As is true in the educational governance area, the system for financing local schools has become so complex that it is understood only by a limited number of experts. A frequent question is: Why has financing our elementary and secondary schools become so complex?

Over the past 25 years, court cases, constitutional initiatives passed by the electorate, and numerous bills have changed the method and amount of school funds a district receives each fiscal year. This complexity relating to school funding began with the 1968 Serrano v. Priest court case, which was not completely settled until the mid-1980s. When the Serrano case began, funding for elementary and secondary schools was a shared state-local arrangement. The state basically assured each school district a foundation or base level of general purpose funds for each pupil, and local districts used their control of property taxes to raise per pupil funding to the amount the district wanted to spend.

In the original Serrano decision, the court held that the school finance system that existed at the time was unconstitutional because a community with high property values could raise a lot of local money with a low tax rate. Conversely, a community with low property values needed a high tax rate to raise the same amount of money. This violated the equal opportunity and equal protection provisions of the California Constitution. The original Serrano decision permitted a different amount of funds to be spent on pupils, but ruled that property tax revenue based on property wealth could not be the reason for the difference.

After 15 years of court discussions, decisions, and new laws, the final Serrano judgment determined that the early-1980s version of school finance was in compliance with the constitution. However, that decision didn't simplify matters. In 1978, prior to the final Serrano judgment, the passage of Proposition 13 modified all school finance formulas relative to local property taxes for elementary and secondary education. Specifically, Proposition 13 removed the power of local communities to control the amount of property tax revenue they wanted for their schools. A limited number of school districts have been able to obtain voter approval of a parcel tax generating additional revenue, but the amount of money generated is quite small. For all practical purposes, school finance has been centralized with the governor and legislature. As a result, the state's General Fund is now the primary source of any new dollars for schools.

27. Maintain Proposition 98 and provide additional flexibility to the legislature and the governor.

The Commission recommends maintaining the statewide funding guarantee for K–12 education. The Commission also recommends that the legislature and governor be given greater flexibility in determining how to appropriate additional funds to K–12 education in excess of the minimum funding guarantee. Specifically, education spending in excess of the guarantee would be for one-time purposes unless the legislature and the governor chose to increase the guarantee.

In any fiscal year, the governor and the legislature have the authority to augment the minimum Proposition 98 funding guarantee by appropriating funds above the minimum for schools. When the legislature appropriates funds for schools above the minimum guarantee, the current Proposition 98 language requires that any appropriation made during one year will become part of the base level of funding for the subsequent fiscal year. This provision can have a “chilling effect” on any consideration to provide funds above the minimum in a given year because such an increase will result in that new amount setting a new minimum for the following year. Future augmentations might be considered more favorably if any augmentation “over the minimum” Proposition 98 funding guarantee could be a one-time practice rather than being built into the future minimum base.

The Commission concluded that the legislature and the governor should have greater flexibility to determine how to appropriate funds to K–12 education in excess of the funding guarantee. Therefore, the Commission recommends that Proposition 98 be revised so that, unless the legislature specifies otherwise, additional funding over the guarantee would be for one-time purposes and would not be built into the base funding for the subsequent year’s guarantee.

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Enhancing Local Control in the Management and Financing of K–12 Education

28. Increase local control and authority.
The Commission recommends increasing local control and the authority of local school boards.

The state’s constitution provides that 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.” The legislature enacted the authorization in 1976, but subsequent statutes, federal and state court decisions, and voter initiatives have constrained the prerogatives of local school boards and shifted more power than necessary to the state.

The Commission acknowledges that the state is ultimately responsible for elementary and secondary education. But the Commission also determined that locally elected board members should be given as much authority as possible. The Commission recommends that school districts be given the constitutional power to make decisions that do not conflict with state law. Providing local school boards with direct constitutional authority gives them the power to act unless a statute prevents them from taking a particular action or requires them to do something else. This may decrease the state’s role and its tendency to micro-manage school districts. The state would continue to have ultimate educational authority, and the legislature could enact a statute to assert a state interest that overrides local authority.

Perhaps the most notable example of the disconnection between the local taxes paid and the services received is the relationship between the local taxpayer and the school district. As mentioned earlier, the state has centralized the financing of K–12 education to the extent that there is little opportunity to supplement the statewide funding guarantee with local resources that communities may wish to provide to their schools. Many people believe that lottery revenue has solved the state’s education funding problem. In reality, lottery revenue account for about three percent of the funds for elementary and secondary education. School districts are often forced to resort to begging, borrowing, and badgering to increase their financial resources. Some districts have received corporate and foundation support, while others have gone to their local electorate for approval of parcel taxes. These efforts have helped many districts, but they are not long-term solutions, and they have not generated significant amounts of money.

29. Allow supplementary local voter-approved taxes for education.

The Commission recommends allowing supplementary local voter-approved taxes for K–12 education.

The Commission recommends that if local communities want to supplement the state guarantee, they should be permitted to raise additional local funds by either or both of the following methods:

- An increase in the property tax with approval of two-thirds of the voters within the district. This authority would apply only to unified districts, and there would be limitations on the amount of the increase to comply with the Serrano decision.
- An increase of up to one-half cent on the sales tax on a countywide basis with majority approval of the voters. These funds would be allocated to all districts in the county on an equal per pupil basis.

The Commission recommends that any funds raised by these methods should be constitutionally protected from any “take-away” or supplanting by state law. The revenue would be supplemental, locally derived revenue that remain in the community. This recommendation is based on the premise that the combination of the state General Fund expenditures and the regular property tax allocated to schools will satisfy the state’s funding interest in public elementary and secondary education. If communities want to provide additional funds over the amount provided by the basic guarantee, they should have the authority to seek voter approval for such funding. The Commission determined that local communities will be better connected with their schools if they are able to raise and retain some revenue for education above the level of funding provided by the state and general property tax revenue. This action would shift the source of the additional funding over the state guarantee for schools from the state General Fund to local communities.

30. Capital outlay planning and development should involve all local agencies.

The Commission recommends that school districts participate with other public agencies in a capital outlay planning program. For a proposed project that is consistent with a multi-agency plan, the vote required for general obligation bonds should be a majority of voters.

School districts have a backlog of capital construction projects totaling more than seven billion dollars. These projects include new school construction and the renovation and remodeling of existing facilities. Both are necessary to meet enrollment increases and program requirements into the twenty-first century. The most common methods of financing capital projects for school districts are general obligation bonds passed statewide by the electorate and local general obligation bonds passed by a two-thirds majority vote of the local electorate.

At the state level, school general obligation bond issues compete with other state capital outlay needs such as colleges and universities, prisons, and other infrastructure projects. State bonds currently provide less than one billion dollars per year to meet local needs, and it is not practical to expect every school's needs to be met by state bonds. Some communities charge a construction fee which provides a portion of the needed capital. Other districts have been successful in obtaining gifts of land or other capital assets. These methods do not meet all the local capital outlay needs. School districts often place bond requests before their local communities, but the two-thirds vote threshold for local bonds has proven to be an insurmountable barrier in some communities. Despite this, the need for capital outlay persists.

The need for capital investment in education facilities does not exist in a vacuum. As communities grow, long-term capital investment is needed in other community facilities including waste water treatment, water and transportation systems, and other facilities that make up the infrastructure of a community. Under our current local government structure, these activities are undertaken by individual agencies each asking the voters to approve particular projects. The Commission determined that it would improve the efficiency of all local agencies that invest in community facilities if they plan and develop the community's capital facility needs on a collaborative basis and then offer the voters a clear choice for the community's future.

Under this new collaborative model, the Commission recommends that the vote threshold for local general obligation bonds should be changed from the current two-thirds requirement to a majority vote. The majority vote authorization would be conditioned on all units of local government coming together to design a community-wide capital outlay plan and presenting it to the local electorate. If a school district participates with other public agencies in a capital outlay planning program implemented using a plan developed through the Commission's proposed "Home Rule Community Charter" and the proposed project is consistent with the plan, the vote requirement for general obligation bonds would be a majority vote of the voters. If the school district does not wish to be part of a local areawide plan, they can still seek local voter approval for bonds, but the vote requirement would remain at two-thirds.

Currently, California has 70 community college districts encompassing 106 campuses. Community college districts are governed by locally elected boards of trustees. According to Article IX, community colleges have the same constitutional status as state universities; both are authorized to exist as statutory entities. The state university system is financed by the state budget. Community colleges are part of the state's Master Plan for Higher Education and are funded similarly to elementary and secondary education. Through statutory changes made after the Master Plan's review in the mid-1980s, community college funding was changed from an average daily attendance system, which mirrored elementary and secondary education, to a full-time equivalent student basis that is somewhat similar to the state universities.

For the last ten years, the funding system for community colleges has been a combination of local property tax revenue and appropriations from the state's General Fund, plus a student enrollment fee. The state annually appropriates a specific amount of General Funds for community colleges from the statewide aggregate Proposition 98 minimum guarantee. The constitution has no required split of Proposition 98 funds between elementary and secondary education and the community colleges. Usually, community colleges receive 10 to 11 percent of each year's total. The community colleges share of local property tax revenue are estimated each year, but if the estimate is below actual receipts, the colleges are short of revenue. Unlike K-12 education, the state does not automatically make-up for funds not received because of lower property tax revenue. Therefore, community college districts seldom know their total revenue picture during a fiscal year.

The Commission determined that community colleges and state universities should have similar fiscal systems, and the community colleges should be clearly identified as institutions of higher education. The Commission recommends that Article XVI (Proposition 98) be amended to remove the community colleges. The Commission does not recommend any changes to the Article IX provision authorizing both the community colleges and the state university systems to continue as public statutory entities. The Commission also has no recommendation concerning whether the community colleges should become a state system or should remain locally governed. Decisions regarding implementation and other changes to the community colleges are left to further legislative deliberations.

31. Community colleges should be part of higher education.

The Commission recommends that community colleges be removed from the Proposition 98 funding guarantee and be given the same funding status as the California State University.

The adoption of the Commission's recommendation by the electorate will result in all other aspects of the community colleges remaining the same. However, the constitutional change could open at least the following issues and questions for discussion:

- Should community colleges continue to be governed by locally elected boards of trustees, should the system move to a statewide governance entity similar to the state university, or should a combination of the two forms of governance be used?
- Should community colleges continue to be jointly funded by local property tax revenue and the state's General Fund, or should the system be 100 percent funded by the General Fund? The latter choice would result in the transfer of property tax revenue to elementary and secondary education (K-12) and/or other units of local government. If community colleges are 100 percent state funded, how will existing per student funding disparities be addressed, since no Serrano-type equalization is required for community colleges?
- Should community colleges be permitted to continue to seek approval by the local electorate for construction bonds or should they be part of a statewide construction system that includes the state university and the University of California?

III. Changing K–12 Education

Yes No *Abstain*

Accountability In Education

Provide local boards with greater authority	14	0	0
Establish a K–12 accountability system	14	0	4

Constitutional/Statutory Nature of Education Governance

Change constitutional nature of the Superintendent of Public Instruction	15	1	2
Change constitutional nature of the state Board of Education	16	0	2
Delete constitutional references to county Superintendents of schools and school boards	17	0	1

Financing Education

Maintain the current guarantee with excess funding to be one time unless legislature puts it into the base	12	2	0
Allow property tax increase for unified districts with a two-thirds vote of the voters	16	1	0
Allow an increase of up to one-half cent on the sales tax with a majority vote for school districts	10	6	0

IV. State and Local Relations

State-Local Realignment Process

Require a state-local realignment process	9	8	1
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V. Strengthening Local Government

The Structure of Local Government

The Home Rule Community Charter	10	7	1
Establish Citizens Charter Commission	10	6	0
Contents of the Charter	10	6	0
Straightening out the state/local relationship	17	1	0
Fiscal Disclosure requirements	9	8	0

Local Tax Authority and Vote Requirement

Require that local taxes (except property) be approved by a majority vote of the governing board and the electorate unless a higher vote requirement is provided for by the Community Charter	11	7	0
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Education Commission of the States



50-STATE REVIEW



State Education Governance Structures: 2017 update

HUNTER RAILEY

Governance requires policymakers to engage in the intricate work of coordinating across various state and local agencies to provide public goods, services and support to diverse populations. This report is designed to help policymakers conceptualize the governance structures charged with creating, implementing and administering state education policies.

The education governance structures of most states — capturing the relationships of governors, state boards and state chiefs — can be categorized into one of four models.

This report provides four core governance structure models along with insight into how the associated structures and relationships shape state policy interactions — including both the priorities guiding policy development

and the processes for creating concrete education objectives. For each model, a visual representation of its structural framework is provided and how that framework might influence policymaking dynamics in associated states is discussed. Additionally, how each of the models may influence the distribution of authority and accountability in the state is examined. The report concludes with questions and policy considerations for addressing issues of state education governance.

What is Governance? Why Does it Matter?

Systems of governance are extremely complex. They require a set of component institutions, processes and norms to guide collective decision-making. Further, these components must work cohesively if government leaders are to effectively oversee public goods and services.

For states, governance means “the ability to make and enforce rules, and to deliver services” while reinforcing

Understanding the distribution of authority in state education governance models may prove insightful to understanding how education issues are prioritized and resolved in each state.

Understanding governance structures and their impact creates additional questions and considerations for policy leaders as they pursue education objectives.

collective, statewide ideas of purposes and goals.¹ For state education governance, this begins with a set of institutions tasked with framing priorities, such as the legislature, the state education agency and the state board of education. Further, it includes the processes these institutions use to set priorities, such as the legislative process, administrative rulemaking and the decision-making structures of the component institutions themselves.

Yet the components of state education governance systems stretch beyond inputs to also include the outputs of their processes: the services they deliver and the norms they enforce. This includes both the outputs themselves, such as a public system of K-12 education, as well as measures of the quality of those outputs, such as accountability systems for public education.

Implications for Practice

The practice of governance and its ability to effectively coordinate statewide action is heavily shaped by the institutions charged with implementing and administering public goods. States depend on governing bodies to identify problems, develop solutions and communicate those solutions to everyone impacted.²

Without the ability to coordinate approaches across component institutions, and to communicate and enforce shared expectations coherently to the public, the development and implementation of statewide priorities is nearly impossible.³ For education systems, the absence of large coordinating institutions would mean that larger goals — such as reducing educational inequities or preparing all students for college or the workforce — would remain elusive.

State Education Governance Structures

Building on data from Education Commission of the States and the National Association of State Boards of Education, this report illustrates the structure of relationships among coordinating institutions and state policy leaders in terms of four categorical models of state education governance.⁴

This is not a comparative study, as there is no evidence to suggest that one model is preferable to another in terms of performance. Understanding the distribution of authority in each model may prove insightful to understanding how states prioritize and resolve education issues. In addition, it is important to remember that the models and analysis capture only the formal authority and structures of state education governance, and do not consider the informal aspects of policymaking (i.e. governor's policy priorities, state norms for board/chief interaction, etc.). Finally, the summary discussion of the policy incentives associated with each model is not meant to imply that there are concomitant disincentives for the engagement of any of the policy actors described.

Key State Policy Leaders

This analysis highlights the interplay between key education policy leaders: governors, state boards of education and chief state school officers. Although legislators are also key to the policymaking process, the focus here is on the structure of policy relationships between governors, state boards and chiefs.

Governor: Popularly elected officials who serve as the chief executive officers of their state, governors oversee operations as well as create and enforce policies. Governors have statutory authority to approve or veto legislation and hold the power of appointment for many governmental management positions.⁵

State Boards of Education: State boards of education have numerous education governance responsibilities. State board members act as policymakers, advocates for education, liaisons between educators and policymakers, and consensus builders.⁶

Chief State School Officers: Also called state superintendents or state commissioners of education, individuals in this role are generally tasked with administrative oversight of state education agencies. Chief state school officers administer state law and board policy and, in some cases, may also be members of the state board of education.⁷

Points of Analysis

Governance structures create a framework for the interplay of **authority** and **accountability**.⁸ This dynamic is characterized by the ability of certain leaders or institutions to issue directives in the form of policies, laws or actions (authority) that is balanced with a duty to ensure that those directives are carried out appropriately and achieve the desired ends (accountability).⁹ This analysis provides context on how each of four governance models structure formal authority and accountability in the policy process.¹⁰

The following four governance models are in descending order of authority of the executive branch - governor. Note that in each of the models, in addition to the discussed authority structures, decisions on major education issues generally require legislative approval.

Model I

In Model I, voters elect the governor, who then appoints both the members of the state board of education and the chief state school officer.



Here, power is centralized in the executive branch, placing governors in the strongest position of all four models.¹¹ The governor's ability to select the state board and chief allows the executive branch to shape the key venue for education policy debates (the state board) as well as the administrative agency tasked with monitoring, implementing and administering those policies (the state education agency, led by the chief state school officer). Because the governor is accountable to voters, in Model I states where voter interest in education is high, emphasis may be placed on education policies through governors' initiatives. However, the structure of Model I also means the success of education policies are tied to the policy priorities of the governor's office.

Model II

In Model II, voters elect the governor, who then appoints either all or most the members of the state board of education. The state board, in turn, appoints the chief state school officer.

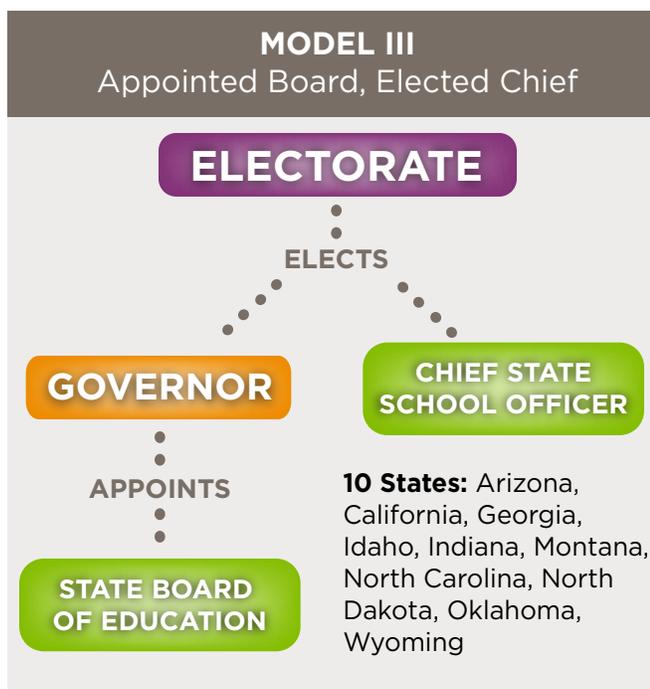


Authority in this model is characterized by a strong governor's role, though weaker than in Model I.¹² The power to appoint the state board of education may

give the governor incentive to take an active interest in education policy, and may mean voters hold the governor accountable on education issues. Since chief state school officers in Model II are directly accountable to the state board, not the governor, this structure may provide some flexibility to interpret policy priorities of the executive branch. Thus, governors in Model II states can shape the direction of education policy as well as incentives to support board/chief priorities in the legislature, but lack the ability to oversee policy details such as implementation or administration of policies and practices.

Model III

In Model III, voters elect both the governor and the chief state school officer. The governor then appoints the state board of education.

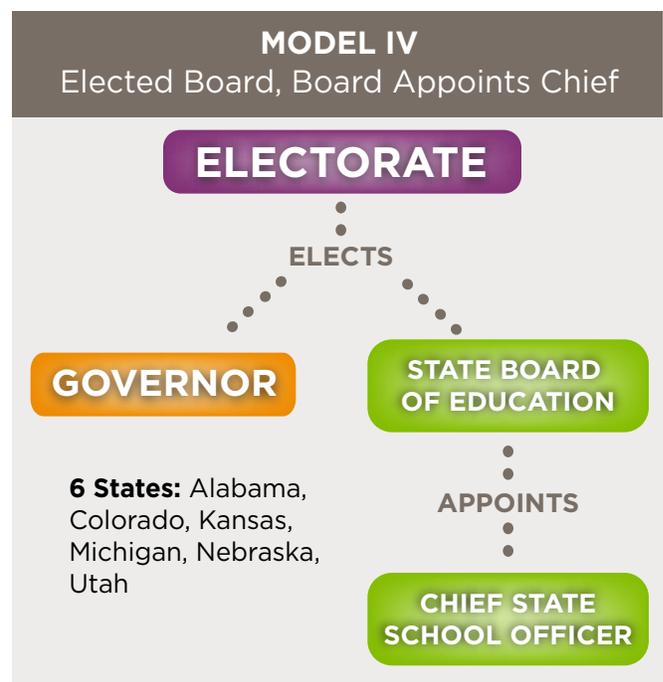


In this model, voters may distinguish the policy aims of the governor from the priorities of the chief state school officer. The role of the governor in education policy is weaker, and the state chief may have more authority.¹³ This creates a complex dynamic: when a governor and chief state school officer align priorities and/or are willing to cooperate, both may have a greater ability to influence

policy outcomes. Conversely, when in disagreement, the governor and the chief state school officer may struggle to pursue their separate education policy priorities, given that they are both accountable to voters and may have conflicting mandates.

Model IV

In Model IV, voters elect both the governor and the state board of education. The state board then appoints the chief state school officer.



Of the four models, Model IV provides the governor the least amount of direct authority over education governance.¹⁴ The state board of education is directly accountable to voters; however, the board's ability to reshape policy is often limited by statutory constraints. In an environment where governors have limited formal incentive to take a strong stance on education issues, this support may be difficult to obtain. As such, this governance dynamic produces a context where education leaders may be empowered to shape policy and remain flexible at the state level, but have limited ability to press for expansive policy changes that require significant funding or substantial policies changes.

Other Governance Models

Twelve states — Louisiana, Minnesota, Mississippi, New Mexico, New York, Nevada, Ohio, Oregon, South Carolina, Texas, Washington and Wisconsin — and the District of Columbia (D.C.) function under modified versions of the above four models.

Governor-Appointed State Board, Governor as Chief

In **Oregon**, state law identifies the governor as the state chief and gives him/her the authority to appoint and delegate authority to a deputy chief. The governor appoints the board.

Governor-Appointed and Elected State Board; Governor-Appointed Chief

In **Nevada**, four of seven voting members are elected from the four congressional districts and three voting members are appointed by the governor. The board also includes four additional nonvoting members. The governor appoints the chief.

Governor-Appointed and Elected State Board; Board-Appointed Chief

In **Louisiana**, eight board members are elected and the governor appoints three. In **Ohio**, 11 board members are elected, while the governor appoints eight members. In both states, the state board appoints the chief.

Governor-Appointed and Elected State Board; Elected Chief

In **Washington**, the chief state school officer is elected and the state board of education is made up of 16 members:

- Five elected by district directors (from western and eastern Washington).
- One elected by members of state-approved private schools.
- Superintendent of public instruction.
- Seven members appointed by the governor.
- Two student members (non-voting).

Jointly-Appointed State Board; Board-Appointed or Elected Chief

The governor, lieutenant governor and the speaker of the House appoint members to the state board in **Mississippi**. The state board appoints the chief state school officer.

Legislatively-Appointed State Board; Board-Appointed or Elected Chief

In **New York**, the state legislature appoints the board members and the board appoints the chief state school officer. The **South Carolina** legislature appoints the board, but the chief is elected.

Elected Board; Governor-Appointed Chief

In **Texas**, the state board is elected. The governor appoints the chief who also serves as the executive secretary of the state board.

In **D.C.**, voters elect the board of education. The District of Columbia Public Education Reform Amendment Act of 2007 created a new state board of education that advises the state superintendent and approves specified policies. Previously, the board oversaw day-to-day operations of schools. This act also gave the mayor primary responsibility for public education, including the authority to appoint the school superintendent and chancellor.

No State Board or Advisory Only; Governor-Appointed or Elected Chief

Neither **Minnesota** nor **Wisconsin** has a state board of education. **New Mexico** has an elected body (Public Education Commission), but it is only advisory.

- Minnesota and New Mexico — chief state school officer is appointed by the governor.
- Wisconsin — chief state school officer is elected.

Questions for Education Governance

Policy creation involves a broader set of actors with a vast array of priorities. Implementation and administration of programs falls on state education agencies and local school districts. As states begin implementing their plans under the Every Student Succeeds Act, they should ask questions about the relationship between governance structures, the legislature and administrators including:¹⁵

- Does our state’s basic structure and organization of education governance support our ability to reasonably pursue our state’s education goals?
- Do working relationships among policy leaders at the state and local levels function in a way that reinforces student success and policy cohesion in our state?
- Are the legislative mandates and regulatory policies shaping our state’s education system clear and cohesive?

Policy Considerations

This report provides a high-level overview of the institutional actors and structures in education governance in the states, as well as the policy environment they create. Given these relationships, the following governance considerations for state leaders are offered as they pursue new programs and elaborate state goals:

- **Always consider capacity.** When elaborating state education goals, policymakers should consider the capacity of state and local agencies to deliver on policy promises, as well as how decisions at the state leadership level can serve to enhance or diminish that

capacity. Capacity includes not only financial resources and personnel, but also organizational culture. For example, a culture of dynamic improvement, necessary to support the attainment of certain educational goals, can be either supported or hindered by the policies established by state and local leadership.¹⁶

- **Focus on leadership.** Effective leadership enables growth in agency capacity. Thus, policy leaders responsible for appointing the chief — the leader of the state’s education agency — should strive to appoint individuals who are both acutely aware of the management challenges for a large state agency and system, and are experienced in implementing a strategic vision in politically complex environments.¹⁷
- **Be intentional about governance choices.** One of the core considerations for education governance is whether implementation and administration should be centralized (state led) or decentralized (district led). State leaders should be aware of the impact their policy decisions have on this dynamic. Policy decisions in this area should be made on an issue-by-issue basis in the context of a state’s education vision, goals and governance capabilities, as opposed to a holistic preference for centralization or decentralization.¹⁸
- **Prioritize simplicity and transparency.** Actors within state education governance structures should consider the benefits of pursuing less complex and more transparent policy solutions in the pursuit of achieving state education goals. Such considerations may help to both improve the tenor of the dialogue surrounding policy debates, and support governance and administrative structures in improving education quality.¹⁹

Appendix I

State Education Governance Models by State.

State	Models I - IV				Statutory Reference
	I	II	III	IV	
Alabama				X	AL. Code § 16-3-1 ; AL. Code § 16-4-1
Alaska		X			AK. Stat. § 14.07.085 ; AK. Stat. § 14.07.145
Arizona			X		ARS 15-201 ; AZ Const. Article 5 Sec. 1
Arkansas		X			AR Code § 6-11-101 ; AR Code § 6-11-102
California			X		Cal. Ed. Code § 33000 ; CA Const. Article II Sec. 6
Colorado				X	CRS § 22-2-105 ; CRS § 22-2-106
Connecticut		X			Conn. Gen. Stat. § 10-1 ; Conn. Gen. Stat. § 10-3a
Delaware	X				Del. Code tit 14, § 102 ; Del. Code tit 14, § 104
Florida		X			Fla. Code § 1001.01 ; Fla. Const. Article IX, Sec. 2
Georgia			X		GA Code § 20-2-1 ; GA Code § 20-2-30
Hawaii		X			HRS § 302A-121 ; HRS § 302A-1101
Idaho			X		Idaho Code Ann. § 33-102 ; Idaho Const. Article IV Sec. 1 ,
Illinois		X			105 ILCS 1A-1(b) ; IL Const. Article X Sec. 2
Indiana			X*		IC 20-19-2-2.1 ; IC 20-19-1-1.1
Iowa	X				ICA § 256.3 ; ICA § 256.8
Kansas				X	KSA § 72-7503 ; KSA § 72-7601
Kentucky		X			KRS § 156.029 ; KRS § 156.148
Maine	X				20-A MRS § 401 ; 20-A MRS § 251
Maryland		X			MD Code Education, § 2-202 ; MD Code Education, § 2-103
Massachusetts		X			MGLA 15 § 1E ; MGLA 6A § 14A
Michigan				X	MCLA Const. Art. 8 § 3
Missouri		X			VAMS 161.022 ; VAMS 161.020
Montana			X		MT Const. Article VI Sec. 7 , MT Const. Article VI Sec. 8 ;
Nebraska				X	Neb. Rev. St. § 79-310 ; Neb. Rev. St. § 79-318
New Hampshire	X				N.H. Rev. Stat. § 21-N:10 ; NH Rev. Stat. § 21-N:3
New Jersey	X				NJSA 18A:4-4 ; NJSA 18A:4-21
North Carolina			X		NCGSA § 115C-10 ; NCGSA § 115C-18
North Dakota			X		NDCC, 15.1-01-01 ; NDCC, 15.1-02-01



State	Models I - IV				Statutory Reference
	I	II	III	IV	
Oklahoma			X		70 Okl.St. Ann. § 3-101 ; OK Const. Article VI Sec. 4
Pennsylvania	X				24 P.S. § 26-2602-B ; PA Const. Article IV Sec. 8
Rhode Island		X			Gen.Laws 1956, § 16-60-2 ; Gen.Laws 1956, § 16-60-6
South Dakota	X				SDCL § 1-45-6.1 ; SD Const. Art. 4, § 9
Tennessee	X				T. C. A. § 49-1-301 ; T. C. A. § 4-3-802
Utah				X	U.C.A. 1953 § 53A-1-201 ; U.C.A. 1953 § 53A-1-301
Vermont	X				16 V.S.A. § 161 ; 3 V.S.A. § 2702
Virginia	X				VA Code Ann. § 22.1-9 ; VA Code Ann. § 22.1-21
West Virginia		X			W. Va. Code, § 18-2-1 ; W. Va. Const. Art. 12, § 2
Wyoming			X		W.S.1977 § 21-2-301 ; WY Const. Art. 4, § 11

*Indiana recently changed its selection method for state superintendent of public instruction. Beginning in 2025, the superintendent will no longer be elected and will instead be appointed by the governor. (HB 1005 2017)

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EDUCATION COMMISSION OF THE STATES

RESOURCE TITLE:

50-State Comparison: K-12 Governance Structures

SHARE THIS RESOURCE ON

State education governance is the practice of coordinating institutions, processes and norms to guide collective decision-making and action. Understanding how key governance roles are structured and relate to each other helps simplify complex systems for policymakers. Every state has the same or similar policymaking roles; however, each of the roles operate differently in the context of each state's governance model. This resource provides a national overview of the key policymaking roles in K-12 education policy, a summary of each role's general powers and duties and some information on how they relate to other policymaking roles.

Education Commission of the States researched state level education governance roles to provide three comprehensive resources:

- 50-State Comparison: Click on the questions below to access 50-state comparisons for each of the data points, current through Nov. 1, 2017.
- State Profiles: [Click here](#) to view individual state profiles detailing all data elements for a single state, current through Nov. 1, 2017.
- 50-State Review: [Click here](#) to read a report from August 2017 detailing the governance models and some of the dynamics within each model.

Key Takeaways

- Twenty-six states have outlined a formal constitutional role specific to education for their governor. Forty-one have statutory language giving the governor a formal role.
- Twenty-four states detail the governor's authorities and duties in education policy in constitutional language and in statute.
- Every state has constitutional language detailing the authority and duties of state legislatures in education, and 43 states give the legislature some role in appointing or confirming the chief state school officer or state board of education members.

- Twenty-seven chief state school officers have a formal constitutional role in state government. Additionally, how they are selected for office varies: 20 are appointed by state boards of education, 17 are appointed by the governor, 13 are elected and one is appointed by the state executive-level secretary.
- State board of education authority and duties are also detailed in state constitutions and statute. Twenty-three states include state boards in the constitution and 49 have statutory powers and duties. Only Minnesota and Wisconsin do not have a state board and New Mexico's public education commission is advisory only.
- Thirty states have some variation of an executive-level secretary. Such positions may mean additional formal duties for chief state school officers, or they may be individually appointed positions designated to serve the state board of education or work in some other capacity.

50-State Comparisons

1. Governor

- What constitutional or statutory duties does the governor have as it relates to education?
- What is the appointment authority provided to the governor in education?
- Are the governor's duties and powers found in the state constitution and/or state statute?
- Citations

2. State Legislature

- What constitutional or statutory powers does the legislature have as it relates to education policy?
- What is the appointment or confirmation authority of the legislature in education?
- Which committees in the legislature have jurisdiction over education issues?
- Are the legislature's duties and powers found in the state constitution and/or state statute?
- Citations

3. Chief State School Officer

- [What are the duties of the chief state school officer?](#)
- [What constitutional or statutory authority does the chief state school officer have as it relates to education policy?](#)
- [How is the chief state school officer selected?](#)
- [Are the chief state school officer's duties and powers found in the state constitution and/or state statute?](#)
- [Citations](#)

4. State Board of Education

- [What constitutional or statutory powers and duties does the state board have as it relates to education policy?](#)
- [What is the composition of the state board of education?](#)
- [How are members of the state board of education selected?](#)
- [Are the state board of education's duties and powers found in the state constitution and/or state statute?](#)
- [Citations](#)

5. Executive-Level Secretary

- [Does the state have an executive-level secretary?](#)
- [What other powers or duties does the executive-level secretary have?](#)
- [Are the executive-level secretary's duties and powers found in the state constitution and/or state statute?](#)
- [Citations](#)

Related Resources

View enacted and vetoed bills on governance and other education topics in our [State Education Policy Tracking](#) database.

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RESOURCE TYPE: 50-State Comparison
EDUCATION LEVEL: K-12
STATE(S): Nationwide



Individual State Profile

K-12 Governance Structures: State Profile - California

November 2017

Data are collected using publicly available state constitutional language and state statutes. Updated as of Nov. 1, 2017.

Governor	
What constitutional or statutory duties does the governor have as it relates to education?	<p>The governor holds supreme executive power in the state of California. The governor must see that the law is faithfully executed.</p> <p>The governor has signing and veto power over bills passed by the legislature. The governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill.</p> <p>Additionally, the governor recommends a budget each fiscal year.</p>
What is the appointment authority provided to the governor in education?	The governor appoints all members of the state board of education with the advice and consent of two-thirds of the senate.
Are the governor's duties and powers and found in the state constitution?	Yes
Are the governor's duties and powers and found in the state statute?	Yes
Citation	<p>Cal.Const. Art. 5, § 1 Cal.Const. Art. 4, § 10 Cal.Const. Art. 4, § 12 Cal.Educ.Code § 33000</p>

Legislature

What constitutional or statutory powers does the legislature have as it relates to education policy?	<p>The legislative power of the state is vested in the California Legislature.</p> <p>The legislature is required to provide for a system of common schools in which free school is supported in each district for at least six months in every year.</p>
What is the appointment or confirmation authority of the legislature in education?	<p>The senate provides advice and consent on governor's appointments to the state board of education. A two-thirds majority is required for confirmation of members.</p>
Which committees in the legislature have jurisdiction over education issues?	<p>Assembly: Education Subcommittee on Education Finance</p> <p>Senate: Education</p>
Constitutional?	Yes
Statutory?	Yes
Citations	<p>Cal.Const. Art. 4, § 1 Cal.Const. Art. 9, § 5 Cal.Educ.Code § 33000</p>
Chief State School Officer	
What are the duties of the chief state officer?	<p>The superintendent of public instruction acts as the head administrative officer for education in California.</p> <p>The superintendent will execute the policies decided by the board of education and direct the work of the employees of the board.</p>
What constitutional or statutory authority does the chief state school officer have as it relates to education policy?	<p>The superintendent may employ a deputy and necessary clerical and expert assistants.</p> <p>The superintendent of public instruction has the authority to enter or oversee contracts for the department of education.</p>
How is the chief state school	<p>The superintendent is elected through a nonpartisan</p>

officer selected?	ballot and may not serve more than two terms.
Constitutional?	Yes
Statutory?	Yes
Citation	Cal.Educ.Code § 33111 Cal.Educ.Code § 33112 Cal.Educ.Code § 33110 Cal.Const. Art. 2, § 6 Cal.Const. Art. 9, § 2

State Board of Education

What constitutional or statutory powers and duties does the state board of education have as it relates to education policy?	<p>The state board of education determines all questions of policy within its powers.</p> <p>The board is required to adopt policies for its own government, for the government of its appointees and employees, for the government of elementary and secondary schools, and for the government of any other schools except for state universities.</p> <p>The board must also study the educational needs and conditions of the states.</p>
What is the composition of the state board of education?	The state board of education consists of ten members.
How are members of the state board of education selected?	The state board of education is appointed by the governor with the advice and consent of two-thirds of the senate.
Constitutional?	No
Statutory?	Yes
Citation	Cal.Educ.Code § 33030 Cal.Educ.Code § 33031 Cal.Educ.Code § 33032 Cal.Educ.Code § 33000

Executive-Level Secretary

Does the state have an executive-level secretary?	<p>The state superintendent of public instruction serves as the ex officio director of education.</p> <p>The superintendent of public instruction may employ one deputy superintendent of public instruction.</p>
What other duties does the executive-level secretary have?	The director of education serves as the executive officer to the state board of education.
Constitutional?	No
Statutory?	Yes
Citation	<p>Cal.Educ.Code § 33110</p> <p>Cal.Educ.Code § 33301</p>

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Learning Policy Institute



Building an Early Learning System That Works

Next Steps for California

By Hanna Melnick, Beth Meloy, Madelyn Gardner,
Marjorie Wechsler, and Anna Maier

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Executive Summary

Decades of research have established that the first years of a child’s life provide a foundation for long-term health and well-being, and that early childhood education (ECE) can have a positive effect on school readiness and development. In 2015–16, 1 million California children qualified for subsidized ECE, yet just 33% of those eligible were served. Funding for ECE represents a remarkably small portion of total state spending: Only an estimated 1.8% of California’s budget went to subsidized child care and preschool in the 2017–18 budget.

California can do better. All children should be able to access high-quality care and education starting at birth, and paying for this care should not cause financial hardship for families. California’s current ECE system, however, is unable to realize this goal. Building on the Learning Policy Institute report *Understanding California’s Early Care and Education System*, this report analyzes how ECE programs operate at the county level and describes challenges and promising practices for administration of ECE, access to care, the ECE workforce, program quality, and data systems. It concludes with actions policymakers can take to improve access to high-quality ECE for California children.

ECE Programs and Their Administration

California’s ECE system consists of many programs, developed incrementally over more than half a century, characterized by a complex administrative structure.

- **What does the ECE system look like at the state level?** California’s system encompasses a patchwork of programs with distinct but overlapping purposes and designs. These programs often are funded by and accountable to multiple uncoordinated agencies at the county, state, and federal levels.
- **How are ECE programs administered at the county level?** Many agencies are involved in administering programs at the county level, but these agencies lack the funding and authority to coordinate ECE effectively. District-run and special education preschool programs, in particular, are often isolated. Families struggle to navigate the confusing system. There are some bright spots, however. San Mateo and San Luis Obispo counties, for example, coordinate resources and have streamlined processes for families and providers. San Francisco and Sacramento counties maintain centralized waiting lists for ECE programs to efficiently link eligible families with available slots.

Access to ECE

Of California’s 2.5 million children birth to age 5, nearly 1 million are eligible for subsidized ECE, but many are unable to access it.

- **What is the unmet need for ECE in California?** All California counties have a large unmet need for subsidized ECE. Preschool and child care are provided to just 33% of all eligible families; only 14% of infants and toddlers receive subsidized care. Many counties are making strides to serve a greater portion of 4-year-olds through state or local programs, however, such as expanded transitional kindergarten in Los Angeles and the Big Lift in San Mateo. Yet subsidized care is not always directed to the children who need it most,

including children who are homeless or in foster care. Los Angeles Unified School District has begun to address this issue by prioritizing new preschool programs in areas of highest need. Finally, families that are ineligible for subsidized programs also struggle to afford care. Recent legislation to raise the eligibility threshold helps more families become eligible, but licensed care for all families remains scarce in every county.

- **What are the barriers to expanding subsidized care?** Low reimbursement rates have discouraged providers from accepting subsidies; affordable facilities are often unavailable; and short-term state contracts make it difficult for programs to plan financially. These barriers mean that scarce ECE resources sometimes go unused. Bay Area counties have worked to mitigate these problems through a pilot program that raises reimbursement rates, helps providers manage their contracts, and increases the income eligibility threshold for participating families.
- **What prevents families from accessing care?** Eligible families in California face both administrative and practical barriers to accessing services. In addition to complex enrollment processes, many parents need full-day or alternative hour care that can be difficult to find. Rural areas have few programs, and those that exist may be far from where families live or work.

ECE Workforce

Because early childhood educators play a key role in creating rich learning environments, California's ECE programs need educators who are well prepared and well supported.

- **Who is teaching our youngest children?** Over 107,000 professionals provide ECE in California, but inconsistent state requirements across programs lead to disparate qualifications among educators, even for children of similar age and need. Programs struggle to recruit and retain qualified educators, even when requirements are low, and high turnover creates instability that negatively affects children.
- **What are the barriers to recruiting and retaining a highly qualified workforce?** Compensation for almost all staff is extremely low and is often coupled with a lack of professional support; many programs have little or no paid professional learning time. Some school districts, such as Fillmore Unified, are trying to address this concern by including ECE educators in their k–12 professional development. To boost salaries, Elk Grove Unified combines funding from multiple sources to create full-day positions with a living wage.
- **What challenges do educators face in pursuit of higher education?** ECE educators pursue higher education to meet qualification requirements or advance in the field, but they often lack support to pay for and complete necessary courses. To encourage aspiring and current educators to complete their coursework, San Mateo's community colleges support full-time coordinators who specialize in advising ECE students. A cross-sector collaborative in Los Angeles County has made sure college courses are comparable and credits are transferable across colleges in the region.

Program Quality

Early childhood programs that have been shown to have long-term benefits are of high quality. Given the importance of quality, California needs to consider the following.

- **What quality standards govern California’s ECE programs?** California’s various ECE programs are held to very different quality standards. This variation can mean that children of similar age and need receive very different early learning opportunities, even within the publicly funded system.
- **How does California support quality improvement in ECE?** Recent state investments to monitor and enhance quality focus primarily on Quality Rating and Improvement Systems (QRIS). California takes an unusual approach to QRIS: Counties administer QRIS locally, with the support of regional and state consortia. A panoply of categorical grants also support local quality improvement activities, but most of these efforts are small and diffuse.
- **How do counties approach administration of QRIS?** Counties are given significant latitude in QRIS administration. Participation in QRIS is voluntary, and each county determines which providers to include in its QRIS and what incentives it offers for participation. Most counties focus on coaching in their efforts to support providers. For example, Child360, a Los Angeles-based nonprofit, has employed a comprehensive data-driven coaching model for many years. Counties have often been slow to rate programs and publicize ratings, hoping to build trust and capacity among providers first.
- **How does funding affect California’s quality improvement efforts?** Quality improvement funding for ECE has been administered through time-limited categorical grants. Categorical funding impacts which providers have access to QRIS. Unstable and uncoordinated state funding makes it difficult for counties to plan for the future of QRIS efforts and to provide consistent support for providers. In Northern California, seven counties have pooled resources to develop a more comprehensive QRIS and offer stronger incentives and training than any county could offer on its own. Contra Costa County broadens the reach of its coaching program by supporting it with federal funds.

Early Childhood Data Systems

Data on child outcomes and program quality can enhance the efficiency and effectiveness of ECE investments. Yet California has a fragmented, insufficient data collection system.

- **What ECE data does California collect?** The state collects enrollment and supply data from multiple sources, but these data are not centrally aggregated, thus limiting their utility. Through QRIS, county administrators have begun to provide valuable data on program quality, but workforce data are lacking.
- **What challenges do counties face in creating a coherent data system?** Efforts to collect data remain fragmented across programmatic and geographic lines, creating an unfunded burden for counties that must collect and report these data. Counties frequently lack the staff, technological capacity, and funding to collect, share, and analyze data. Some, however, have begun to build comprehensive local data systems: San Francisco’s data system, for example, provides a wealth of data that simplifies state reporting processes and informs decisions about how to best serve families.

Policy Recommendations

For California to provide all children access to high-quality ECE, state policymakers will need to adopt a comprehensive approach to turn an uncoordinated set of underfunded programs into a true system of supports for children, families, and providers. To build an early learning system that works, the state should take action in four areas.

1. **Build a coherent system of ECE administration.** California must ensure the state's early learning system is cohesive and easy for providers and parents to navigate. To do so, it should:

- Identify and invest in a state-level governing body with the authority and expertise to coordinate all ECE programs.
- Fully fund and grant decision-making authority to a single coordinating body at the county or regional level to streamline ECE administration.
- Develop a one-stop shop for parents and providers to make it easier for parents to find care and for providers to recruit families.

To build a more coherent system in the short term, the state should also take immediate steps, including fully funding Local Child Care and Development Planning Councils to support counties' child care needs assessment and planning as required by statute, reinstating funding for a centralized eligibility list to make it easier for families to connect with providers offering care that meets their needs, and creating a uniform intake process across agencies that streamlines eligibility paperwork.

2. **Make ECE affordable for all children birth to age 5.** To expand access to ECE, California should:

- Establish universal preschool for 4-year-olds, utilizing a mix of public and private providers that all meet quality standards set by the state.
- Make preschool affordable for all 3-year-olds using a sliding fee scale, offering preschool for which families pay progressively more as their incomes increase, thus eliminating the income cliff for families that earn just over the income threshold.
- Ensure access to subsidized child care on a sliding fee scale for all infants and toddlers by expanding existing ECE programs and supporting licensed providers.

California should expand access and ensure an adequate supply of licensed providers through a series of more immediate steps, including expanding the availability of full-day programs to better meet the needs of working families; providing funding for facilities to providers who are willing to serve more infants and toddlers; increasing funding for the Revolving Loan Fund, which supports the purchase and renovation of facilities for ECE programs; changing 1-year state contracts for pre-k and child care to 5-year grants; and increasing reimbursement rates for infant and toddler programs.

3. **Build a well-qualified ECE workforce.** California should support the ECE workforce by taking the following steps:

- Increase expectations and support for educators' higher education and training, starting with preschool, to ensure that children of similar age and need in state-subsidized programs have access to educators with comparable and adequate education and experience. California should pair these new requirements with significant investments in supports for higher education for ECE educators.
- Continue to raise reimbursement rates to enhance educator wages, and reform the state's reimbursement rate structure to ensure that programs requiring higher staff credentials are able to pay higher wages.

To help ECE educators increase their training and compensation in the short term, California should increase the availability of full-day slots in state-funded programs to enable more educators to work full time and earn a living wage; support alignment and articulation across the community college and university systems to ensure credits are transferable across institutions and degrees; expand funding for the Child Development Staff Retention Program (AB 212), which allows counties to provide higher education scholarships to improve the training of ECE educators; implement a Teacher Education and Compensation Helps (T.E.A.C.H.) program, which provides scholarships to help ECE professionals pursue degrees; and invest in higher education advising programs to help early education students complete their degrees.

4. **Improve the quality of all ECE programs.** California should work toward a system of high-quality early learning by doing the following:

- Raise quality requirements for programs with the lowest standards and take steps to help programs improve.
- Ensure all state-supported programs participate in quality improvement activities.
- Ensure access to coaching and other job-embedded supports for all ECE providers by including these evidence-based strategies in QRIS and programs with state-funded contracts.

California should also take immediate action to improve program quality by making state quality improvement funds available to all providers by increasing the flexibility of their use, particularly for categorical grants, which are available only to certain providers; centralizing and supporting training for QRIS assessors to increase rating consistency and free up county-level staff to focus on supporting local providers; investing in research to continuously improve the effectiveness of the QRIS; and offering paid hours for professional learning time to state-contracted centers.

High-quality ECE can put children on the path to success in school and in life. But many California children do not have access to ECE, and not all ECE programs in California are of high quality. California should reconsider its approach to meeting the needs of children and families so that all programs are of high quality and that together, they create a coherent system. Increasing access and improving quality will require both budgetary and operational attention, but ultimately can create a system that, as a whole, will serve California's children better.

ECE Programs and Their Administration

California's ECE system has been constructed incrementally over more than half a century and serves over 500,000 of California's nearly 2.5 million children birth to age 5.¹¹ This section answers the following questions.

- **What does the ECE system look like at the state level?** California's early childhood system encompasses a patchwork of programs. Many federal, state, and local agencies administer ECE programs, making the system complex and confusing.
- **How is ECE administered at the county level?** Many agencies administer ECE programs at the county level, with the administrative structures varying across counties. Many counties lack coordination across agencies, and families struggle to navigate the complex landscape.

What Does the ECE System Look Like at the State Level?

As in other states, California has a multifaceted early learning system. This report, and its earlier companion report,¹² find the following.

- California's system encompasses a complex hodgepodge of public and private programs.
- These programs often are funded by and accountable to multiple uncoordinated agencies at the county, state, and federal levels.

California's system encompasses a patchwork of programs with distinct but overlapping purposes and designs.

Of the state's ECE programs, some were specifically designed for school readiness, while others are meant to support working parents of children birth to age 12 in addition to supporting child development and school readiness.

Throughout this report, most analyses focus on the preschool and child care programs listed below.

- **The California State Preschool Program** (state preschool) provides center-based preschool for 3- and 4-year-olds from low-income families.
- **Head Start and Early Head Start** are child development programs that include wrap-around family services for children from very-low-income families. Head Start includes preschool classes for 3- and 4-year-olds. Early Head Start provides several programs for low-income pregnant women and new parents, infants, and toddlers, including home visiting and child care.
- **Transitional kindergarten** is a school-based preschool program for children just below the age cutoff for kindergarten enrollment, regardless of family income.
- **The Alternative Payment program** provides voucher-based child care subsidies, mostly through California's state welfare program, CalWORKs.
- **General Child Care and Development** provides subsidized slots in state-contracted child care centers and family child care homes.¹³

Other programs are also part of the ECE landscape, but we did not analyze them in depth due to lack of data. These include district-based preschool programs that are voluntarily offered by school districts, typically supported by federal Title I or local school funding such as the Local Control Funding Formula or local tax initiatives. Where possible, we highlight local district programs in the 10 counties we studied.

Other ECE programs that are important to young children’s early education were outside the scope of this report. These include programs that seek to enhance child outcomes through parent coaching and education, such as the California Home Visiting Program and county-led home visiting programs that offer positive parent support for the parents of children under age 5.

We also do not include data on special education programs that work with children diagnosed with, or at risk of, developmental delay. In California, children with special needs birth to age 3 may participate in Early Start, a federally mandated program that offers early intervention services, and children ages 3 to 5 may participate in Special Education Preschool, which is a preschool program run by school districts. Data on these programs are often unavailable or difficult to interpret.

The administration of California’s system is complex and incoherent.

The picture of California’s ECE system grows more elaborate when taking into account the administration of these programs at the federal, state, and local levels. Figure 2 depicts the relationships between the major ECE programs and the agencies that are involved in administering them (for example, providing and/or monitoring funding, setting and/or monitoring quality standards and licensing, and providing technical assistance for program implementation). Within this maze of administrators sit California’s ECE providers, including for-profit and nonprofit child care centers, public schools, community-based organizations, and individual homes. Each of these providers may be accountable to one or more agencies at the local, state, and federal levels, depending on their funding sources. This complexity can create confusion and increase the burden of administrative and reporting requirements.

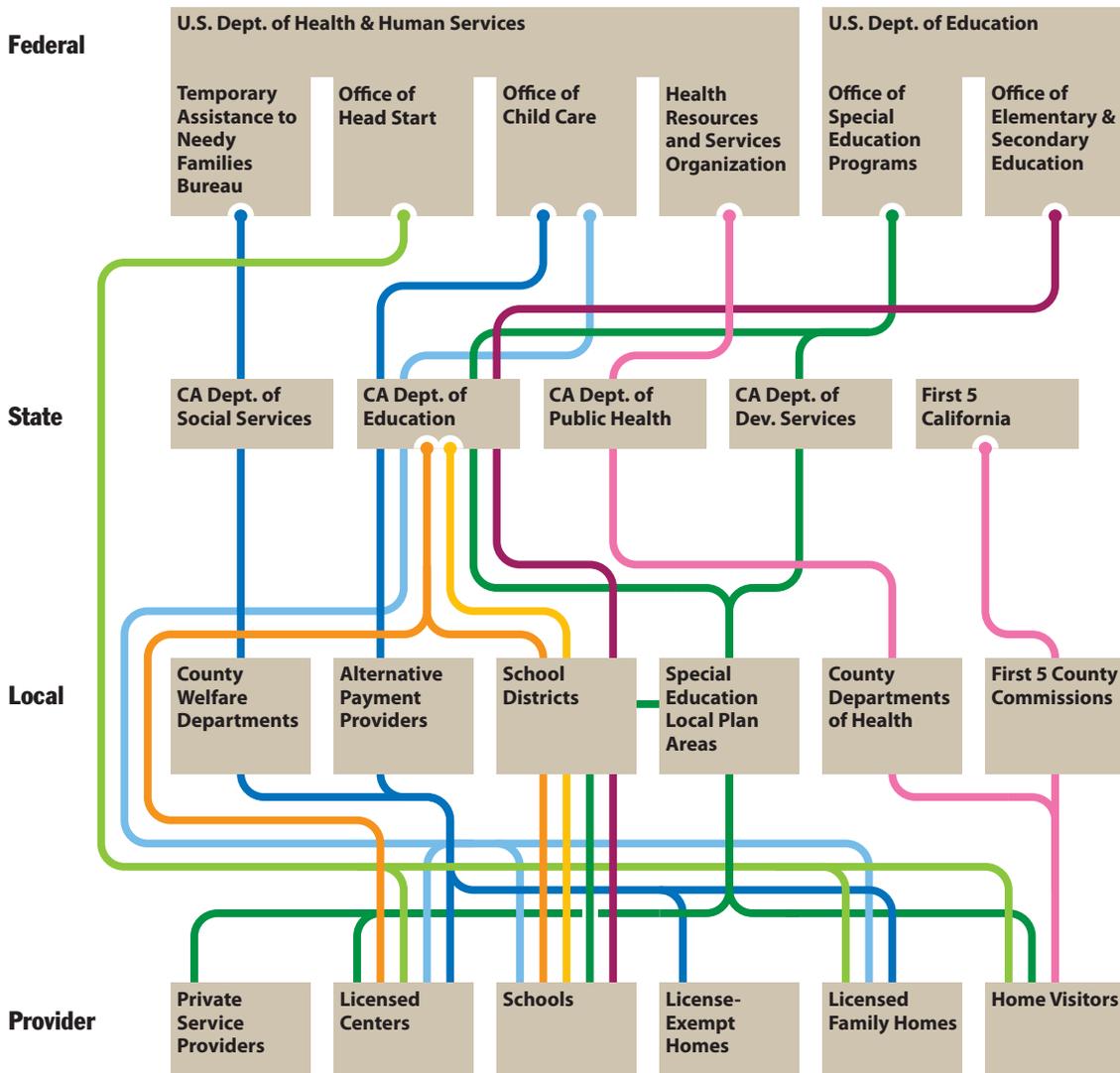
The disjointed state landscape has led to fragmentation at the county level, despite multiple coordinating bodies.

How Is ECE Administered at the County Level?

In California, the county’s role can be quite substantial and may include planning, funding, and implementing ECE programs. We found the following.

- Much of the administration and oversight of ECE programs occurs at the county level.
- The disjointed state landscape has led to fragmentation at the county level, despite multiple coordinating bodies.
- School districts’ ECE programs often work in silos.
- Families struggle to make sense of the confusing system.
- In some counties, a single agency or collaboration of multiple agencies works to streamline ECE services, but these local administrators struggle to undo the administrative tangle created by the state and federal governments.

Figure 2
Many Agencies Control California’s ECE Programs



Note: This graphic shows the multiple agencies that administer state- and federally funded ECE programs in California. Administrative oversight includes setting regulations, allocating resources, managing contracts, and overseeing program quality, among other responsibilities. Administrators may, but do not always, provide funding. ECE programs (the colored lines shown in the key) may be offered by various kinds of local providers, some of whom offer multiple programs at a given time. Several other organizations, particularly First 5, resource and referral agencies, and QRIS consortia, also provide considerable support to providers and programs, although their role varies by county.

Source: California Department of Education. (2017). Child Development. <http://www.cde.ca.gov/sp/cd/>.

Programs

California State Preschool Program	Transitional Kindergarten	Head Start
Special Education	General Child Care and Development	Alternative Payment Program
Title I Funded Preschool	Home Visiting	

Many agencies administer ECE programs at the county level.

Several county-level agencies are responsible for administering and supporting California's ECE programs; however, counties differ in where agencies are housed and the scope of agencies' roles (see Figure 3).

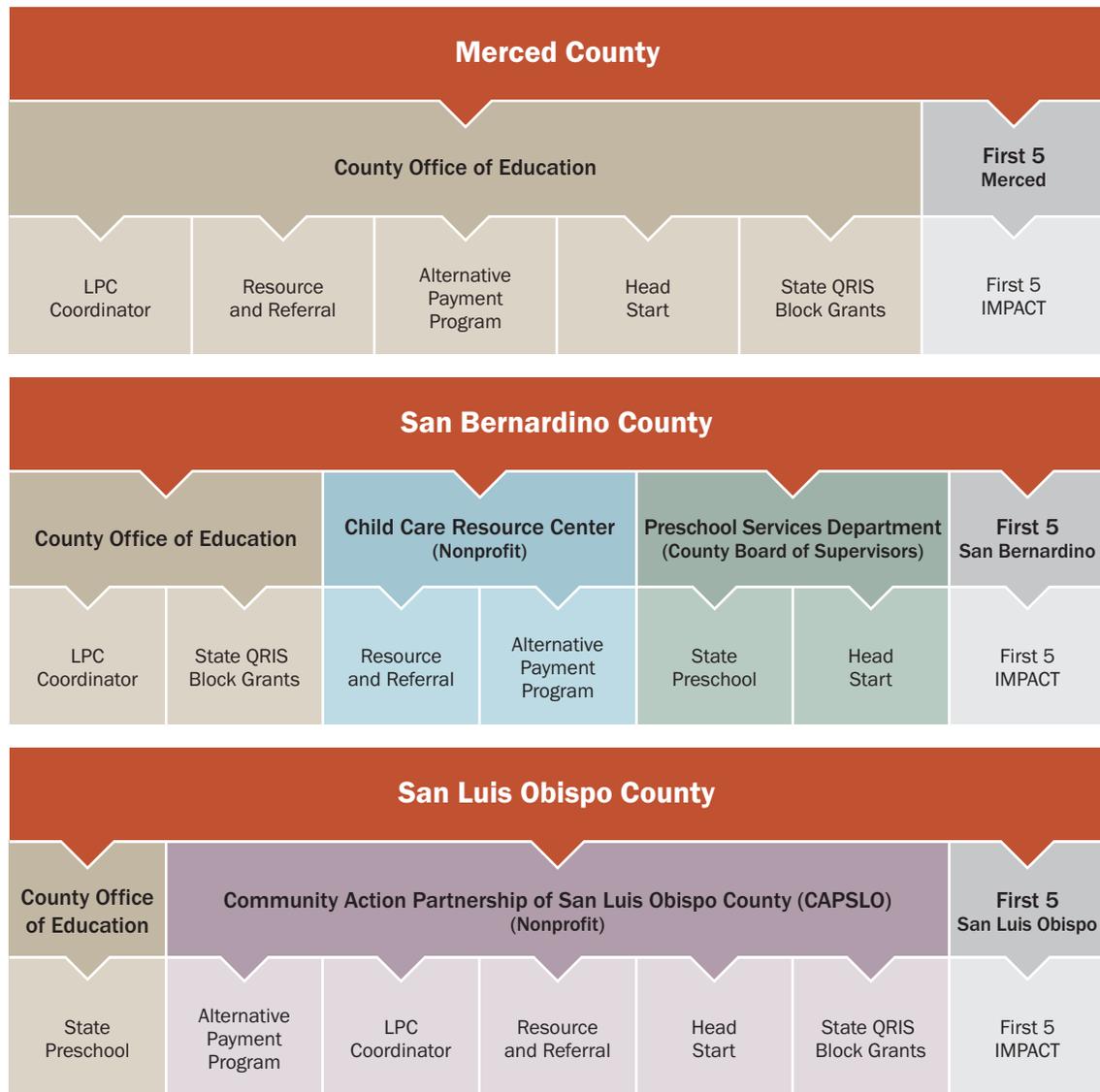
First 5 county commissions. First 5 county commissions fund and sometimes administer ECE initiatives, ranging from quality rating and improvement systems to home visiting programs and parent engagement initiatives. Historically, commissions also funded preschool slots. Commissions are composed of representatives from the board of supervisors; county health, welfare, and education agencies; and early childhood stakeholders including resource and referral agencies, local child care and development planning councils, and school districts. First 5 commissions are primarily funded by California's Proposition 10 tobacco tax, which generated \$559 million in 2014–15,¹⁴ about 80% of which went directly to counties.¹⁵ However, tobacco revenue has decreased significantly in recent years, leading many commissions to stop funding preschool slots. Instead, in April 2015, First 5 California approved \$190 million in funding to support quality improvement efforts through First 5 IMPACT (Improve and Maximize Programs so All Children can Thrive).¹⁶ While some county commissions are deeply involved in this work, others pass through funds to another county-level agency. At the state level, the California First 5 Association and First 5 California support county commissions in their work.

Resource and referral agencies. Each county has at least one publicly funded resource and referral agency. Some operate independently, while others are housed within other county agencies. These agencies help families of all incomes find child care by providing information on available child care options and assessing whether families qualify for subsidized services. They also often administer child care vouchers for children in the Alternative Payment program.¹⁷ Another core function of resource and referral agencies is to provide training for caregivers, especially licensed family child care homes and licensed centers.¹⁸ Agencies also help license-exempt providers register to receive subsidies and gather data on child care supply and demand.

Several county-level agencies are responsible for administering and supporting California's ECE programs; however, counties differ in where agencies are housed and the scope of agencies' roles.

Local Child Care and Development Planning Councils (LPCs). LPCs were created to support counties as they “plan for child care and development services based on the needs of families” and to “serve as a forum to address the child care needs of all families in the community, both subsidized and non-subsidized.”¹⁹ Each county has an LPC whose activities are organized by the LPC coordinator, who is housed in different agencies from county to county. Every 5 years, LPCs are required by statute to conduct a comprehensive child care needs assessment by analyzing the availability and need for child care in their counties, and then to generate a strategic plan for ECE. LPCs also annually determine which ZIP codes have the greatest gaps between ECE supply and demand.²⁰ Finally, LPCs administer stipends for providers who want to earn college credit toward an ECE degree while staying in the classroom.²¹ LPCs also may undertake other efforts, such as supporting providers who are not reaching their projected enrollment.²²

Figure 3
The Structures of County ECE Systems Vary



Note: This graphic shows how administration of certain ECE programs varies greatly from county to county. In cases where programs are administered by more than one agency, we listed the official lead agency. For example, while First 5 is the lead agency for IMPACT in these three counties, each works closely with at least one other agency.

Source: San Luis Obispo County Child Care Planning Council. <http://www.sanluischildcare.org/>; Merced County Office of Education. <http://www.mcoe.org/deptprog/earlyed/Pages/Links-to-Services-.aspx>; San Bernardino County Early Learning and Development Local Planning Council. <http://www.sbcss.k12.ca.us/index.php/student-services/early-learning-and-development/san-bernardino-county-early-learning-and-development-local-planning-council-lpc>.

County offices of education. Each county office of education has a department for overseeing work related to ECE, but the particular activities and roles vary greatly among counties. A county office of education typically administers at least one contract related to ECE (e.g., state preschool). Those in small counties tend to operate multiple contracts (e.g., state preschool and the resource and referral agency). The LPC coordinator is often an employee of the county office of education. County offices of education often, but not always, provide professional development as part of quality improvement efforts and support school districts in the implementation of transitional kindergarten and state preschool.

School districts. School districts run all transitional kindergarten programs, and some districts offer preschool programs funded by Title I or local funding. They also run most special education preschool programs, which are administered like other k–12 classrooms, with the school principal providing leadership and local school boards providing oversight and making funding decisions. Districts also operate about two thirds of the slots in the California State Preschool Program,²³ serving around 92,000 3- and 4-year-olds in 2016–17.²⁴ They also sometimes run Head Start programs. State preschool and Head Start programs usually have their own site directors in addition to the school’s principal, and teachers typically are not part of a union, unlike their k–12 peers.²⁵

County-level agencies lack the funding and authority to coordinate ECE effectively.

With so many state- and federally funded programs operating in each county, a significant amount of coordination is needed to make sure each agency and each program can meet its goals without duplicating efforts or leaving groups of children behind.

First 5 commissions often play a lead coordinating role in their counties. Many identify local child care needs, develop comprehensive plans, and facilitate the implementation of quality ECE, in part by establishing funding priorities.²⁶ First 5 needs assessments are distinct from the LPC assessments that are required by law, but they often serve a similar purpose by directing local early childhood investments. In some counties, First 5s mainly pass funds through to others. With declining funding, however, each First 5 commission has had to reimagine its role. In Sacramento County, for example, the local First 5 is moving away from funding pre-k slots directly and instead deepening its investment in wraparound services for children, such as early developmental screenings.

LPCs are legislatively tasked with coordination of ECE efforts as well, but lack of funding for their mandated activities makes this role unrealistic in many counties. The councils are composed of individuals with responsibilities outside of ECE, and they have only a single staff person, the coordinator, dedicated to the work. Because most coordinators are only partially funded, they take on other roles in order to create a full-time job. As a result, deliverable deadlines required by law are not always met. Of the 10 counties we examined, only four had completed a public-facing needs assessment in the past 5 years as statute requires, and those that had not cited a lack of adequate funding as the reason for not publishing a formal assessment.²⁷

Despite their coordinating roles, neither the LPCs nor First 5 commissions have authority over program directors or local, state, or federal agencies. Other agencies (with the exception of those that are grant recipients of First 5) are not required to share data or work with these coordinating bodies. For example, in order to get information on Head Start enrollment in their counties, some LPCs create and send their own survey to contractors, despite the fact that these data exist

elsewhere. Thus, the extent to which First 5 commissions and LPCs are able to serve a coordinating role reflects the strength of their relationships with other agencies.

Without county-level coordination, each agency, and often each ECE program site, independently conducts its own outreach, data collection, and professional development. In some cases, they compete for the same staff and facilities. They also miss an opportunity to have a unified voice when it comes to building a policy agenda at the city, county, or state level.

District-run and special education preschool programs are isolated.

School districts serve nearly one third of California's half-million 4-year-olds through transitional kindergarten, state preschool, and special education services.²⁸ Yet they often operate separately from other ECE agencies, even in counties with strong collaboration among other ECE stakeholders. LPC coordinators and First 5 staff often have little knowledge of what is happening in school districts, especially in regard to enrollment and quality improvement efforts. Transitional kindergarten and Special Education Preschool typically are not part of a county's quality rating and improvement system, and these programs provide their own professional development. District programs have better funding and access to k–12 professional learning opportunities.

Families struggle to navigate multiple programs and agencies.

Families find their way to ECE programs in California through several routes. Families in CalWORKs apply through their case managers; children with special needs go through their school district or Special Education Local Planning Area (SELPA); or families may sign up for preschool directly with their local school district, state preschool, or Head Start.

Figuring out which agency to go to can be challenging. Resource and referral agencies are typically the only agencies that can connect families to multiple programs and verify eligibility for multiple programs at once. Even working with a resource and referral agency, however, it is still up to each family to find a child care provider with space for their child. In most counties, each program runs its own wait list, so families must contact multiple programs to find one with available space. “There are so many different programs and so many opportunities ... but we really haven't worked out how, if a family comes to this program, how do we connect them to all the other programs,” said Rosa Barragan, Program Manager at Merced County's resource and referral agency. “Sometimes parents don't understand that you have to go to every program in the county that you're interested in and apply for it.” According to the Director of San Mateo's resource and referral agency, David Fleishman, “the system is complicated enough that funders allocated funds to have someone available just to help the families navigate the system of care. Is it complicated? Are parents confused? Unequivocal yes.”

From 2007 to 2011, resource and referral agencies maintained countywide centralized eligibility lists that facilitated their work of linking eligible families to providers as space became available. These lists also meant that parents did not need to contact individual providers to see if they had space available. Funding for such lists was eliminated in the recession, however, and now only some counties run a centralized eligibility list.²⁹

Successful Practice: Sacramento and San Francisco Counties Maintain Centralized Eligibility Lists

The lack of state funding for centralized eligibility lists means that counties need to identify other funding sources if they want to maintain one. Sacramento has done just that, maintaining a voluntary countywide eligibility list since losing state funding in 2011. The list is “very important to our work as a community agency,” said Anthony Garcia, Director of Community Services, Child Action Inc. “We see the centralized eligibility list as part of our assessment process that we use to determine eligibility for our subsidy program. So we embed the work that goes into maintaining the centralized eligibility list into work we’re already doing.”

San Francisco is piloting a new version of a centralized eligibility list—Child Care Connections—which is a priority for its data team. Like Sacramento, the county has been locally funding its list “to make sure there is a one-stop shop for families as they’re getting matched with programs that meet their needs and financial assistance, whether it’s federal, state, or local,” said September Jarrett, Executive Director of the San Francisco Office of Early Care and Education. The current system, however, does not keep track of family preferences. Instead, families at the top of the list receive a call whenever any new space is available. San Francisco’s new system, which Jarrett likens to the restaurant app Open Table, attempts to make better matches between available slots and family preferences. “If we keep organizing our system around what we have instead of what families want and need, we’ll miss the mark,” she said.

Sources: Interview with Anthony Garcia, Director of Community Services at Child Action Inc. (2017, June 28); Interview with September Jarrett, Executive Director of the San Francisco Office of Early Care and Education (2017, August 16).

Paperwork is also a challenge. For example, some families must provide paperwork to multiple programs to prove eligibility if their child participates in a part-day preschool program in the morning and receives a voucher for license-exempt care in the afternoon. Rosa Barragan, Program Manager at Merced’s resource and referral agency, explained that initial paperwork can still be a real barrier to access to programs. “Once they’re here, we say ‘this is what we need you to bring back,’ and they just don’t come back. Some of them have said to us, ‘it’s too much work, it’s too much paperwork, I’m just not going to do it.’”

Important changes have been made to reduce the paperwork burden, however. Until recently, families had to provide proof of eligibility for subsidies, sometimes as frequently as every few weeks if, for example, their work hours changed or they had small fluctuations in their wages. A change in federal and state law has extended eligibility to 12 months, so families do not need to reconfirm eligibility for a full year unless their income increases significantly. Four Bay Area counties have worked with their state representatives to pass legislation allowing families in their counties to stay eligible for 2 years. “The 2 years of eligibility doesn’t mean there’s a clean path and nothing happens with the families [if their income changes],” said Nirmala Dillman, Child Care Partnership and School Readiness Coordinator at the San Mateo County Office of Education. “But it does mean they don’t have to leave their job or school and come meet with us every time they have a slightly different need, or their school schedule changes.”

Successful Practice: San Luis Obispo and San Mateo Counties Build Coherent ECE Systems

San Mateo and San Luis Obispo counties have successfully worked to streamline processes for families and providers, maximize resources, and develop a more coherent vision of ECE. They have fostered collaboration through formal structures and strong relationships.

Community Action Partnership of San Luis Obispo (CAPSLO)

CAPSLO is a nonprofit agency encompassing a variety of programs aimed at helping low-income families, including ECE and family support services. CAPSLO is the fiscal agent for San Luis Obispo's resource and referral agency, LPC coordinator, Head Start programs, and the Alternative Payment agency, the latter of which administers child care vouchers. As such, it acts as a one-stop shop for many families and providers.

Having multiple ECE agencies working together under the umbrella of a single organization fosters collaboration and information sharing. According to Shana Paulson, Resource and Referral Director for CAPSLO, this collaboration makes life easier for the families they serve. For example, eligibility specialists from Head Start and the Alternative Payment program work together so that families can complete one intake rather than going to multiple offices. "That has been a really big thing for the children and parents," said Raechelle Bowlay-Sutton, the county's LPC Coordinator and Shana Paulson's colleague. Paulson agrees: "Working together, we are able to more efficiently serve and address family and community needs. ... As a result, CAPSLO is a better community partner, is better equipped to support families as they navigate systems, is a more knowledgeable advocate, and is able to draw upon resources to support early care and education professionals."

CAPSLO has applied this administrative streamlining to providers as well. Providers fill out one application for professional development funding, and CAPSLO staff do the complex work of determining how to allocate funds. If a provider comes in looking for professional development, staff are able to say: "'You want to be a part of it? Great, we'll figure out what funding stream you are in.' Versus, 'oh, this goes through IMPACT or that's through state preschool or infant-toddler,'" reported Bowlay-Sutton. This unified strategy works because CAPSLO administers most of the state quality improvement funding, from state block grants to a significant portion of First 5 IMPACT.

The only major ECE program that does not fall under CAPSLO's purview is state preschool, which is administered by the county office of education, and some General Child Care programs. To apply for these programs, families need to go to another office and complete another application. (This was not the case when the county operated a centralized eligibility list, before state funding ended in 2011.) But Nancy Norton of the San Luis Obispo County Office of Education reported that communication between her office and CAPSLO is improving, too, saying, "with the child care planning council [the county's LPC], there has been a new direction taken, and so we've had a lot better communication." For example, Norton explained, when Head Start was considering reducing slots in order to shift programs from part day to full day, CAPSLO and the county office of education worked together to identify additional funding to maintain enrollment.

Interagency Collaboration in San Mateo County

Although San Mateo County does not have a formal coordinating agency similar to CAPSLO, the county shows how interagency collaboration, through ongoing relationship building and communication, can lead to a more cohesive local vision of quality ECE. Administrators at the county's resource and referral agency, LPC, First 5 San Mateo, and the county office of education are in regular communication and work jointly on major county ECE efforts. According to Kitty Lopez, First 5 San Mateo Director, "the county covers a large area, but we work on the same task forces, are in the same kinds of meetings, so it really helps move the work forward."

Joint work on a few ambitious initiatives over the years has been both a result of, and a contributor to, these strong relationships. Big Lift, for example, is a major preschool expansion project that has required involvement and funding from all of the ECE agencies, the county supervisor who controls part of the budget and chairs the Child Care Partnership Council, and local politicians. Another initiative was a convening of stakeholders to conduct a facilities needs assessment, which led to a county priority on expanding access to facilities. This initiative was notable because it involved active participation of local businesses and the county's Human Service Agency—actors that do not typically get involved in ECE. The Silicon Valley Community Foundation, a local philanthropy, helped convene both efforts. A third joint effort was a campaign to adopt state legislation for a pilot program to raise the income eligibility threshold for subsidized child care and to increase reimbursement rates. This pilot allows funding that is not spent by some programs to be reallocated throughout the county—a process that requires close communication and a willingness to share resources.

Members of each ECE agency frequently serve on the same committees, enabling them to build a shared agenda. Jean-Marie Houston, Early Learning Support Services Administrator at the San Mateo County Office of Education, described the county's vision: "Our intention is to look at the broadest picture of quality in the county. ... We try not to silo our work." The Resource and Referral Director, David Fleishman, noted that his agency is active in ECE efforts throughout the county, which is not always the case. "One of the things I love about this county is how collaborative we are. ... In other counties, [resource and referral agencies] are not nearly as integrated. Sometimes they're quite on the outside." San Mateo County has also ensured its LPC coordinator has a fully funded position and support staff at the county office of education.

As in San Luis Obispo, San Mateo County hopes to make it easier for families to stay enrolled in subsidized ECE programs by streamlining paperwork. Officials across agencies are developing common enrollment forms so that a family fills out one form, regardless of whether it's for state preschool or a CalWORKs voucher. The one-form process "gives a chance for those enrolling families for us to be more supportive of families rather than always asking for paperwork," said Nirmala Dillman, Child Care Partnership and School Readiness Coordinator at the San Mateo County Office of Education. It allows the agencies to "infuse a different spirit" in their work while staying in compliance with existing regulations.

Sources: Interview with Raechelle Bowlay-Sutton, LPC Coordinator of San Luis Obispo County (2017, May 15); Interview with Shana Paulson, Resource and Referral Director, CAPSLO (2017, June 19); Interview with Nancy Norton, Director of Early Learning Educational Support at the San Luis Obispo County Office of Education (2017, June 29); Interview with Kitty Lopez, Executive Director of First 5 San Mateo (2017, May 26); Interview with Jean-Marie Houston, Early Learning Support Services Administrator, San Mateo County Office of Education (2017, May 23); Interview with Nirmala Dillman, Child Care Partnership and School Readiness Coordinator at the San Mateo County Office of Education (2017, May 30); Interview with David Fleishman, Executive Director, 4Cs of San Mateo County (2017, May 15).

Section Summary: ECE Programs and Their Administration

California's 58 counties have inherited a complex patchwork of ECE programs from the state and federal governments, and consequently they struggle to achieve a coherent vision for early learning. Agency coordination is stymied by a lack of staff capacity and insufficient authority for any one agency, leading programs to work in silos. This fragmented system is particularly difficult for families to navigate, requiring them to visit multiple agencies and sometimes fill out multiple sets of paperwork. San Mateo County has overcome this complexity with strong relationships fostered through collaborative local initiatives—a successful, but not easily replicable, strategy; San Luis Obispo County has created a more seamless system for families and providers through the creation of an umbrella organization from which others might learn. Yet the web of rules, regulations, and restrictions passed down by the state and federal governments limits the opportunity for success.

California needs to develop a coherent vision, shared goals, and effective administrative strategy at both the state and county levels, with the goal of serving children more comprehensively and seamlessly. The state's chosen strategy should build on agencies' strengths to unify the fragmented system, and will require formal means for collaboration and new lines of authority.

To build a more coherent system in the short term, the state should also take immediate steps, including fully funding Local Child Care and Development Planning Councils to support counties' child care needs assessment and planning as required by statute, reinstating funding for a centralized eligibility list to make it easier for families to connect with providers offering care that meets their needs, and creating a uniform intake process across agencies that streamlines eligibility paperwork.

Rethinking the entire system, with its component parts in mind, will allow the state to expand access in a more coherent, effective way.