

Where to Start? What Governors, Legislators, and Others Can Do

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Other essays in this series sketch a new and more productive future for state education agencies (SEAs), and provide important ideas for state superintendents and senior staff. SEAs, however, were not built to manage performance and cannot easily adapt to this new role. State superintendents can adopt performance-based strategies and lead change, but they cannot transform their agencies as deeply as required without help from the outside.

This essay is for those who work outside of SEAs—governors, state legislators, philanthropies, and reform advocates—who would like to support them in this transformation. This essay asks and answers—What can they do to help define a new performance-oriented mission for the SEA, help state superintendents build the staff and analytic capacities their agencies will need, and remove barriers to necessary change?

Implications for Governors

Governors can, and should, use the bully pulpit to make school performance improvement a top priority for state government and put pressure on legislative committees and incumbents in the SEA. The new SEA requires a certain kind of state superintendent. The governor can help ensure the right person gets the job, by promoting a candidate who embraces the idea of performance management, is committed to innovation, and, does not define the job as protecting the existing K-12 system. Where the constitution provides for direct appointment of the superintendent, this is simple. But even in states with elected superintendents, governors can recruit good candidates, who might not have thought of running, and provide them public support to reduce the risk of a political split.

Whether the state superintendent is an appointee or elected, the governor should offer to collaborate on strengthening the state agency and revising its mission, and should support the chief when he/she takes the initiative to hold districts accountable for performance. Other efforts the governor could promote or lead include:

- Negotiate new flexibility for the SEA's use of federal administrative funds with the U.S. Department of Education
- Sponsor legislation to reform school finance so that all funds follow children to the school they attend. Such a move provides districts with the flexibility to use funds as they see fit and eliminates the SEA's obligation to monitor spending and implementation of categorical programs.
- Craft a budget that fully funds a statewide longitudinal student data system that tracks outcomes, school and program enrollment, and spending, and provides for the recruitment of top-level technical staff, at salaries competitive with industry and universities.

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- Sponsor legislation to eliminate independent licensing boards and other commissions that impose restrictive requirements that are based on collective bargaining, not on proven links to student learning.
- Sponsor legislation to give the state superintendent authority to sanction negligent school districts, by decommissioning them, replacing them, or splitting them up, and by seizing control of the lowest-performing schools and chartering them out to new providers.

Some of these actions are under the governor's personal control; others involve leadership on legislation. The latter actions, including budget priorities and program consolidation, might require the governor to build new alliances with pro-reform legislators, and in some cases to bypass the legislature's traditional leaders of education policy, who might resist the state's transition to performance management.

Implications for Legislators

Without new legislative authority and targeted appropriations, state superintendents can go only so far. Transformation of the SEA's mission and capacities will require new legal authorities and new funding, as well as the abandonment of some traditional programs and forms of expenditure.

Actual performance management reform is likely to result in some constituent complaints, especially when reform involves strong pressure on districts that do not address the needs of large numbers of children; seizure and chartering out of consistently low-performing schools; and other changes in school districts. How legislators respond to this criticism—whether they support complainants automatically, or look carefully into cases before judging the agency—can sustain or impede reform.

Actions legislators can take to strengthen an SEA's capacity to manage performance include:

- Collaborate with the governor on initiatives to consolidate programs and revise the state school finance system so that funds can follow children to the schools they attend.
- Allow state superintendents to transform their agencies, reorganizing their agency and using existing money to hire staff whose skills are consistent with the new mission, even if it means increasing salaries for certain agency employees.
- Fully fund development of statewide longitudinal databases and analytical capacity. States vary in how much they have invested in data systems, but even those with good data are just starting to figure out how to use them.
- Let go of funding for unique home-district projects, which, though often well-intentioned, further dilute the pool of available resources.

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Some legislative leaders will find existing education committees are likely to resist change given that they once sponsored the diverse programs that now need consolidation or change. These committees might need to be bypassed, in favor of broader economic development committees that are naturally concerned with K-12 performance, or merged into such committees. Committees should be structured to focus on performance oversight, not provider groups or programs for different categories of students.

Implications for Philanthropies

Foundations interested in K-12 education have understandably focused their giving on districts and schools. After all, that is where the students are. It is easy to see how school improvement, new schools (including charters), teacher training, new instructional methods, and new district investments could improve student outcomes.

The adoption of performance management, however, reflects hard lessons about the need for attentive public oversight and aggressive action on behalf of children whose schools and districts are not serving them well. Some philanthropies have invested in strengthening this function at the district level, but none have done so for state agencies. Though philanthropies rightly resist paying for continuing costs, they could make huge contributions to an SEA's capacity by:

- Subsidizing development of new state performance databases and analytical capacities—
 - Grants could help state superintendents get work started even as they are making the case to legislators for greater authority and funding.
 - Alternatively, grants to state universities for data system development and analysis can help bypass state civil service and pay limitations, and bring on top talent quickly.
- Supporting development of new model state statutes strengthening SEA missions, authority, and staffing, and establishing new state authority to decommission or sanction negligent districts.
- Helping document the trials and triumphs of SEAs on the leading edge of reform—Some states are further down the road toward transforming their SEAs, and the lessons gleaned from them could prove invaluable, answering:
 - What capacities are needed?
 - What problems arise?
 - What strategies have led to improved student learning?
 - What must a state do to be prepared if it reassigns responsibility for a school or district?
- Sponsoring national training and networking programs for new and aspiring state superintendents and senior state agency staff.

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By themselves, these investments will not transform state agencies; but, they can greatly accelerate problem-solving and capacity-building in the neglected area of state leadership.

Implications for Advocacy Groups

A growing national network of state-based policy reform organizations, typified by Connecticut's ConnCAN and Kentucky's Pritchard Committee, is pressing for performance management and school innovation. These groups, like the major philanthropies, have focused on state legislation that supports local- and school-based reforms, including charter schools. Until recently, SEAs have been off their radar, but it is now clear that smart, aggressive SEAs can be vital allies. State advocacy groups can help state superintendents and SEAs develop their capacity for performance management by:

- Pressing governors to play the roles described above.
- Advocating for enactment of model state statutes redefining SEA roles and state budgets that enable greater flexibility in use of resources and staff, including salaries.
- Educating legislators and legislative candidates about the need for changes in state agency roles and capacities.
- Pushing governors to take the aggressive steps necessary to prioritize performance management and innovation, including appointing assertive and reform-minded state superintendents.
- Supporting state superintendents and SEAs when they take needed but controversial actions and pressing other reform-oriented officials to act boldly and not to temporize or backslide.
- Working with elected officials and SEAs to build a broad base of support for reform among parents and the general public.

Conclusion

Only state superintendents can do the day-to-day work of transforming their agencies into performance managers. But other parties can make the difference between a lonely and possibly futile individual effort and a well-integrated movement. Governors and other key actors must not just pay attention to what their SEAs do but also take action to improve them. They should not mistake the absence of controversy for success or assume, as perhaps once was the case, that the SEA is so benighted it can not play a key role in ensuring student success.