

Report to the Wyoming Legislature on Education Governance: Laying the Foundation for a Strong Future

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November 25, 2014



CROSS & JOFTUS

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Table of Contents

| | |
|--|-----------|
| Executive Summary | 5 |
| Purpose and Structure of the Report | 7 |
| Chapter 1. The History of Education Governance in Wyoming and Key Findings to Inform the Path Forward | 9 |
| <i>Key Findings from the History of Education Governance in Wyoming</i> | 10 |
| <i>Behind the Tension, a Structural Flaw</i> | 12 |
| <i>Overview of the History of Wyoming Education Governance</i> | 15 |
| Chapter 2. The Performance of the Wyoming Educational System Today | 17 |
| <i>Performance Trends of Wyoming K-12 Students</i> | 18 |
| <i>Wyoming High School Graduates' Readiness for Postsecondary Education</i> | 23 |
| <i>Funding Levels Are Not the Problem</i> | 26 |
| <i>Wyoming's Academic Expectations in a National and International Context</i> | 27 |
| <i>Looking Ahead: Wyoming's Increasing Academic Expectations</i> | 29 |
| Chapter 3. The Wyoming Economy and Workforce: Projections for the Future and Implications for The K-12 Education System | 30 |
| <i>Implications for All Wyomingites</i> | 32 |
| Chapter 4. Education Governance Structures: Are Some Better Than Others? | 33 |
| <i>Common State-Level Education Governance Structures</i> | 34 |
| <i>Are some structures better than others?</i> | 40 |
| Chapter 5. The Views of Wyomingites: Results of a Statewide Survey and Interviews on Education Governance | 41 |
| <i>The Online Survey</i> | 41 |
| <i>Interviews with Stakeholder Group Leaders</i> | 46 |
| <i>Summary of High-level Priorities of Wyomingites from the Survey and Interviews</i> | 50 |
| Chapter 6. The Path Forward: Options for Consideration | 52 |
| <i>Decision Point: State Board Member Selection</i> | 52 |
| <i>Education Governance Models for Consideration</i> | 54 |
| <i>Option 1: Chief State School Officer Appointed by State Board of Education</i> | 54 |
| <i>Option 2: Chief State School Officer Appointed by the Governor</i> | 56 |
| <i>Option 3: An Appointed Chief State School Officer and an Elected Secretary of Education Accountability and Reporting</i> | 58 |
| <i>Steps Required to Implement a Revised Governance Structure</i> | 60 |
| Conclusion: Laying the Foundation for a Strong Future | 63 |
| Appendices | 66 |
| Appendix A. Reports on Education Governance in Wyoming, 1985 – 2005 | |
| Appendix B. Comparable States | |
| Appendix C. Wyoming Survey and Results, August 2014 | |
| Appendix D. Presentation to the Wyoming Joint Education Interim Committee Hearing, September 9, 2014 | |

Appendix E. Wyoming School Boards Association Survey and Results, October, 2014

Appendix F. Handouts from Stakeholder Interviews, July, 2014

Appendix G. Resources for Training New State Board of Education Members

Appendix H. Themes from Interviews for Improving Support from the Wyoming Department of Education
to Schools and Districts

Appendix I. Creating a Statewide Vision for Public Education and Blueprint for Action

Appendix J. Increasing Parental Engagement

Executive Summary

Time for Action and a Unified Vision

For Wyoming to meet its future economic needs, it must develop and sustain an education system that will ensure students of the state will be prepared for citizenship, the workplace, and to be competitive in a global economy. While modest student performance gains have been made in recent years, other states, including several that are demographically similar, are improving at faster rates, giving their high school students better preparation for success in postsecondary education and career training. Wyoming must significantly increase the percentage of adults with two-year or four-year degrees over the next 10 years or risk the future well-being of Wyoming's citizens.

Yet at the state level, Wyoming's educational system has been held back repeatedly by disagreement, tension and dysfunction.

Over the last 100 years, the Legislature has tried numerous times to resolve these tensions through a series of statutory changes to the structure and the duties assigned to the primary state education governance bodies: the State Superintendent of Public Instruction and the State Board of Education.

Yet as we will detail in this study, a fundamental flaw within that structure is the root cause of the dysfunction. There is no structural mechanism to resolve areas of dispute between the State Superintendent and State Board on matters of vision and direction. There is no well-defined and binding process to reach final decisions on the policies and goals of the system, nor accountability assigned for doing so. The elected State Superintendent seeks to deliver on the commitments made during campaigns but the authority for setting the policies and goals of the system are assigned to the State Board. When, by chance, the views and priorities of the State Superintendent and the State Board are aligned, the system works well. But the functioning of Wyoming's educational system should not be left to chance.

This study concludes that Wyoming has little time to waste in addressing this flaw and clearing the way for a more consistent and productive focus on educational improvement.

Moreover, a statewide survey of nearly 1500 citizens and in-depth interviews with representatives of eighteen stakeholder groups reveal not only a readiness but a sense of urgency for addressing the state-level governance issues so that a shared state vision and plan for educational improvement can be crafted. A majority of every subgroup polled and interviewed prefers a transition to an appointed chief state school officer who can be held accountable annually for driving improvements, although many want to maintain a means by which the public has a direct "voice" in choosing individuals with significant roles in steering or monitoring the educational system.

While research indicates that governance is an important determinant of the effectiveness of a system, there is no "best" governance structure. The education governance systems interact with the larger set of executive and legislative systems, commissions, appointment practices, and traditions of a state, as well as the specific goals and priorities of a state. Within the context of the state, what matters is that the structure actively supports clear, timely and well-vetted decisions regarding the State's goals, requirements, and expectations.

This report provides to the Legislature three governance structure options for consideration. Each is consistent with the priorities of Wyomingites gathered through the survey and interviews, and each provides a formal mechanism by which final, binding agreement can be reached on the vision, policies and goals of the system. Each option also protects existing local control over curriculum and instruction. None, however, can guarantee accelerated improvements in educational performance.

Improving the state education governance structure will not, in and of itself, propel advances in the education of Wyoming's students. Rather, it should be thought of as a necessary action step that is part of a larger statewide effort to ensure a strong future for the students and families of Wyoming.

Purpose and Structure of the Report

In the spring of 2014, after several years of conflict at the state level over education governance, the Wyoming Legislative Management Council directed the Joint Education Interim Committee to undertake a review of the state's governance structure and to provide potential alterations that would better support efficient, effective governance and, thereby, better support the education of the youth of the state. As part of this review, the Management Council requested that the views of citizens and stakeholder groups be gathered regarding past governance challenges and their priorities for addressing them.

In the summer of 2014, Cross & Joftus conducted in-depth interviews with 31 representatives of 18 Wyoming stakeholder groups, including teachers, administrators, business and civic leaders, higher education leaders, former and current Wyoming Department of Education leaders, and parent advocacy groups.

In addition, a brief survey concerning education governance was placed online and nearly 1500 citizens responded. The findings from the surveys and interviews were presented to the Wyoming Joint Education Interim Committee on September 10, 2014. Requests made by members of the committee at that time helped to further inform the content of this report.

Significant research was conducted to inform the development of recommendations. Chapter 1 provides key findings from a review of the history of education governance in Wyoming. These findings reflect the long-standing values and priorities of the state. Chapters 2 and 3 review trends in the educational performance of Wyoming's students, their readiness for postsecondary education, and projections for the educational attainment levels needed to meet future workforce needs in Wyoming. These chapters, then, provide a picture of the level of challenge facing the state as it seeks to prepare each student for a strong future.

The Management Council requested a review of the most common education governance structures used across the country, their use over time, and insights regarding strengths and potential weaknesses of these structures. These are provided in Chapter 4.

In Chapter 5, the results of the statewide survey and interviews are explored in detail, and the themes of significant agreement regarding the future governance structure and priorities for the state are described.

Finally, in Chapter 6, all of this information has been used to craft three options for the Legislature and the citizens of Wyoming to consider.

Several appendices have also been developed to provide information on important related topics. For example, the need for a statewide vision for education and multi-year implementation plan were raised by nearly every stakeholder group. In Appendix I, we provide information on effective initiatives in other states to develop and sustain such a plan.

This report provides the Wyoming Legislature with a wealth of information that can be used as it considers these governance issues in 2015.



Chapter 1

The History of Education Governance in Wyoming and Key Findings to Inform the Path Forward

In 1889, the Wyoming territorial governor, Francis E. Warren, initiated the first step toward statehood by calling for the election of delegates to a Wyoming constitutional convention. That September, the 49 delegates who assembled in Cheyenne had just 25 working days to craft a constitution that would be placed before voters in the November general election.

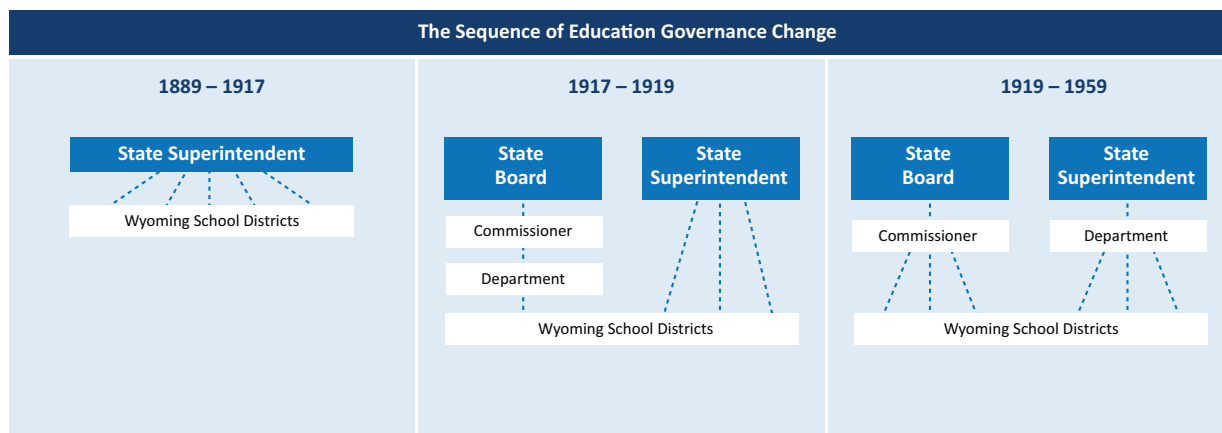
To expedite the work, the delegates used a "scissors-and-paste" approach, copying sections from many other state constitutions.¹ It was not a perfect document, nor should it have been expected to be. The Wyoming Constitution has been amended some 75 times since its ratification in 1889.

The initial version of the Wyoming Constitution called for "the establishment and maintenance of a complete and uniform system of public instruction" and established the position of the State Superintendent of Public Instruction as an elected official. The definition of this position within the constitution is brief, charging the individual with the "general supervision of the public schools" and leaving the further definition of powers and duties to the Legislature. It would be another 30 years before any statutes were enacted with further definition. It appears that in the interim the duties of this individual were typical of state superintendents in other states at the time – monitoring of the use of funds.

In 1917, the Legislature chose, as nearly every other state had done, to create a citizens board to establish statewide education policies and standards. The State Board of Education (the Board) was established in statute, as well as a Department of Education, and the Department was placed under the control of the Board. In 1919, in the first statute to address the State Superintendent, the Department of Education was moved under his/her control.

¹ Phil Roberts, "The Wyoming Constitution: A Brief Overview," University of Wyoming website www.uwyo.edu/robertshistory/wyoming_constitution.htm October, 2014.

Figure 1a



Since that time, the role and staffing of the State Board and the oversight of the Department have been altered numerous times through statutory changes. No fewer than six education governance structures have been enacted in Wyoming, as depicted in Figure 1, and many more considered by the state Legislature over the last 100 years.

At times, the state had both an elected State Superintendent and a Board-appointed Commissioner of Education. At times the Department of Education reported to the State Board of Education, and at other times to the State Superintendent. In just the last 30 years, the Wyoming Legislature commissioned three previous reports on education governance (included in Appendix A). These prior reports contain chronologies of the many statutory changes to the state’s education governance structure. Rather than repeat that chronology, this report provides a brief summary on 15 and 16 and has extracted key findings, below, that have been used to inform the development of governance options.

Key Findings from the History of Education Governance in Wyoming

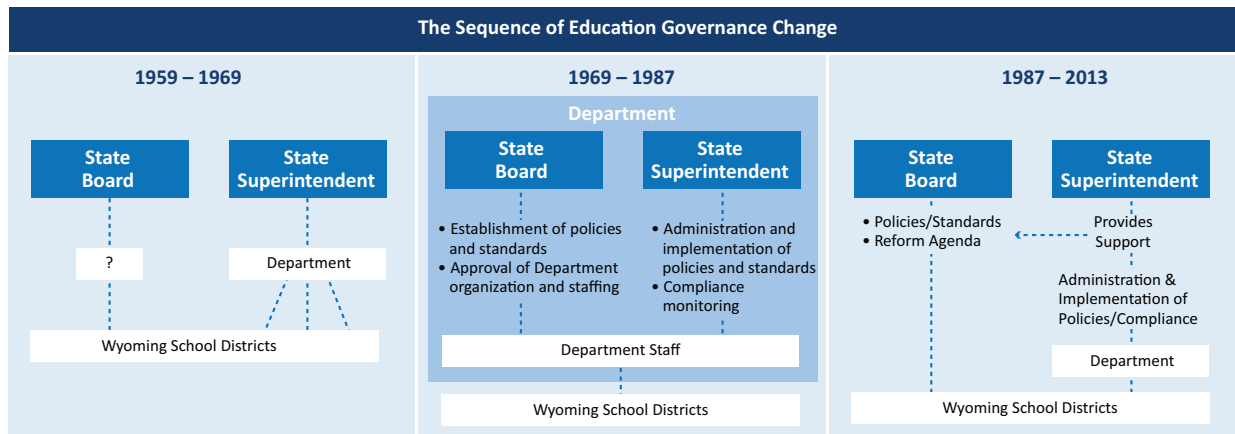
Looking across the many changes to the governance structure over the years, four key findings emerge.

Key Finding

The role of the state in Wyoming’s public education system is, and has always been, ensuring equitable and adequate funding for public schools, establishing the policies, standards, and goals of the public education system, and monitoring compliance with financial and programmatic requirements. Since

shortly after ratification of its state constitution, Wyoming has placed the authority and responsibility for educational policies, standards, assessments, and funding at the state level. While decisions concerning specific curricula and instructional practices have been left to individual school districts, setting educational goals and standards for the public school system and ensuring educational quality and fairness have long been responsibilities of the state.

Figure 1b



Key Finding

The state Legislature has consistently assigned the authority for establishing educational policies and standards to a board of appointed citizens, the State Board of Education. The Legislature created a State Board of Education in 1917 and has repeatedly reaffirmed the Board’s authority to prescribe the educational policies and standards for the state. Because the appointed Board members serve 6-year staggered terms, the state is able to create some measure of stability for its schools across administrations. Statute also requires that the Board be balanced in political affiliation, with no more than 6 of the 11 appointed members from any one political party, to protect from excessive influence of partisan politics in policymaking.

Key Finding

Areas of overlapping authority between the elected State Superintendent and the appointed Board have been a source of tension, debate, and periodic dysfunction since the early 1900s. The state constitution, written in just 25 days, addressed the general supervision of schools but left the larger governance structure and decisions concerning policy, standards, and goals of the system to be prescribed by the Legislature. Of the six modified education governance structures that have been enacted, many were prompted by the need to reduce tensions and bring about more effective coordination between the office of the State Superintendent and the State Board of Education, according to reports commissioned by legislative bodies (see Appendix A).

Key Finding

The tension and periodic dysfunction are perpetuated, and exacerbated, by a structural flaw in the governance structure that a) creates the false perception that the State Superintendent has the authority to set the policies and goals of the system and b) provides no structural mechanism to resolve areas of dispute between the State Superintendent and State Board to reach final, binding decisions on the policies and goals of the system.

As discussed in Chapter 5, Wyoming stakeholders feel strongly that, particularly during the recent years of tension between the State Superintendent and State Board, the Legislature has at times usurped authorities assigned to other entities and has passed legislation that is overly prescriptive. By addressing the structural

flaw, it is hoped that the Legislature would entrust each education governance entity to carry out its responsibilities.

Behind the Tension, a Structural Flaw

The inherent tension between the State Board of Education and State Superintendent may, in fact, have been an intentional feature of the state's governance system as part of a larger system of checks and balances. It is often asserted that tension and debate are foundational to a healthy democracy, helping to surface the strengths and weaknesses of proposals and provide a more complete understanding of the alternatives. As Richard Beeman, a noted historian of America's political and constitutional history, wrote:²

Benjamin Franklin, ever the optimist even at the age of 81, gave what was for him a remarkably restrained assessment in his final speech before the Constitutional Convention: "...when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views."

Through public debate, individual biases can be placed into a larger context and decisions can be made that better address the range of interests and needs of the citizenry.

Educational policy decisions are complex and affect both the families of the state and the future social and economic well-being of the state. Given the wide range of educational needs, aspirations, and philosophies, it is not surprising that periods of notable tension between the Wyoming State Board of Education and the elected State Superintendent have occurred. While debate is valuable within a democracy and should not, in and of itself, be considered cause for changes to the governance structure, changes may need to be made when healthy tension repeatedly gives way to dysfunction.

This report finds that the Wyoming education governance structure needs modification because it lacks a structural means by which, after healthy debate, final decisions are made concerning the policies, priorities and goals of the system. Important questions face both citizens and the Legislature about the specific alterations that would best align with their educational goals, priorities for leadership and style of governance.

A fundamental question the state will need to grapple with is whether to continue to select the chief state school officer through elections or to move to a structure in which that person is appointed.

Elections are at the very core of democracy. They are the means by which the people choose their leaders and hold those leaders accountable for delivering on campaign promises and conducting themselves appropriately in office. In Wyoming, candidates for State Superintendent communicate their priorities and goals for the state's educational system through their campaign materials and debates. Elected individuals then often feel they have both an expectation and a "mandate" from the public to advance those goals and commitments. While the state constitution charges the State Superintendent with "general supervision," a reasonable assumption of voters is that this individual will have the authority to not only supervise but also set or adjust the policies and goals of the system – an authority the State Superintendent does not have.

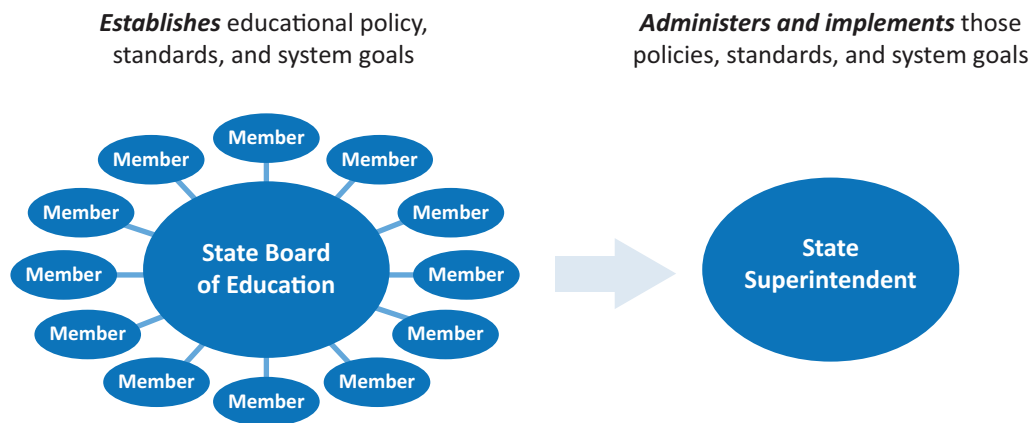
² Richard R. Beeman, "Perspectives on the Constitution: A Republic, If You Can Keep It," found at <http://constitutioncenter.org>, October, 2014.

In 2003, during an earlier period of “especially evident” tension between the State Superintendent and Board of Education, the Board requested clarification from the Wyoming Attorney General regarding the authorities and responsibilities of the Board and its relationship to the State Superintendent, as defined in the Wyoming Constitution and in Title 21 of Wyoming Statutes.³ The Attorney General found the statutory language to be “clear and unambiguous” regarding their respective roles:

The State Board of Education establishes education policy in Wyoming. The State Superintendent administers and implements that policy. ... In addition, the State Board implements and enforces uniform state educational program standards prescribed by statute; accredits school districts; implements student content and performance standards; enforces graduation requirements; and measures student progress.”

That Attorney General opinion can be illustrated as shown in Figure 2.

Figure 2



This “administration and implementation” role is consistent with the constitutional language of “general supervision” but is *not* aligned with the expectations created for both the public and the elected State Superintendent through the election process. Moreover, there is no defined process by which a final, authoritative decision is to be made on topics of debate between these entities. The State Board sets policies or standards, but when the elected State Superintendent determines that they are in conflict with his or her campaign commitments, a stalemate can result and the policies are either not implemented or done slowly or incompletely. Similarly, when the State Superintendent has made a campaign commitment to change certain policies or standards, that person lacks the authority to do so.

Some might argue that a similar situation exists between the state Legislature and the elected Governor. However, there are clearly defined processes by which the Legislature approves legislation, the Governor may veto it, and the Legislature can override the veto. The important point is that the processes for advancing policies, debating them, and reaching a binding decision are clearly defined.

³ Wyoming Attorney General Opinion, November 13, 2003.

That is not the case within the education governance structure. As a result, periods of intense tension and dysfunction are unavoidable.

As will be discussed in Chapter 5, this structural flaw also results in failure at the state level to provide the districts with a clear set of goals for the state's educational system. Little progress can be expected when districts are given different priorities by state-level entities, or when those priorities change from year to year. At a time when educational improvement is imperative to the state's future, clearly defined statewide goals are essential.

This report will provide options that the Legislature and citizens of Wyoming can consider to address this structural flaw and provide greater clarity from the state to the districts regarding the educational vision of the state. Before doing so, however, it is important to identify the needs the educational system should address to ensure a strong future for the state.

Overview of the History of Wyoming Education Governance

The Wyoming constitution, ratified in 1889, created the position of the elected State Superintendent of Public Instruction and entrusted this official with the general supervision of the public schools in the state. Further definition of the superintendent's powers and duties were to be prescribed by the Legislature.

The first legislative action that addressed broad state-level authority for the public schools was the appointment in 1915 of a school code committee "to establish minimum state standards for schools throughout Wyoming and to provide a means for putting these standards into practice."

Based on the work of this school code committee, legislation was passed in 1917 that was quite unconventional at the time: It limited the traditional model of local control for educational policies and standards in favor of greater state authority for setting and implementing statewide standards, polices, rules, and regulations for public education.

As initially passed, this legislation also created a State Board of Education, a Commissioner of Education, and a Department of Education, and charged the State Board of Education with the "general supervision of the schools." The Commissioner of Education was to be appointed by the State Board and was charged with carrying out the Board's decisions. The 1917 law not only created an overlap in authority between the State Board and State Superintendent — it failed to even mention the State Superintendent of Public Instruction.

Two years later the Legislature attempted to remedy this situation and passed the first law that referenced the State Superintendent of Public Instruction. This 1919 legislation moved the oversight of the Department of Education to the elected State Superintendent, but maintained the policy-making and standard-setting roles of the Board. It also maintained the position of the Commissioner of Education, who continued to be charged with executing the Board's policy decisions, conducting investigations regarding educational needs and progress, and overseeing certification for teachers and teacher preparation institutions. The overlaps in authority, then, continued between the State Board of Education and the elected State Superintendent of Public Instruction.

The position of the Commissioner of Education was maintained until 1959 when it was eliminated and the powers and duties previously assigned to the Commissioner transferred to the State Board of Education. The Board continued as a set of appointed and unpaid officials, but with a much enlarged set of responsibilities and no direct staff support.

A decade later, the Education Code of 1969 was passed, which created yet another governance model. This legislation placed the State Board and State Superintendent within the Department of Education. It gave the State Board authority to approve the Superintendent's departmental organization and staffing decisions and charged them with prescribing and enforcing the state's education standards:

... with or without the assistance of the State Superintendent the State Board shall enforce the rules and regulations ... by taking appropriate, administrative act in compliance with law, including such orders as are necessary to withhold state funds from any school, school district, or institution failing to comply with any applicable law or with the minimum standards prescribed by the State Board.

Under this model, the Department was charged with providing both the Superintendent and the Board with the staff support needed for "the proper and efficient discharge of their respective duties."

By 1984, questions and concerns about the effective functioning of the governance structure were being raised and the legislature called for a management audit. This audit found that the 1969 law requiring Board approval for departmental organization and staffing decisions was not, in fact, being followed:

Comments from the Superintendent and Deputy Superintendent indicate they do not seek Board approval in matters relating to the Department. They said this requirement is not consistent with the Superintendent's power as chief executive officer of the department.

Staff Audit Report of the State Board of Education
Wyoming Legislative Service Office, June, 1985

The management audit of 1985 was succinct in pointing out the weakness of this governance structure: "The Board has no authority to direct Department staff and staff resources would be necessary to implement [the responsibilities assigned]."

Discontent with the functioning of educational governance continued and in 1988 the Joint Legislative-Executive Efficiency Study Committee issued a report, "A Study in State Government Efficiency." This report recommended a transition to a cabinet-level Department of Education led by a Director of Education appointed by the Governor, and proposed a constitutional amendment to make this transition possible. The proposed amendment passed the Senate but failed in the House.

The governance issue continued to fester and in 1991 the final report of the Wyoming Joint Reorganization Council, after a thorough review of the state's educational performance and future needs, recommended "a four-year transition period for Wyoming to move from its current fragmented system to one which is an integrated system within itself as well as a system integrated with other components of State government." It called for a constitutional amendment to be placed before the voters in the fall of 1992 and the subsequent creation of a cabinet-level Department of Education led by a Director of Education appointed by the Governor.

The fundamental governance structure was not changed, and over the following decade the legislature assigned many additional responsibilities to the State Board. A 2005 report of the Management Audit Committee found that the legislature had "placed the heart and soul of the state's school reform effort with the State Board." Their report detailed the efforts that had been taken over the years to clarify duties and proposed strategies to alleviate the tensions between the State Board and the elected superintendent that had become "especially evident in recent years."

Following the election in 2010, the friction further intensified and in January of 2013, after much debate, Senate File 104 was signed into law, creating the new position of Education Director, appointed by the Governor, to oversee the Department of Education. Approximately one year later, the State Supreme Court found that law to be unconstitutional. Little guidance was provided by the court regarding the options for addressing the structural weaknesses of the existing governance model.

In the spring of 2014, the Legislative Management Council directed the Joint Education Interim Committee to undertake this review of state-level governance and administration of Wyoming public education and to describe changes, large or small, that could be made to the state educational governance system to better serve the needs of students and schools in the state.

Chapter 2

The Performance of the Wyoming Educational System Today

A fundamental responsibility of the state, as described in the state constitution, is to ensure a “complete and uniform system of public instruction.” In recent years, as the connection between educational performance and the social and economic well-being of the people of the state has come into sharp focus, the state has formally adopted in statute more ambitious goals for the system: a) becoming a national education leader among states, and b) ensuring all students leave Wyoming schools career or college ready.⁴ This chapter will provide a high-level review of the current performance of the Wyoming public schools system against these goals and highlight findings that should then be considered in discussions of potential changes to the state’s governance structure.

There are many factors to consider when evaluating the performance of a state’s educational system. Commonly used factors include the average academic performance of students across numerous subject areas, the percent of students meeting or exceeding a desired level of performance, equity in access to well-prepared teachers and rigorous expectations, and access to safe, well-equipped and well-maintained school facilities.

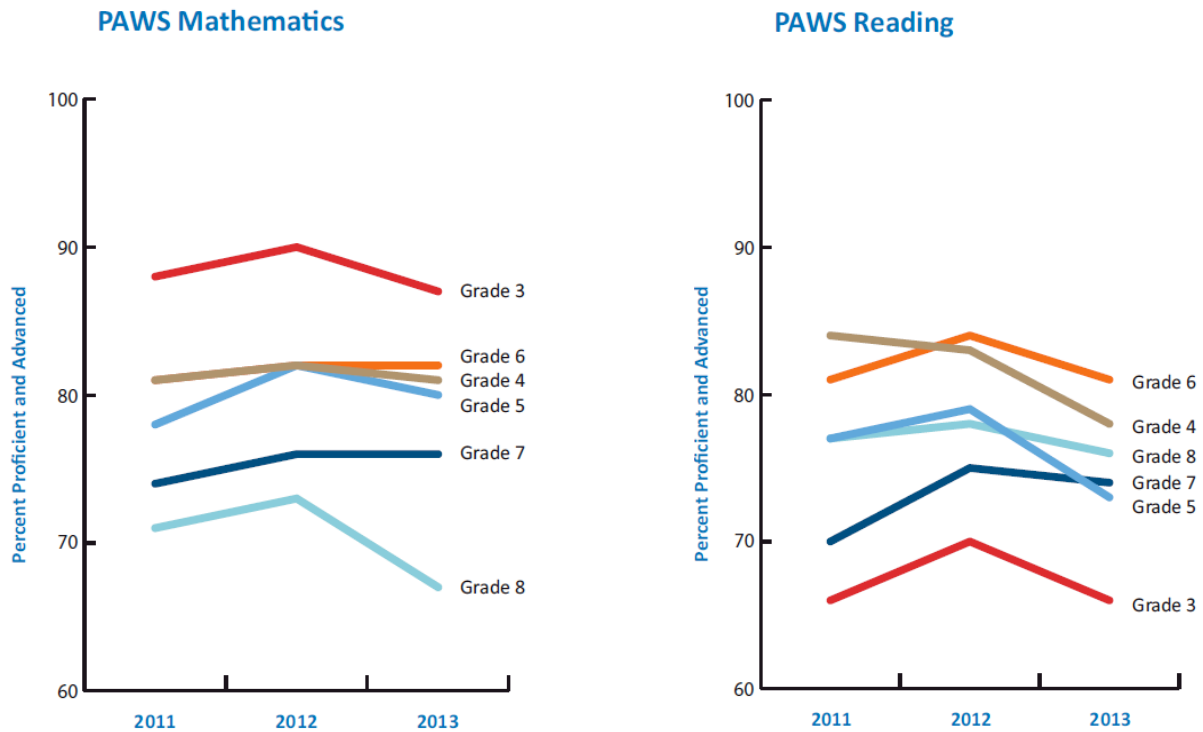
This review will focus on academic performance in reading and math and the readiness of graduates for college or careers, in accordance with the goals adopted by the State. While there are many additional important indicators of educational performance, reading and mathematics are widely accepted as foundational to success in other subjects.

⁴ WY Stat § 21-2-204

Performance Trends of Wyoming K-12 Students

Results from the Proficiency Assessments for Wyoming Students (PAWS), shown in Figure 3, reveal that performance in reading and mathematics at grades 3 through 8 has been relatively flat for the past 3 years, with a slight uptick in 2012 and then a slight decline in 2013. The 2014 PAWS results cannot be included in these trend lines as the assessments were revised in 2014 to a degree that would make their inclusion inappropriate.

Figure 3



In order to place the performance of Wyoming students in a larger context, data from an assessment given across multiple states must be used. The assessment considered to be of the highest technical quality for such purposes is the National Assessment of Educational Progress (NAEP). The content measured by this assessment is not identical to the Wyoming Content Standards, but the fundamental reading and mathematics skills are assessed. In addition, a sample of students in all states are given the NAEP assessments, and great care is taken by the National Assessment Governing Board to ensure that the student samples will allow for fair comparisons across states.

A word of caution is warranted before discussing the NAEP data. Student achievement is closely correlated with several student and family attributes. In particular, the mother's educational level is a strong predictor of student achievement. In addition, when data is aggregated across a state, factors such as the percent of students living in poverty and/or in very rural areas, the mobility rates of families, and the percent of students who speak a language other than English at home, among others, tend to affect the overall statewide averages. Caution must be taken, then, when comparing states with significantly different

populations. Appendix B provides additional information concerning the comparability of the neighboring states.

The charts in Figure 4 show the percent of students scoring at or above the proficient level on the 2007 and 2013 NAEP assessments in reading and mathematics.

The proficient level on NAEP assessments is set at a rigorous level - significantly higher than state assessment proficiency levels have typically been set. To illustrate, the above graphs show that in 2013 76% of Wyoming 8th graders met or exceeded the proficiency score on the PAWS assessment in reading, but only 38% of Wyoming students met the NAEP proficiency score. Similarly, 67% met the PAWS proficiency score in mathematics, but only 38% met the NAEP proficiency score.

Therefore, when comparing the percent of students in a state who score proficient or above on NAEP, one is not comparing the average performance but rather the percent of students who are performing very well. It is anticipated that the proficiency cut scores on the new, more rigorous Common Core assessments, designed to indicate whether students are on track to be ready for credit-bearing courses in postsecondary colleges, universities, and technical training programs, will be nearly as rigorous or as rigorous as the NAEP proficiency score.

Figure 4

NAEP Proficiency in Wyoming & Other States

| 2013 | Contiguous States | | | | | | | | Highest-Performing States | | |
|-----------------------|-------------------|----|----|----|----|----|----|----|---------------------------|----|----|
| | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
| Mathematics 4th Grade | 48 | 41 | 45 | 40 | 50 | 45 | 40 | 44 | 59 | 58 | 60 |
| Mathematics 8th Grade | 38 | 34 | 40 | 38 | 42 | 36 | 36 | 36 | 54 | 46 | 47 |
| Reading 4th Grade | 37 | 34 | 35 | 32 | 41 | 37 | 33 | 36 | 48 | 45 | 41 |
| Reading 8th Grade | 38 | 34 | 40 | 36 | 40 | 37 | 38 | 39 | 48 | 44 | 40 |

| 2007 | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
|-----------------------|----|----|----|----|----|----|----|----|----|----|----|
| Mathematics 4th Grade | 44 | 39 | 44 | 41 | 41 | 38 | 40 | 39 | 58 | 52 | 51 |
| Mathematics 8th Grade | 36 | 31 | 38 | 39 | 37 | 35 | 34 | 32 | 51 | 38 | 43 |
| Reading 4th Grade | 36 | 32 | 39 | 34 | 36 | 35 | 35 | 34 | 49 | 41 | 37 |
| Reading 8th Grade | 33 | 29 | 39 | 37 | 35 | 35 | 32 | 30 | 43 | 37 | 37 |

2013 source:
http://nationsreportcard.gov/reading_math_2013/#/state-performance

2007 sources:
Math: http://nationsreportcard.gov/math_2007/m0006.aspx?tab_id=tab4&subtab_id=Tab_1#chart
Reading: http://nationsreportcard.gov/reading_2007/r0006.aspx?tab_id=tab4&subtab_id=Tab_1#chart

These NAEP data provide several pieces of good news for Wyoming. First, in both 2007 and 2013, at both grade 4 and grade 8, in reading and in mathematics, Wyoming out-performed the nation as a whole in the percent of students performing at or above the proficiency level. While Wyoming students are not performing at the level of students in three highest-performing states, they are generally performing on par with their peers in neighboring states.

Another positive point is that Wyoming's performance improved across all four assessments between 2007 and 2013. This was also generally true of the neighboring states and the top-performing states. So what does Wyoming's *rate* of improvement foreshadow?

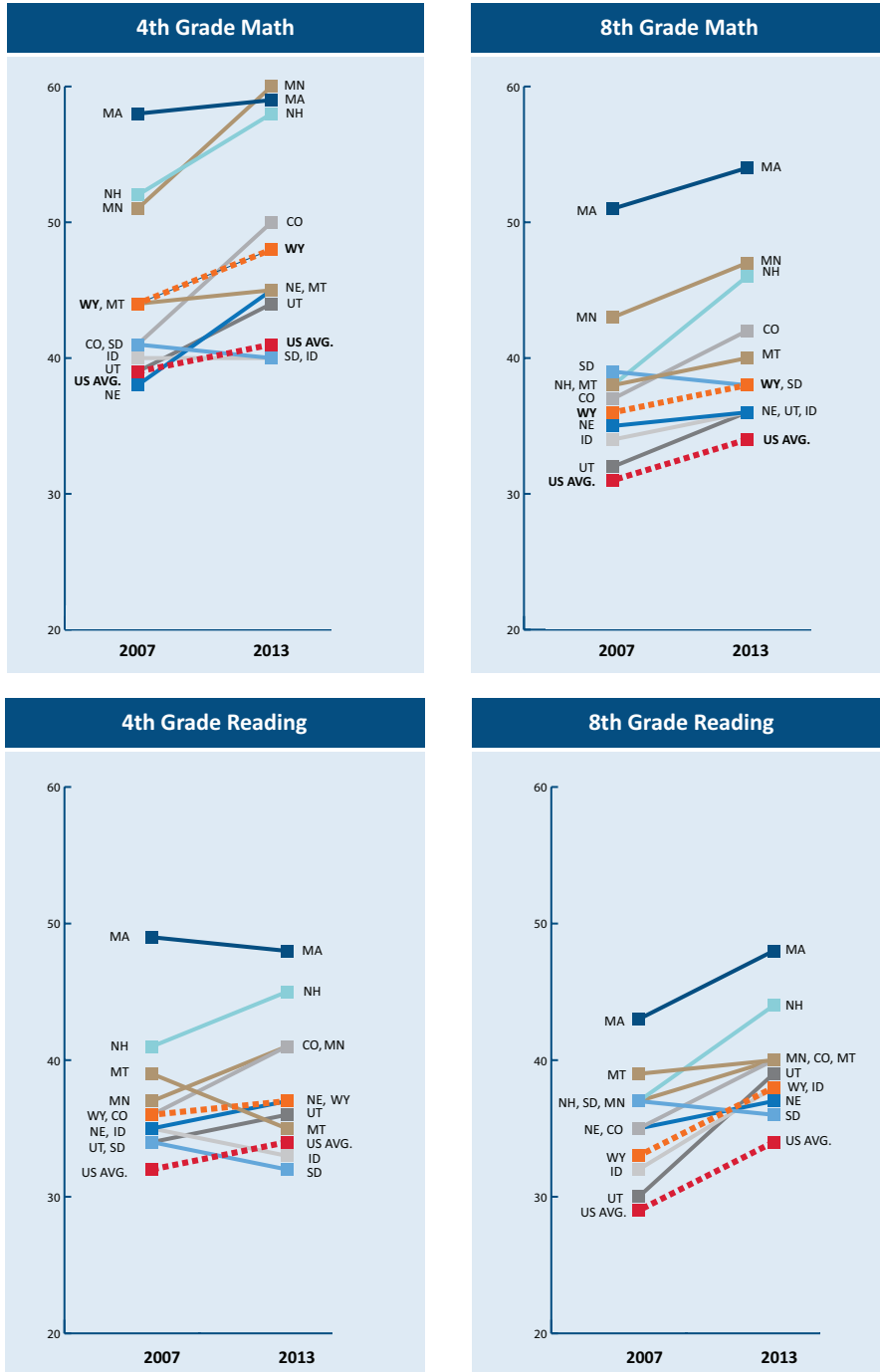
Figure 5 provides the same data, but allows the rate of improvement to be seen more readily. In 4th grade mathematics, Wyoming's rate of improvements is slightly faster than the national average, although several neighboring states are improving at significantly faster rates, as well as two of the three top-performing states. On each of the other assessments, Wyoming's rate of improvement is either equal to or less than the national average, and again several neighboring states are improving at a significantly faster rate.

Key Finding

Unless the rate of academic improvement in Wyoming accelerates, Wyoming students will continue to be surpassed by their peers in other states. This will have a significant impact on the future development of the Wyoming economy and on the ability of the state's students to succeed.

Figure 5

**NAEP Proficiency in Wyoming & Other States
2007 to 2013 Gains in Percent Proficient**



A very different picture emerges – one that is both a cause for celebration and a cause for concern – when looking at the *average scores* on NAEP assessments. This represents the performance of the “average student” in a state. Figure 6 shows the rank of Wyoming among all states based on the average NAEP scale score. When looking at the cells for “All” students in Figure 6, Wyoming’s 4th graders ranked 13th in the

nation – a very high ranking. In both reading and mathematics, Wyoming’s 4th and 8th graders, overall, appear to have done very well, ranking between 8th and 18th in the nation.

Figure 6

State Ranking Based on Average Scale Score

All Students, Students Eligible for Free-Reduced Price Lunch (FRL), and Students Not Eligible for FRL

| Reading 2013 | Reading: 4th Grade | | | Reading: 8th Grade | | |
|-----------------|--------------------|--------------|--------------|--------------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 13 | 4 | 34 | 13 | 1 | 32 |

| Math 2013 | Math: 4th Grade | | | Math: 8th Grade | | |
|--------------|-----------------|--------------|--------------|-----------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 8 | 3 | 34 | 18 | 5 | 35 |

When this data is broken down by the income status of the student’s family, however, a very different picture emerges. The “FRL” columns in the chart above contain the rank of Wyoming for only those students who are eligible for the federal free- or reduced-price lunch (FRL) program, and the “Not Eligible” columns contain the rank for all other students.

The good news is that Wyoming’s FRL eligible students ranked first in the nation in 8th grade reading, and in the top five states across all four of these assessments. It may be that there are differences across states in the extremity of poverty or the percent of these students who have other challenges, but it would seem that Wyoming is serving these students from low income families very well.

In sharp contrast, Wyoming students who are *not* from low-income families – the large majority of Wyoming’s children - perform surprisingly poorly compared to their peers in other states. Across these four assessments in 2013, they ranked between 32nd and 35th in the country.

It may seem that there is an error in the data, given that the state ranks well for “All” students. This discrepancy is due largely to two factors: first, Wyoming has a lower percent of low income students than most other states, and second, these students are performing much better than their peers in other states.

The NAEP assessments also provide a snapshot of how each states’ top students perform. In Figure 7, we see patterns that are consistent with the first NAEP chart: Wyoming has similar percentages of students reaching the Advanced, or highest, level of performance on each of these four assessments as neighboring states, but the top-performing states make it clear that there is significant room for improvement. While the demographics of Wyoming are quite different than those of Massachusetts, the state’s low poverty level and strong funding of public education help to mitigate these differences and make the goal of improvement on this measure reasonable.

Figure 7

NAEP 2013: Percent of Students Scoring at Advanced Level

| 2013 | | | Contiguous States | | | | | | Highest-performing States | | |
|-----------------------|----|----|-------------------|----|----|----|----|----|---------------------------|----|----|
| | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
| Mathematics 4th Grade | 7 | 8 | 7 | 5 | 11 | 8 | 6 | 8 | 16 | 12 | 16 |
| Mathematics 8th Grade | 7 | 8 | 9 | 7 | 12 | 7 | 7 | 8 | 18 | 13 | 14 |
| Reading 4th Grade | 7 | 8 | 7 | 6 | 10 | 8 | 7 | 8 | 14 | 11 | 10 |
| Reading 8th Grade | 2 | 4 | 3 | 3 | 5 | 3 | 4 | 4 | 8 | 6 | 4 |

2013 source:
http://nationsreportcard.gov/reading_math_2013/#/state-performance

Key Finding

Key Finding #6: The performance of Wyoming students who are not eligible for free or reduced price meals warrants serious attention as it appears that they are not performing nearly as well as can be reasonably expected. In addition, increasing the percent of students performing at the highest achievement levels is an important and reasonable goal.

Wyoming High School Graduates' Readiness for Postsecondary Education

In 2013, Wyoming began to administer the ACT assessments in English, reading, mathematics, and science to all 11th graders. This allows the state to gauge the readiness of its high school students for college-level coursework. Unlike typical state assessments or NAEP, ACT provides College Readiness Benchmarks (scores) that are validated against actual student college performance data in first year courses.

Only 33% of Wyoming students in the graduating class of 2013 and 32% of those in the graduating class of 2014 met the ACT College Readiness Benchmarks on at least three of the four tests.⁵ It would not be appropriate to compare these numbers to the national averages because only 54% and 57% of 11th graders nationally took the ACT assessments in those years, respectively, whereas 100% of Wyoming 11th graders took them – both those aspiring to attend college and those without this goal.

During the assessments, students are asked about their educational aspirations. An encouraging 85% of the Wyoming classes of 2013 and 2014 reported that they hoped to attend college or other postsecondary education. However, only 51% of the class of 2013 actually enrolled in postsecondary education in Wyoming or elsewhere, according to the ACT. Approximately half of these students found themselves unprepared for entry-level credit-bearing coursework.

⁵ ACT, "The Condition of College & Career Readiness 2014," 2014.

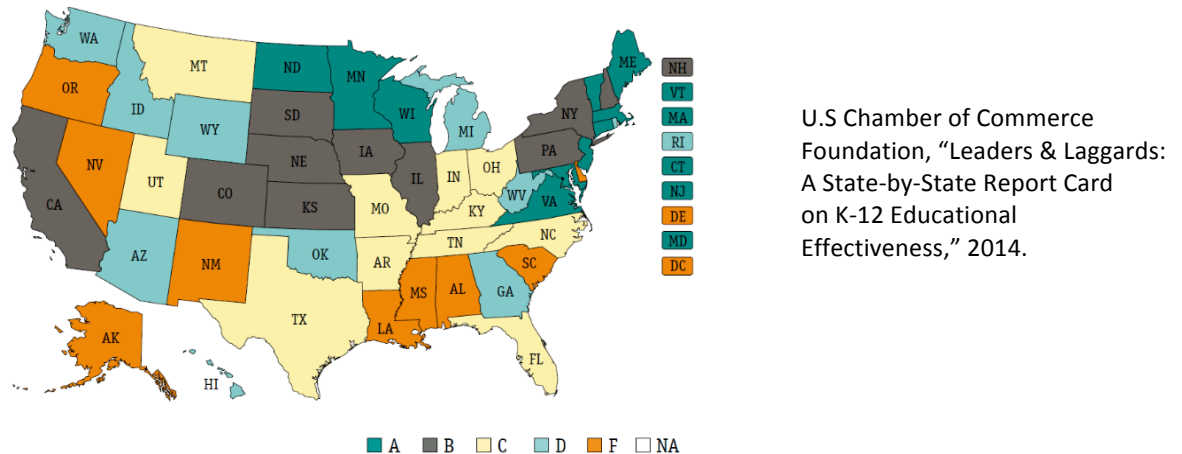
Just under 3,000 Wyoming high school graduates in the class of 2013 entered either the University of Wyoming or a Wyoming community college the following fall. Of the 730 students who enrolled in the University of Wyoming, 21.8% needed remedial mathematics courses.⁶ Among the 2,188 high school graduates of that same class who enrolled at a Wyoming Community College, 51.1% had to take one or more remedial courses. **Across these two college systems, more than 40% of Wyoming students who had earned high school diplomas and then pursued postsecondary education were inadequately prepared for entry-level courses.**

Historical data from the Wyoming Community College Commission indicates that less than half (46%) of the recent Wyoming high school graduates who take remedial courses go on to pass gateway courses required for program completion,⁷ or about 24% of those who initially enroll.

The U.S. Chamber of Commerce Foundation produces a periodic report that assigns letter grades to states on nine indicators of K-12 educational effectiveness.⁸ The indicator on Postsecondary and Workforce Preparedness is based on three measures: high school graduation rates, performance on Advanced Placement exams, and the likelihood that students from a given state will attend a 2-year or 4-year college by age 19. Wyoming, as shown below, was assigned a “D” for Postsecondary and Workforce Preparedness, tied with Idaho for the lowest grade in the immediate region.

This report also concluded that Wyoming 9th grade students have only a 47.9% chance of attending college. In 2011, it was reported that only 44% of Wyoming’s 9th graders subsequently entered college anywhere in the U.S.⁹

Figure 8



⁶ Data was not available for remedial English courses.

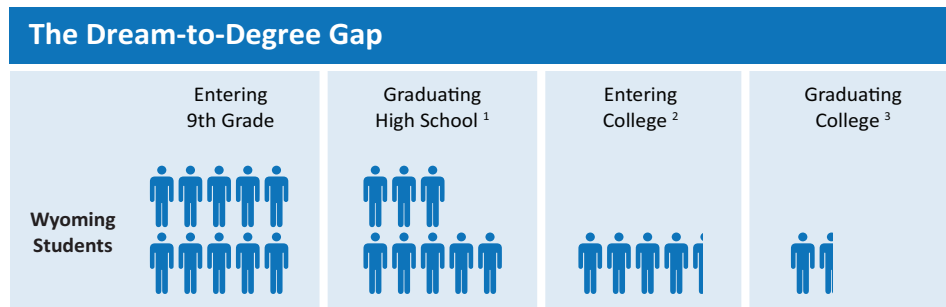
⁷ Wyoming Community College Commission Staff, “Information About Wyoming High School Graduates Among First-Time Fall 2009 Wyoming Community College Students Requiring Remedial Education and Their Success in Subsequent Gateway College level Courses Within 3 Years.” February 17, 2014.

⁸ U.S. Chamber of Commerce Foundation, “Leaders & Laggards: A State-by-State Report Card on K-12 Educational Effectiveness,” 2014.

⁹ The Wyoming Community College Commission and University of Wyoming Report on Higher Education Remediation, Retention and Graduation Rates, October 31, 2011. <http://www.uwyo.edu/govcom/files/docs/reports/cc-uw-remediation-retention-graduation-final.pdf>

The consequences of the preparedness gap for Wyoming’s youth are sobering. For every 100 Wyoming 9th graders, at least 85 of them report the goal of attending college, but only 80 will graduate from high school. Just 44 of the original 100 9th graders will enter postsecondary institutions, and 22 of them will require remedial coursework. Even after allowing extra time to complete coursework (150% of the expected program completion time), only 16 of those original 100 9th graders will earn a diploma or certification.

Figure 9



Fewer than 2 Wyoming students in 10 earn a post-secondary degree

¹ Education Week, Diplomas Count 2014. Data for graduating class of 2012.

² The Wyoming Community College Commission and University of Wyoming Report on Higher Education Remediation, Retention and Graduation Rates, October 31, 2011. http://www.uwyo.edu/govcom/_files/docs/reports/cc-uw-remediation-retention-graduation-final.pdf

³ Calculated from data within The Wyoming Community College Commission and University of Wyoming Report on Higher Education Remediation, Retention and Graduation Rates, October 31, 2011 based on a 53% completion rate of baccalaureate degrees from the University of Wyoming within 6 years and a 30.4% completion rate for first-time, full-time Wyoming Community College Students within 150% of the program’s normal completion time.

High tuition rates are frequently cited as the reason students drop out of college. Due to substantial funding from the Legislature, however, costs are less of a barrier for Wyoming residents than they are for students in most other states. Tuition at UW is the lowest in the nation among public doctoral-granting institutions, and WCC students pay 34% less than the average paid by peers in other states.¹⁰ The Wyoming Hathaway Scholarship Program further reduces financial barrier to postsecondary education for Wyoming students.

Key Finding

Wyoming high school students aspire to postsecondary education and the state provides strong financial support for doing so, but more than half of those who earn high school diplomas find themselves academically unprepared for credit-bearing entry level courses in core subjects.

¹⁰ The Wyoming Community College Commission and University of Wyoming Report on Higher Education Remediation, Retention, and Graduation Rates, October 31, 2011.

Funding Levels Are Not the Problem

The U.S. Census Bureau’s 2014 report on the funding of public education lists Wyoming as one of the top 6 states in per-pupil spending on elementary and secondary public education per \$1,000 of personal income. The U.S. Chamber of Commerce combined the Census Bureau’s data with cost-of-living rates and concluded that Wyoming’s per pupil funding of public education is the highest in the country.¹¹ That report gave Wyoming, along with eight other states and the District of Columbia, a grade of F for “Return on Investment.” Three neighboring states - Idaho, Colorado, and Utah - were awarded “A”s on this measure, although both Idaho and Utah received lower grades for academic achievement (all students) and Wyoming was the only one of these states to receive an “A” for the academic achievement of low income and minority children (see Figure 10).

Many in the state are proud of the fact that Wyoming invests generously in public education, and point to the state-of-the-art facilities, salary levels that help attract and retain well prepared teachers, and the effective set of supports and intervention services for struggling and disadvantaged students. Most of the infrastructure elements needed for high quality education system are in place in Wyoming. In addition, a P-20 data system, funded by the Legislature, is under development that can be used to monitor the progress of students and their readiness for each successive stage in the educational system, and provide leaders with the information they need to take corrective actions. It is troubling, then, that the state’s rate of academic improvement is sluggish, outpaced by some systems that are not as well funded.

Figure 10

| Leaders & Laggards 2014 Report: K-12 Educational Effectiveness Across the Region ¹¹ | | | | | | | |
|--|----------|----------|---------|---------|----------|---------|---------|
| | WY | MT | SD | CO | NE | ID | UT |
| Average Per Pupil Expenditure, Adjusted for Cost of Living | \$16,594 | \$10,624 | \$8,488 | \$8,565 | \$12,486 | \$7,310 | \$6,812 |
| Academic Achievement | B | B | C | A | C | C | C |
| Academic Achievement of Low Income and Minority Students | A | A | D | B | D | C | C |
| Postsecondary Readiness | D | C | B | B | B | D | C |
| Return on Investment | F | B | A | A | D | A | A |

¹¹ U.S. Chamber of Commerce Foundation, “Leaders & Laggards: A State-by-State Report Card on K-12 Educational Effectiveness,” 2014, p. 18-19.

Key Finding

Due to the state’s generous investment in public education, policymakers and the public should expect a significant increase in the rate of academic improvement and the readiness of graduates for credit-bearing postsecondary courses in the future.

Wyoming’s Academic Expectations in a National and International Context

It has long been known that there is considerable variability in the rigor of state standards. A recently published report by Gary Phillips found that the difference between the states with the highest standards and those with the lowest is alarmingly large – the equivalent of three to four grade levels in some cases.¹² Phillips' analysis ranked the difficulty of Wyoming's academic expectations as below the national median in 4th grade math and reading and 8th grade math (see Figure 11).

Figure 11

Difficulty of State Academic Expectations

| | Rank Among US States |
|-----------------------|----------------------|
| Mathematics 4th Grade | 37 |
| Reading 4th Grade | 39 |
| Mathematics 8th Grade | 30 |

Source:

American Institutes of Research, September 2014.

Moreover, Phillips found that low standards correlated with lower achievement. In other words, students achieved at higher levels in states that expected more from their students.

On international assessments, the U.S. was once a top-performer. Despite the fact that the performance of U.S. students continues to improve, we have been losing ground to other countries in which educational performance is improving at a faster rate, including the Slovak Republic, Vietnam, Poland, and Korea.¹³ As of 2009, Wyoming 15-year olds are out-performed by their peers in Belgium and Estonia and are now equal to those in Slovenia (see Figure 12).¹⁴ It is unlikely that these are the nations with which Wyoming wishes to be compared.

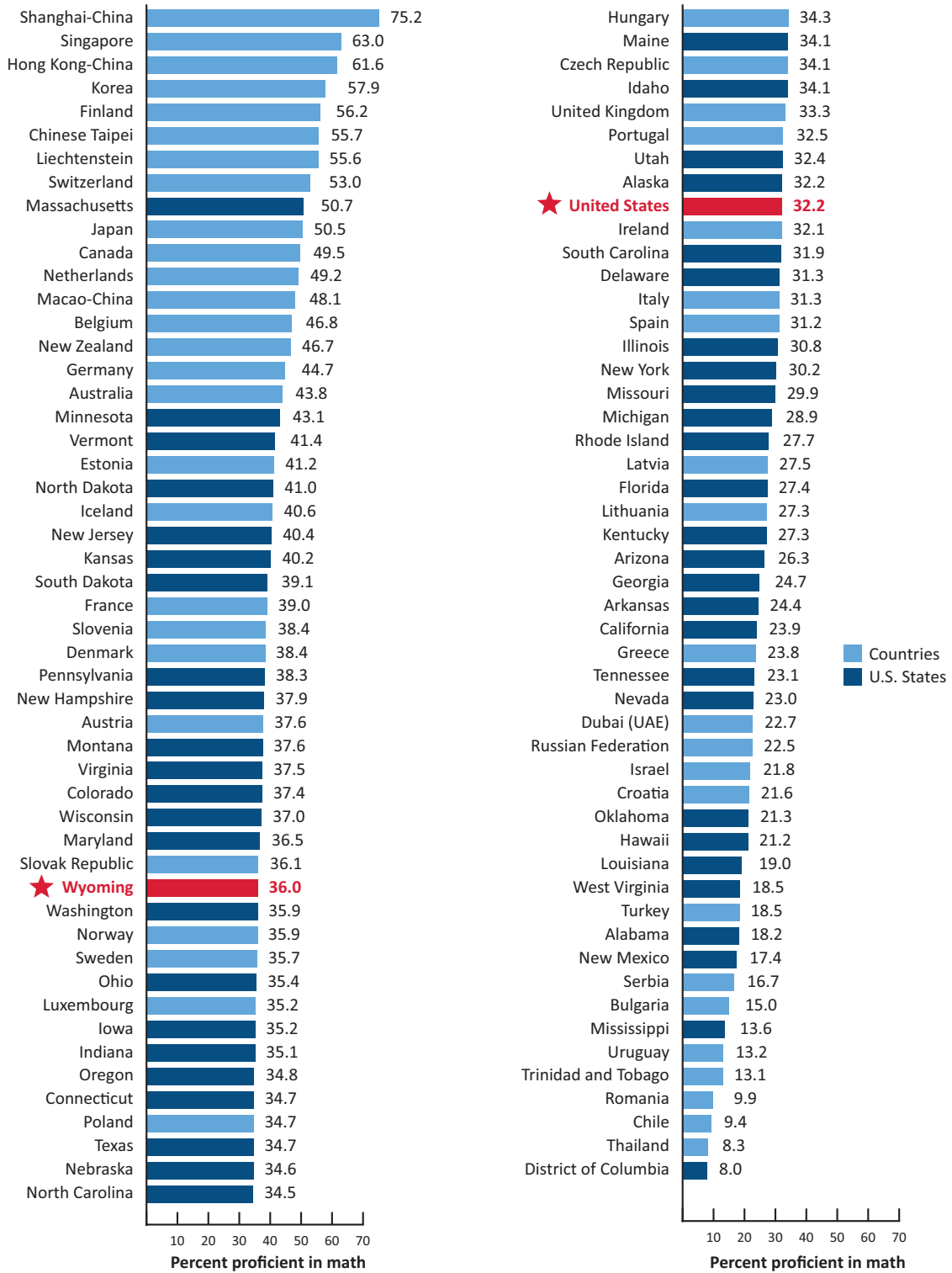
¹² Gary W. Phillips, “International Benchmarking: State and National Education Performance Standards.” American Institutes of Research, September, 2014.

¹³ Trends in U.S. Achievement, 1990-2010: A Data Profile. Prepared by Educational Testing Service for the National Business Roundtable. Found at <http://k12center.org/rsc/pdf/brt-data-profile-trends-achievement-2010.pdf>.

¹⁴ Hanushek, Peterson, and Woessermann, “Endangering Prosperity: A Global View of the American School,” 2013.

Figure 12

Percentage of Students Proficient in Math, Class of 2011
How Wyoming and Other States Compare Worldwide



Hanushek/Peterson/Woessmann, Endangering Prosperity, 2013.

Looking Ahead: Wyoming's Increasing Academic Expectations

The expectations gap between state K-12 academic performance standards and the requirements of entry-level credit-bearing postsecondary coursework is one that many states have grappled with over the last decade or more. In 2009, this problem catalyzed the initiative of the National Governors Association and the Council of Chief State School Officers to develop content standards in mathematics and English language arts/literacy that are aligned to the expectations of colleges and career training programs. Wyoming adopted these standards in 2012 under the name “Wyoming Content and Performance Standards” and is currently developing new assessments aligned to these more rigorous standards. However, as identified in a recent report by the Education Commission of the States, Wyoming has not yet aligned its high school graduation course requirements with the admission requirements at its public institutions of higher education.¹⁵ Doing so would help to ensure that fewer students require remedial coursework. In coming year years, as academic standards and assessments are revisited, it will be important to ensure that they accurately reflect the skills and knowledge students need to pursue their goals.

¹⁵ “Blueprint for College Readiness”, Education Commission of the States, November, 2014.

Chapter 3

The Wyoming Economy and Workforce: Projections for the Future and Implications for The K-12 Education System

Across the country, the education and skill levels required for jobs that pay a livable income are increasing, due in part to the availability of low-skill/low-wage workers in other countries and the increasing use of complex technologies in many industries, from auto mechanics to mining to commerce. In a chart developed by the U.S. Bureau of Labor Statistics (Figure 13), the strong correlation between higher levels of education and lower rates of unemployment can be seen. For each additional level of education attained, the risk of unemployment declines and, with just one exception, the average weekly income increases.

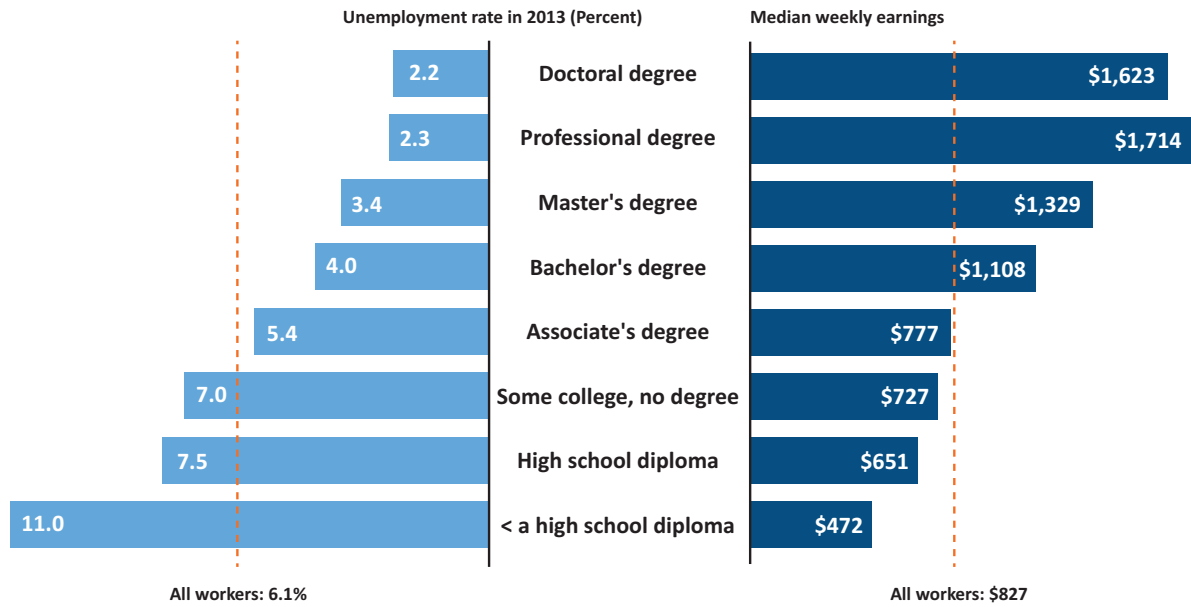
The Lumina Foundation projects that by 2025, 60% of Wyoming jobs will require a college degree – either a 2-year associate or a 4-year bachelor’s degree - but warns that as of 2012 only 37% of Wyoming’s 306,000 working-age adults (ages 25-64) held either of these degrees.¹⁶ At current rates, Wyoming is not on track to reach the 60% goal by 2025.

Wyoming currently produces approximately 6,000 high school graduates per year,¹⁷ but only 44% of these graduates enroll in postsecondary education somewhere in the country upon graduation (see Figure 9). As discussed earlier, only approximately 1,000 of these young adults, or 16% of the high school graduates, are currently projected to earn a two-year or four-year degree by the time they are 24 years of age.

¹⁶ The Lumina Foundation, *A Stronger Wyoming through Higher Education*, 2014.
<http://strongernation.luminafoundation.org/report/>

Figure 13

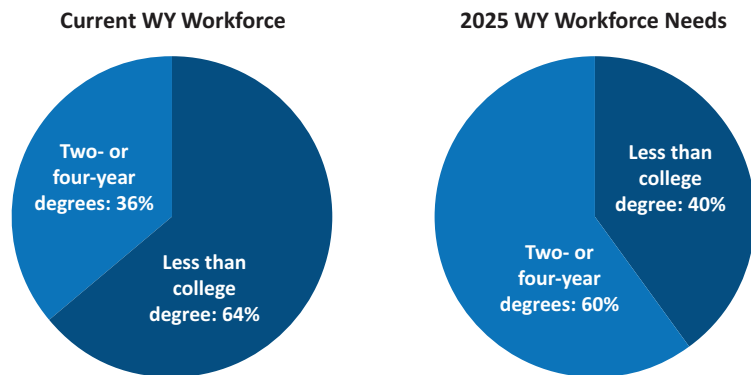
Earnings and unemployment rates by educational attainment



Note: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.
 Source: Current Population Survey, U.S. Department of Labor, U.S. Bureau of Labor Statistics

When this rate of degree attainment is combined with that of older Wyoming residents, the Lumina Foundation projects that 42% of Wyoming’s working age adults will have college degrees by 2025. To reach the goal of 60% by 2025, Wyoming will need to significantly increase the rate at which Wyoming high school students are prepared for and successful in higher education *and* the rate at which adults in the state go back to school to earn two-year or four-year degrees. Without such a change in the current rates, Wyoming has little chance of having a workforce with the skills needed to fill those jobs, and is likely to have an excess of workers prepared only for low-skill jobs, too many of which do not provide a livable income.

Figure 14



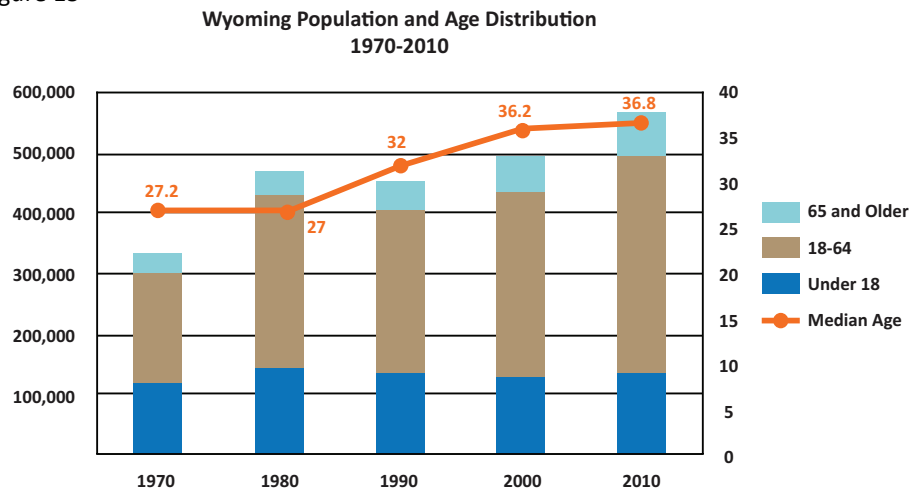
Source:
 The Lumina Foundation, 2014

The Wyoming Community College system actively tracks the state’s high-demand, high-growth industries to ensure that the degree, certificate, and training programs it offers provide adequate opportunity for residents to gain the skills needed for these jobs. The “hole in the bucket”, however, is the high percentage of high school graduates who are unprepared for entry-level courses and must waste time (the student’s and the institution’s) and money (the student’s, institution’s, and taxpayer’s) on remedial courses.

Over recent years the media has carried reports of Wyoming college graduates having difficulty finding jobs in their field, which may cause skepticism about the projected future workforce needs. However, a study by Wyoming Department of Workforce Services found that those difficulties were due to the demographics of the workforce, and will change in the near future. Wyoming has a larger percentage of older “baby boom” generation citizens than most states, and the older Wyomingites with postsecondary educations are staying in the workforce longer than their predecessors.

The short-term result was a difficult labor market for new college graduates for several years. As the current generation of “boom” workers, now in their 60’s, begin to retire, “there will be many opportunities for educated youth of Wyoming,” states the Department of Workforce Services.¹⁸

Figure 15



Source: Wyoming Department of Administration & Information, Economic Analysis Division http://eadiv.state.wy.us/demog_data/demog_data.html July, 2014

Implications for All Wyomingites

Failure to meet the demand for well-educated and well-trained workers impacts states and communities in profound ways. As Figure 13 illustrates, lower educational attainment levels mean lower wages, which, in turn, mean lower property and sales tax collections for state, county, and municipal governments, and more unemployed workers and low income families needing assistance. The ability of the state to protect public safety, to support, attract and grow new businesses, and to support healthy families and communities is directly tied to its ability to improve K-12 educational performance.

¹⁸ Tony Glover and Michael Moore, “A Decade Later: Tracking Wyoming’s Youth into the Labor Force.” Wyoming Department of Workforce Services, March 2012.

Chapter 4

Education Governance Structures: Are Some Better Than Others?

How can Wyoming address the flaw in its state-level education governance structure and create one that will support accelerated educational improvements so that its students are prepared to pursue their career goals? The most important point to be made at the beginning of any discussion of education governance structures is that there is no “best” model. For example, in a review conducted for this study of state performance and rates of improvement on NAEP, each of the following four structures could be seen among the top-performing and top-improvement states. There are, however, specific strengths and weaknesses for a state to take into consideration when trying to determine which structure would be best for their state.

This chapter will briefly describe the most common education governance structures used in the United States, and provide comments on the documented or perceived strengths and weaknesses of each for providing clear lines of responsibility, decision-making, and accountability. This summary draws on the work of the Education Commission of the States (ECS) and their presentation to the Wyoming Joint Education Interim Committee on April 25, 2014. Forty-six of the 50 states use one of the four structures described below or a slight variant thereof, while the remaining four states use more significantly modified versions of these four general structures.¹⁹

These structures and the accompanying information were shared with the 31 leaders of Wyoming stakeholder groups who were interviewed as part of this study, and whose recommendations for the future governance structure are summarized in Chapter 5.

¹⁹ The states not depicted in this report are: Minnesota and Wisconsin, which do not have a State Board of Education; New Mexico which has an elected board that is solely advisory, and Texas, where the State Board is elected but the Governor selects the Chief State School Officer.

Common State-Level Education Governance Structures

A. Governor Appoints Board, Board Appoints Chief State School Officer

Although this is the most common governance structure, the number of states using this structure has been in decline over the past two decades. In this structure, the electorate assigns all responsibility and accountability for K-12 education governance to the Governor, who then appoints a State Board to establish policies and standards and to select and oversee the Chief State School Officer (CSSO). Appointment to the Board may require the approval of the Senate, Speaker of the House, or other members of the legislature.

The Board member terms are typically staggered 4- to 6-year terms so the sitting Governor has limited control over the membership of the Board in the early years of his or her term. The State Board is responsible for annually evaluating the CSSO and holding that individual accountable for improving education in the state.

In some cases, the Board-appointed Chief State School Officer is also a member of the Governor's Cabinet.

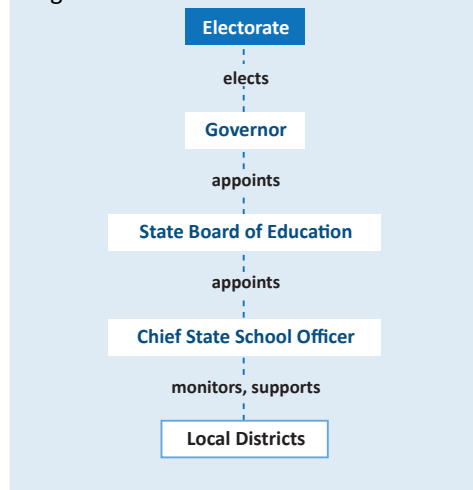
Fifteen states currently use this governance structure or a slight variation of it: Alaska, Arkansas, Connecticut, Florida, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Nevada, New York, Rhode Island, and West Virginia. Variations include:

- In Mississippi, the Governor appoints five of the nine voting members of the State Board, the Lieutenant Governor appoints two, and the Speaker of the House appoints two.
- In Nevada, the Governor appoints three State Board members and four are elected by Congressional districts.
- In New York, the Legislature appoints the majority of Board members.
- Rhode Island's State Board is a K-20 Board.

Points to Consider: This governance structure provides a very clear delineation of authority and accountability. It also provides some measure of stability in leadership and the overall vision of education for the state, given that the Board, with staggered 6-year terms, provides continuity across gubernatorial administrations. Educational improvement requires sustained focus and effort, so this stability can serve as a strength for the state, provided that leadership is strong and the Board carries sufficient influence with the Governor and legislature to secure support to carry out their initiatives.

As the demand for improved educational performance has grown in states, accompanied by the recognition that the state's future financial and social health are tied to the quality of the K-12 educational system, many have argued that this structure does not provide the public with adequate accountability for improvement. The State Board members are appointed volunteers who typically serve 4- to 6-year terms, so meaningful changes to the Board membership are difficult to make quickly. This

Figure 16



desire for accelerated improvement and greater accountability for results has led several states to move away from this governance structure.

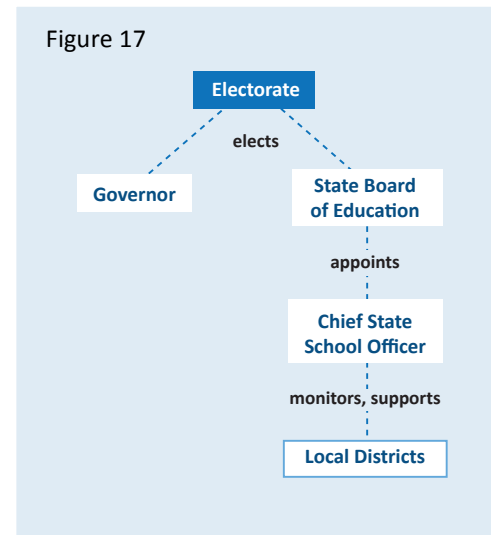
B. Public Elects Board, Board Appoints Chief State School Officer

In this structure, which has been in slight decline in recent years, the electorate assigns all responsibility for public education governance to an elected State Board of Education. The Board then selects the Chief State School Officer and is responsible for annually evaluating and holding that individual accountable for improving education in the state. In this model, the Governor has no authority over public education.

Eight states currently have this governance structure or a variation of it: Alabama, Colorado, Kansas, Louisiana, Michigan, Nebraska, Ohio, and Utah. Variations include:

- In Louisiana, eight Board members are elected on nonpartisan ballots and three are appointed by the Governor.
- In Nebraska, the State Board prepares a slate of three candidates, from which the Governor appoints the Chief State School Officer.
- In Ohio, eight of the 19 State Board members are appointed by the Governor.

Points to Consider: This structure clearly defines authorities and responsibilities, but provides no means for the Governor to either directly or indirectly influence either the policies or the financial decisions concerning education. In addition, unless Board terms and elections are staggered, the structure provides little stability in the policies or goals of the system across election cycles.



In both of the above models, the CSSO is appointed by the State Board of Education. A 2011 governance brief by the Education Commission of the States describes some benefits and drawbacks of a Board-appointed CSSO:

According to the authors of State Education Governance Structures, if the prevailing value in a state is to unyoke education decision-making from “partisan politics,” a strong, policy-making state board of education (with members appointed for long terms) that appoints the chief state school officer may be the best course of action. This approach can allow the state board to “focus on a long-range vision for schools, and it might make education reform less vulnerable to political pressures of election cycles that often result in ‘quick-fix’ strategies.’ ... On the down side, a state board-appointed chief “may not have the necessary backing of political constituencies to secure legislative enactment of education reform measures.”²⁰

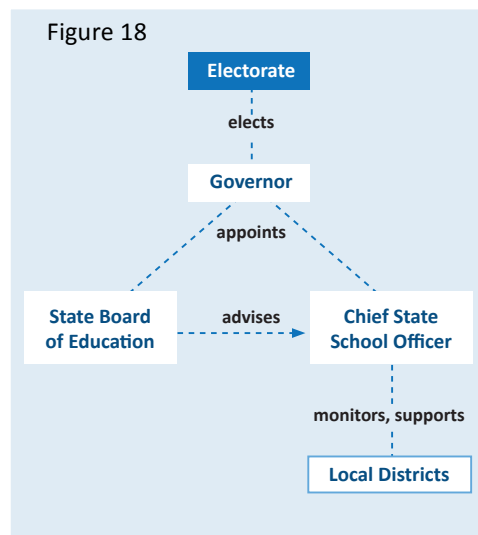
That report later makes the case that having a Board-appointed CSSO, as opposed to one appointed by the Governor, increases the opportunity for checks and balances and can allow education reform to move forward when the Governor and Legislature represent opposing political parties.

²⁰ : <http://www.ecs.org/clearinghouse/92/33/9233.pdf>

C. Governor Appoints Board, Governor Appoints Chief State School Officer

The number of states with this governance structure has been increasing since 1980, as Governors have sought greater influence over K-12 education and the large segment of each state's budget that it represents.

In this structure, the electorate again assigns all responsibility for education to the Governor but, unlike the previously discussed structure, the Governor directly appoints the Chief State School Officer (CSSO). In some cases, a mechanism is used to ensure agreement between the Governor and the State Board on the selection of the CSSO, such as appointment by the Governor from a set of candidates put forward by the State Board.



The CSSO serves at the pleasure of the Governor, who is responsible for evaluating the CSSO and holding that individual accountable for improving education in the state. Often, the CSSO is a member of the Governor's Cabinet, participating in key decisions concerning the state budget and coordination of services across state departments.

The State Board, which again typically has staggered terms, may have full responsibility for initiating and approving policies and regulations, may only hold veto power for policies or standards put forward by the CSSO, or may be strictly advisory to the CSSO.

There are currently 11 states with this governance structure or a variation of it: Delaware, Iowa, Nevada, New Hampshire, New Jersey, Pennsylvania, South Dakota, Tennessee, Vermont, and Virginia. Variations include:

- In Nevada, four of the seven voting members of the State Board are elected from the congressional districts. The remaining three members are appointed by the Governor.

Points to consider: The power of the office of the Governor can be helpful in moving a state's education agenda through the legislative process, so having a structure in which the Governor's education agenda and the CSSO's agenda are one and the same can be beneficial.

Another advantage of this model is the fact that the CSSO is typically a member of the Governor's Cabinet, taking part in strategic budgetary and policy discussions and regularly interacting with the leads of other state agencies that serve youth and families.

It is also important to note that membership of the CSSO in the Governor's Cabinet is not limited to this governance structure. In three states that do not have a Governor-appointed CSSO, that individual is officially a member of Governor's Cabinet (Colorado, Maryland, and Nevada), while in other states the CSSO is an unofficial member.

Nationally, the average tenure of a CSSO is less than three years²¹, and the tenure is shortest among CSSOs in this structure. Existing research is very limited and does not conclude that short CSSO tenure negatively impacts educational improvement. However, it would also be hard to argue that short CSSO tenure improves success rates. If stability of leadership is a priority for a state, this governance structure may not be the best option. As shown below, we see that among the currently serving appointed CSSOs, only one who was appointed by a Governor has served for more than three years, whereas seven of the 21 CSSOs appointed by a State Board have served more than three years²².

Figure 19

Current Appointed Chief State School Officer’s Years in Office, as of October 2014

| CSSO’s Time in Office | CSSO Appointment Method | |
|-----------------------|-------------------------|---------------------------------------|
| | Appointed by Governor | Appointed by State Board of Education |
| Less than one year | 3 | 4 |
| 1 to 3 years | 10 | 10 |
| 4 to 6 years | 1 | 5 |
| More than 6 years | | 2 |

Source:
Council of Chief State School Officers, 2014

As noted above, State Boards may have varying levels of authority under this model – they may have full authority and independence in setting policies and standards or, at the other extreme, may only serve an advisory role.

The authors of a 1993 report from the Education Commission of States suggest, “If the most important value is to ensure coordination in education reform efforts and the efficient implementation of decisions, a system that streamlines governance and centralizes decisions in the governor’s office, for example, may be considered the ‘best’ system.” They point to the opportunity for greater “cohesion at the executive level, which can facilitate statewide planning and coordination” and diminished influence of “competing political agendas on education reform efforts.”

In a review by Manning in 2006, he concludes that there are limits to the benefits of streamlined governance:

My empirical findings strongly suggest that states perform better when governors are empowered to appoint leaders of SEAs [State Education Agencies], but that performance wanes if governors can appoint agency leaders and board members.

²¹ www.statewideafterschoolnetworks.net/content/chief-state-school-officers

²² www.ccsso.org/who_we_are/meet_the_chiefs.htm

Most important, perhaps, is the finding from the student outcomes measures that gubernatorial power appears most likely to produce desirable results in institutional arrangements that give governors control over SEA chiefs but not boards. States appear to pay a price in achievement when they centralize too much. That finding suggests that there are some benefits to limiting the governor's reach, but giving a governor a strong hand in appointing the leader of the state education bureaucracy appears to pay dividends. It may be that more independence from governors helps state board members, who are less engaged in day-to-day policy management, to provide more detached, critical, and useful oversight of state education systems.²³

Board independence from governors could come in several forms, such as statutory policy-making authority or a hybrid board in which some members are appointed and some are elected.

D. Governor Appoints Board, Public Elects Chief State School Officer

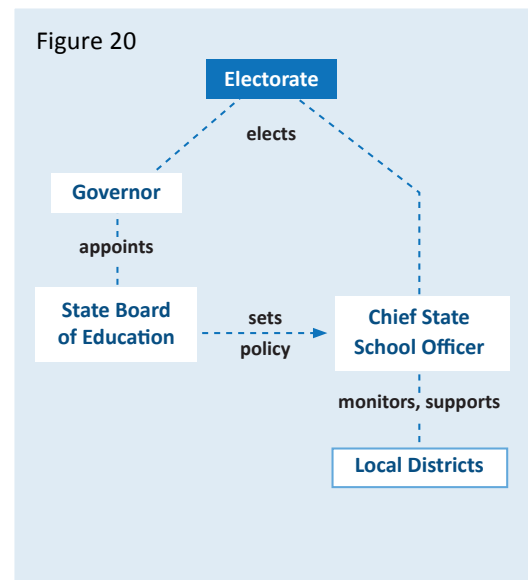
This is the governance structure currently in place in Wyoming. The number of states with this governance structure has been in decline since the late 1940s, falling from a high of 33 states to the current 12 states.²⁴

Under this general structure, the State Board of Education may have any of the 3 levels of authority described above: policy and reform initiation and approval, veto power, or the advisory role.

In all remaining states that have an elected CSSO, that office is established within the state constitution. In three of those states, the ballot is a non-partisan ballot.

Twelve states currently use this governance structure or a variation of it: Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, South Carolina, Washington, and Wyoming. Variations include:

- In South Carolina, the Legislature appoints 16 of the 17 Board members and the Governor appoints one.
- The State Board in Washington is composed of 14 appointed and elected voting members:
 - Five elected by regional district directors,
 - One elected by members of state-approved private schools,
 - Seven appointed by the Governor, and
 - The elected State Superintendent.



²³ http://pmanna.people.wm.edu/research/Manna2006_APSA.pdf, pg 12.

²⁴ Paul Manna and Patrick J. McGuinn, "Education Governance for the Twenty-first Century: Overcoming the Structural Barriers to School Reform," Brookings Institution Press, 2013.

Points to consider: Under this model, the level of staffing assigned directly to the State Board tends to vary based on level of Board responsibility and authority. In Wyoming, the State Board has the highest level of authority and its responsibilities have expanded in recent years. However, with the exception of funding currently provided to support the work of the select committee on education accountability, the Board must rely on the good will of the State Superintendent for staff support to fulfill those duties. This misalignment of responsibility and staffing causes periodic dysfunction between the State Board and Superintendent, which can - and has - caused delays in the fulfillment of Board duties.

This structure stands apart from the previous three structures in two important ways:

1. The elected CSSO can only be held accountable every 4 years, rather than annually. While the State Board could be charged with providing an annual performance review, it would have no meaningful consequences, as elected officials can only be removed from office under extreme circumstances. In addition, the State Board currently relies on the voluntary cooperation of the State Superintendent for staffing support to carry out its duties, which would make candid performance evaluations difficult.
2. The pool for CSSOs is restricted to residents of the state, whereas the pool for candidates under the other structures is a national one. The residency requirement has benefits: certainly, knowledge of state policies and systems, the political and stakeholder group leaders, and shared state values helps a CSSO “hit the ground running.” These considerable benefits, however, need to be considered along with the drawbacks of this restriction.
 - a. In Wyoming, as in other states, few citizens are willing to run for statewide elected office given the demands of such campaigns. In the 2008 Citizen Political Ambition Panel Study, a national sample of adults from the four professions that most often yield political candidates for offices (law, business, education, and politics) found that only 6% of women and 8% of men in these select groups were willing to run for a statewide office.²⁵
 - b. In Wyoming, high-level district administrators would experience a significant reduction in pay in return for greater responsibility as State Superintendent, with those in large districts losing up to 40% of their current salaries.

A review of all candidates for Wyoming State Superintendent over the last five election cycles found that, of the of 21 people who sought the office, only three had prior experience leading a school district as a Superintendent or Assistant Superintendent. None of these candidates had led a medium to large district or one recognized for making notable improvements in student learning. One of these three people had recently had his contract terminated by the local school board, one had been the Superintendent of a Wyoming district with 600 students, and one had been the Superintendent of a similarly small district in another state.

This is not to say that there have not been strong candidates for State Superintendent. However, it raises concern when the current method of selection does not attract individuals with the strongest relevant experiences and best track records.

Two noteworthy benefits are attributed to this model:

²⁵ Jennifer L. Lawless and Richard L. Fox, *Why Are Women Still Not Running for Public Office?*, Brookings, May 2008.

1. The election of the CSSO causes voters to pay attention to public education issues and gives the voters a direct voice in the future direction of public education in the state.

As discussed in Chapter 6, however, this process also creates for Wyoming voters a false impression: while voters believe they are choosing the individual who will set the course for the educational system, the authority for policies, standards, and goals lies with the State Board of Education. Superintendents who strive to deliver on their campaign commitments may find themselves unable to do so if their goals do not align with those of the State Board of Education. The result, as Wyoming has experienced repeatedly over the last 100 years, are periods of strain and leadership stagnation.

2. Having the CSSO as one of the few elected statewide officials gives significant stature to the role and to public education.

Ideally, this would allow the CSSO to be an effective advocate for the desires of the citizens in working with the Legislature, Governor, State Board, higher education institutions, and other stakeholder groups. At times, this has been true in Wyoming. But Wyoming's many attempts to "fix" its education governance structure over the years, along with the fact that 21 states have decided to move away from the elected State Superintendent model, seems to indicate that it has often not worked as effectively as desired.

Are some structures better than others?

The central question of whether or not there is an optimal education governance structure for Wyoming remains. Unfortunately, there is no simple answer. As discussed above, each structure has strengths and weaknesses, and each has variations that can be used to align with the values and priorities of a given state. As a 1993 report from the Education Commission of the States concludes:

*The optimum governance model depends on the political philosophy and educational goals and priorities within a given state. As state education policy activity has intensified during the past decade or so, different views on the purposes of education and the state's role in school improvement efforts have been evident. Alternative goals (e.g., ensuring the efficiency and effectiveness of schools or their responsiveness to citizens' expectations or their ability to serve as change agents to resolve society's chronic and emerging problems) have implications for how schools are governed. And alternative views on the state's role in achieving the purposes of education are not always compatible with one another. There is no design for education governance that is likely to achieve all the desirable objectives for education.*²⁶

The challenge for Wyoming is to determine the governance structure that best aligns with the educational goals and governance priorities of its citizens. In the next chapter, we explore the views and priorities of Wyomingites regarding state-level education governance.

²⁶ Martha McCarthy et al, *State Education Governance Structures*, Education Commission of the States, November 1993.

Chapter 5

The Views of Wyomingites: Results of a Statewide Survey and Interviews on Education Governance

The views of major stakeholder groups are essential to consider when contemplating modifications to the current structure of state-level education governance that might more effectively serve the needs of the students, school, districts and residents. To better understand those views, Cross & Joftus, under the guidance of the Legislative Service Office, developed a short online survey and conducted in-depth interviews with representatives of major statewide stakeholder groups.

The Online Survey

In order to encourage participation, the survey was designed to be completed within 10 minutes and to allow an individual without prior involvement with state-level education policy to respond. A complete list of the questions, the response options, and the results can be found in Appendix C.

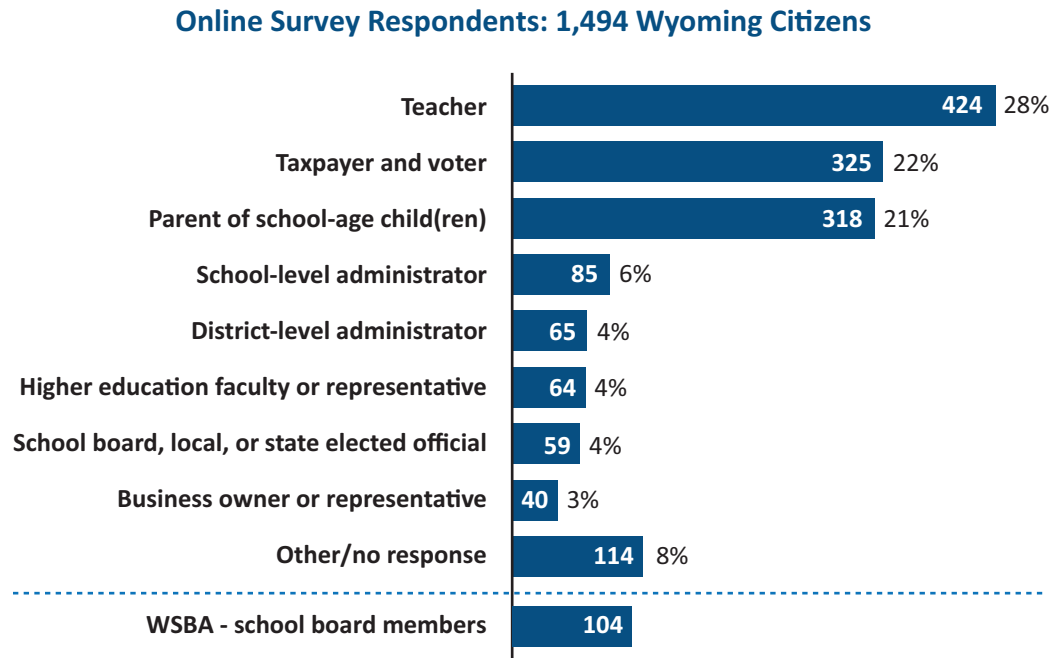
The survey, announced in a Legislative Service Office press release, opened on July 14, 2014 and was available through August 22, 2014. Newspapers and radio stations provided information about how to access the online survey. In addition, the leaders of statewide stakeholder groups who were interviewed were asked to alert their memberships about the survey.

The response was much stronger than expected: 1,496 residents responded to the online survey. A review of the Internet Service provider (ISP) addresses of the computers used by respondents provided strong evidence that the responses were legitimate. Only three respondents, or 0.2%, questioned the objectivity or wording of questions on the survey.

Survey Respondents

The nearly 1,500 respondents represented a wide distribution of the public. Individuals were asked to identify their primary role relative to the education system, and the results were as follows:

Figure 21



Source:

Wyoming Legislative Service Office, 2014

Although employees of the educational system – teachers and administrators – understandably made up slightly more than one-third of all respondents, participation of most other stakeholder groups was large enough to include them in the following analyses of the survey results.

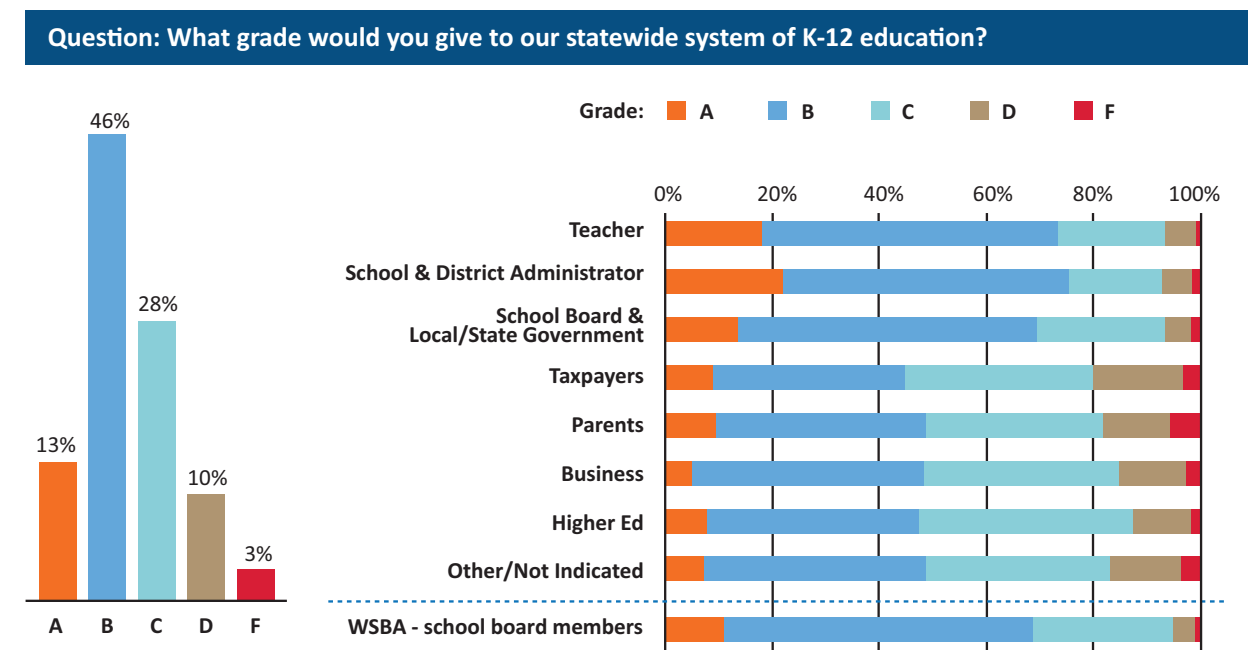
The number of local school board members who responded to the survey was insufficient to include them as a separate group in the analysis; therefore, they have been combined with other local and state elected officials in the following charts.

Approximately two months after the conclusion of this online survey, the Wyoming School Boards Association circulated a survey that included some of the Cross & Jofus online survey and interview questions. Nearly one-third of local school board members (104 of 338) responded to that WSBA survey. Because the responses were gathered after the results of the Cross & Jofus online survey had been made public, and the WSBA responses could therefore be impacted by those statewide results, the WSBA responses are shown next to, but separate from, the Cross & Jofus online survey responses. The complete WSBA survey, including the questions, which were at times slightly augmented, and the distribution of responses can be found in Appendix E.

Overall Satisfaction with the Public Education System

Wyomingites are fairly satisfied with their statewide system of K-12 education, giving it an average grade of B-. When we look at the responses by stakeholder group, we see that employees of the system and elected officials gave significantly more A's and B's than the other stakeholder groups.

Figure 22



In a question asking for educational priorities (Figure 23), participants were asked to check all items that they consider to be most important. (Note: 57 people chose none, and later in the survey, an open-ended question invited participants to make any comments or recommendations they desired to pass on to Legislators.)

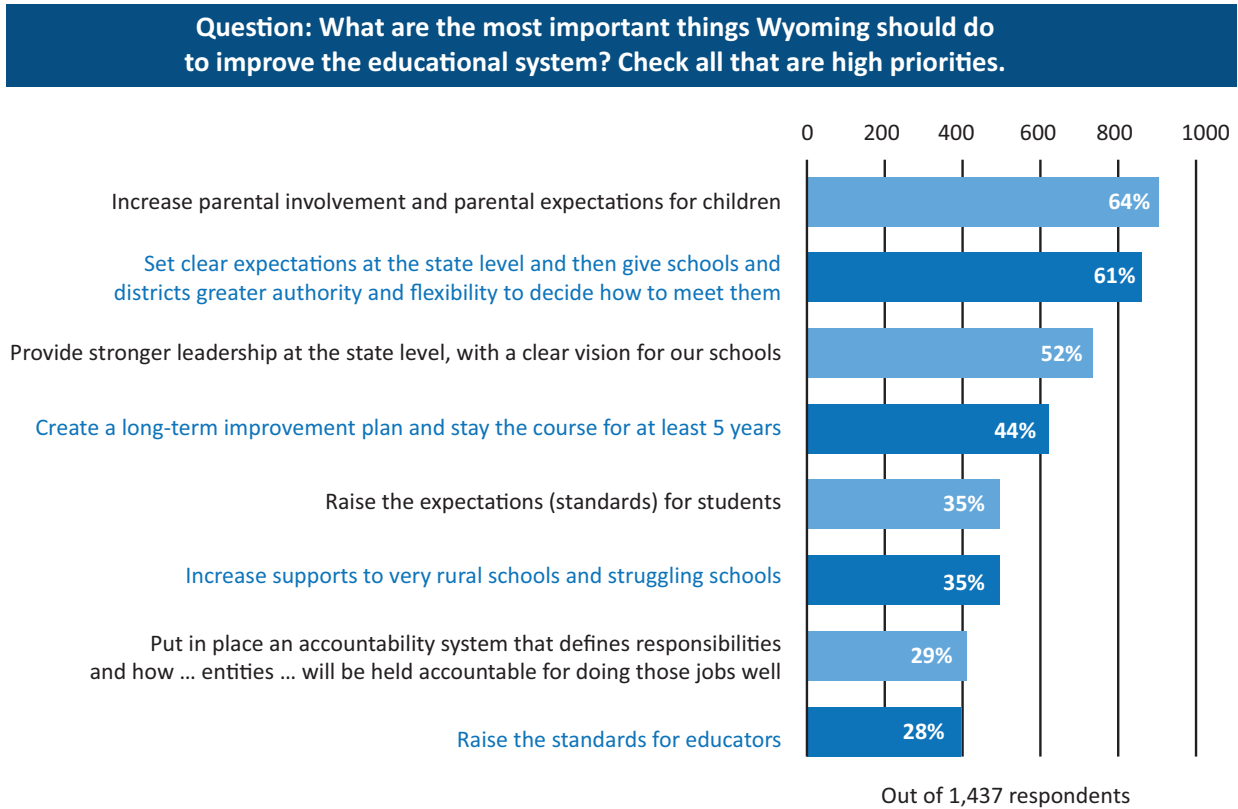
Interestingly, there was significant agreement across the stakeholder groups on the top four priorities from this list. The following four actions were ranked among each group's "top three" priorities 23 out of the 24 possible times:

1. Increase parental involvement and parental expectations for children.
2. Set clear expectations at the state level and then give schools and districts greater authority and flexibility.
3. Provide stronger leadership at the state level, with a clear vision for our schools.
4. Create a long-term improvement plan and stay the course for at least 5 years.

These same four priorities were the most commonly selected ones in the WSBA survey, as well.

Increasing parental involvement and expectations was rated as the top priority among all of the non-educator groups in the Cross & Joftus survey, and is an issue that is typically addressed by chief state school officers in collaboration with community and district leaders. The other three top priorities, in contrast, reflect a leadership problem across the state education governance entities.

Figure 23



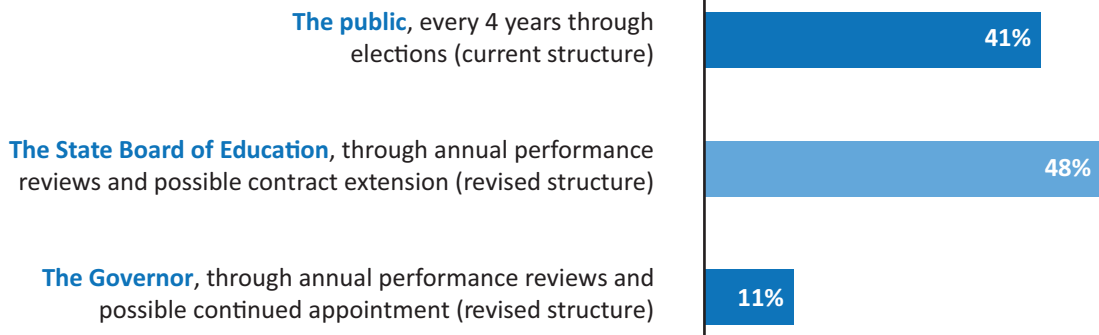
Selection of the Chief State School Officer

The next question on the online survey addressed the question of central importance to this study: the method for selection of the State Superintendent. Because the method of selection also determines *who* holds that individual accountable for progress and *how often*, the question was worded to make the participant aware of the consequences associated with each option.

The survey revealed that a minority of respondents (41%) prefer the current method of selection: public elections every four years. The remaining 59% favored a revised governance structure in which the CSSO is appointed, with 48% preferring appointment by the State Board of Education and 11% preferring appointment by the Governor.

Figure 24

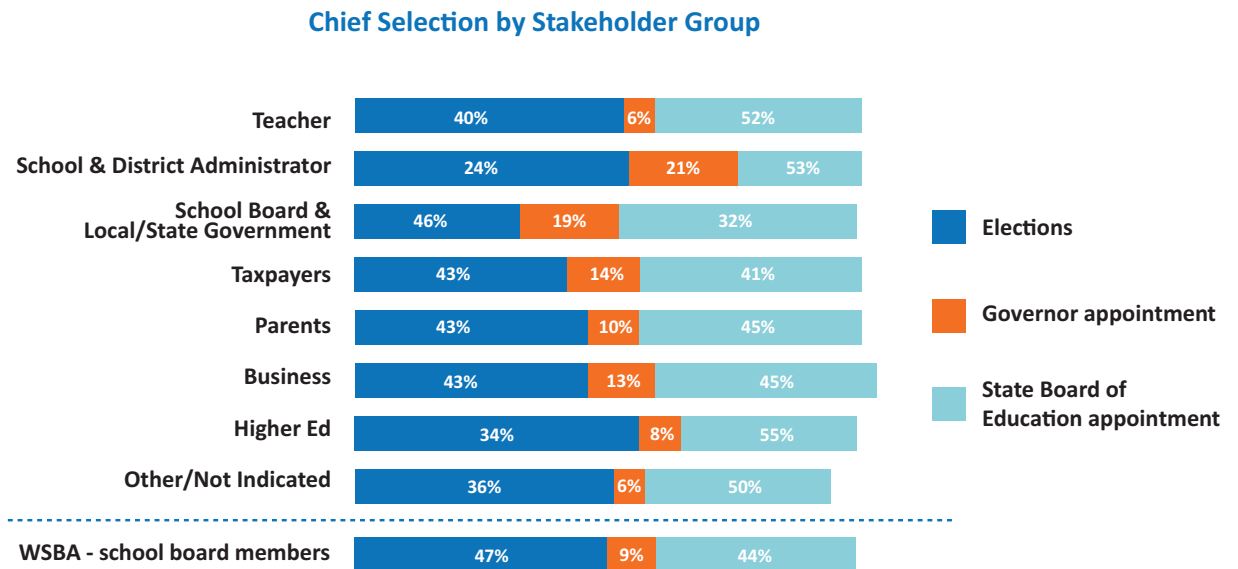
Question: Ideally, who do you think should hold the State Superintendent accountable for quality leadership of Wyoming’s public school system, and how often?



When the responses to this question are viewed by stakeholder group (Figure 25), we see that a **majority of every stakeholder group preferred a revised governance structure in which the chief state school officer is appointed.**

While the percent supporting an elected State Superintendent was slightly higher in the WSBA survey (47%), again a majority preferred an appointed chief state school officer.

Figure 25



Interviews with Stakeholder Group Leaders

Most citizens – even most educators – do not regularly interact with state-level education governance entities or issues, so they may not have insights regarding what is working well and what could be done to improve the efficiency and effectiveness of education governance. In order to gain such insights from people who do regularly participate in state-level education discussions, in-depth interviews were conducted with 31 representatives of Wyoming stakeholder organizations. The groups, listed to the right, represent a broad range of citizen and professional groups, including K-12 educators and administrators, business leaders, higher education leaders, advocates for gifted children and for children with disabilities, foundations, and statewide public service organizations.

A standardized interview protocol was used and provided to interviewees. As part of that protocol, background information regarding Wyoming’s performance on the National Assessment of Educational Progress (pages 19 - 23) and the four common education governance models (pages 34 - 40) were shared with each interviewee. The handouts provided with this background information can be found in Appendix F, along with a complete summary of the areas of consensus and themes that were recorded across interviews.

In the following section, the major themes that emerged across the interviews are discussed, as well as noteworthy recommendations or concerns.

Need for a Shared Statewide Vision and Plan

The most common concern expressed by interviewees was the lack of agreement across state entities - the State Superintendent, State Board, Legislature, and Governor – on the educational vision for the state and the action plan to reach it. Frequent changes in direction have caused widespread frustration. One long-term educator described it as follows: “It feels as though we are told to run a marathon to Cheyenne but, when nearly there, another state group tells us to run to Jackson instead, and when nearly there another group says, ‘oh, no – run to Laramie - and hurry up!’”

While concern was high, so was the willingness to work toward the solutions. “We need to pull together as a state – the State leaders, districts, higher education, pre-K educators – and hammer out a vision and plan,” urged another interviewee. A parent leader expressed the optimism heard from many interviewees when she said, “We take care of our kids. I’m hopeful we’ll become who we should be.”

Crafting a statewide vision and plan for education requires sustained commitment and broad engagement, but several states have done this effectively. A review of such efforts is beyond the scope of this governance study, but useful exemplars can be found in Appendices I and J.

Stakeholder Organizations Interviewed

Public Education and Educator Organizations

Wyoming Association of School Administrators and Regional Leadership
Wyoming Curriculum and Instruction Leaders
Wyoming Department of Education, current and former leadership
Wyoming Education Association
Wyoming Professional Teaching Standards Board
Wyoming School Boards Association
Wyoming School Facilities Department
Wyoming State Board of Education

Higher Education

University of Wyoming, President’s Office
University of Wyoming, College of Education
Wyoming Community College

Stakeholder and Community Groups

The Elbogen Foundation
Wyoming Advisory Panel for Students with Disabilities
Wyoming Association for Gifted Children
Wyoming Association of Public Charter Schools
Wyoming Business Alliance
Wyoming League of Women Voters
Wyoming Liberty Group

Views on the Preferred Governance Structure

Each interviewee was asked to use the information provided concerning governance models as a “starting point” and to describe the structure they felt would best serve Wyoming, borrowing from or altering aspects of the models as needed.

The preferences for the general governance structure are as follows:

- Governor Appoints Board, *Public Elects CSSO* (current structure): 20%
- Governor Appoints Board, *Board Appoints CSSO*: 20%
- Public Elects Board, *Board Appoints CSSO*: 27%
- Governor Appoints Board, *Governor Appoints CSSO*: 27%
- Other: 6% (includes both an *elected* State official with narrower role and an *appointed* CSSO)

These leaders of statewide stakeholder groups are even less supportive of the current governance structure than the survey respondents, with 74% of interviewees favoring a transition to an appointed CSSO. Regardless of the appointment method, the large majority wants the structure to include a process by which the Governor, Board, and legislative leadership agree to support the CSSO appointment. This could happen through screening of sets of finalists, approval of the final selection, or some other means by which agreement to support the final candidate is gained.

A high level of agreement was also found regarding the preferred roles for each state-level entity in the governance structure, which are summarized in the following section and in Figure 26.

The “Other” structure recommended by 6% of interviewees included:

- a) A State Board of Education appointed by the Governor and assigned responsibility for establishing the policies, standards, and goals of the system;
- b) A Governor-appointed CSSO responsible, with the assistance of the Department of Education, for implementing the policies of the Board and driving educational improvement through support, technical assistance, and leadership to the districts; and
- c) An elected CSSO whose responsibilities would be limited to compliance and performance monitoring, with a small professional staff.

This structure will be discussed further in Chapter 6.

Selection and Qualifications of Chief State School Officer

As noted above, 74% of interviewed stakeholder group representatives feel Wyoming would be better served by a governance structure with an appointed CSSO, and another 6% prefer a structure that includes both an appointed and an elected education official. In a subsequent question that asked specifically how they felt the CSSO should be selected, a majority of interviewees preferred a Governor-appointed CSSO (44%) rather than a Board-appointed CSSO (30%) or an elected CSSO (26%).

Two concerns about the current election process for the CSSO arose frequently. First, many expressed concern that this method does not serve to bring forward the strongest in-state candidates. “Running for office just isn’t in the blood of most educators,” explained one educational leader. A review of all candidates for Wyoming State Superintendent over the last five election cycles found that, of the 21 people who sought the office, only three had prior experience as a district Superintendent or Assistant Superintendent.

The second concern commonly expressed about the election of a State Superintendent is the partisan ballot. Because candidates must align with one political party, it can make it difficult to then serve as the “unifier” who facilitates the development of a shared vision and works with the Legislature and State Board to make sure that statutory and policy changes align to that vision, or to move changes through the legislative process if the other party holds the majority there.

Other majority views of note concerning the CSSO are:

- 64% feel the CSSO should be, by statute, a member of the Governor’s Cabinet.
- 86% believe that the qualifications for the CSSO, which are currently that the individual is at least twenty-five (25) years of age, a citizen of the United States, and qualified as an elector (a resident) in the state of Wyoming (a resident), should be increased. However, there was little agreement on the specific qualifications: 43% felt a college degree should be required, 10% felt an advanced degree should be required, 19% would like to require a “proven track record as a leader in education,” and 24% support requiring both a college degree and a proven track record as a leader in education.

The State Board of Education

Nearly all interviewees (90%) support the continuation of the current role and authorities for the State Board Education. An even larger percentage (97%) believes that the Board should be provided with either additional staffing or designated funding to ensure that it can fulfill those responsibilities well. Support was also high for maintenance of the designated representatives on the State Board and the annual selection of the Board Chair by the members of the Board.

However, two changes gained strong support:

- a) If the CSSO becomes an appointed position, then some of the State Board members should be elected, making the Board a mix of elected and Governor-appointed members. The designated representations on the Board should be maintained through the appointed positions. The elected members should be elected by geographic region through a non-partisan election process.
- b) Training of new Board members should be required by statute. (See Appendix G for information regarding state board member training.)

The Wyoming Department of Education

Many interviewees expressed strong respect for the hard-working professionals within the Wyoming Department of Education (WDE), but also concern that in recent years too many well-meaning individuals were assigned to roles that they did not yet have the experience and knowledge to fulfill well or efficiently. Educators described frustration with the inability to quickly get clear answers to questions about compliance issues or state or federal program requirements. When asked how well the WDE currently provides supports to schools and districts for educational improvement, 80% responded “not well.”

The primary theme that emerged concerning the WDE is that the department needs to see its *primary mission* as building district capacity to improve student learning, supporting expansion of best practices, and providing accurate, timely responses to inquiries. Several commented that they believe the WDE personnel currently see their primary mission as serving the Legislature, rather than students, schools, and districts. Specific recommendations surfaced for changes that the CSSO may wish to consider to improve the ability of the WDE to support educational improvements (See Appendix H).

The Legislature

The interview protocol did not ask about the performance of the Legislature, but nearly every interviewee expressed concerns. The general theme of these comments was that, despite good intentions, the Legislature is prone to “going outside their lane,” as one described it, and being too prescriptive. This is most often seen when the other primary education governance entities, the State Board and Chief State School Officer, are not working in tandem and/or are not communicating well with the legislature. Two examples were cited multiple times:

- Legislation that restricts state assessments to the use of multiple choice questions only; this is perceived as limiting assessment options available which could also limit the types of instructional activities carried out in the classroom.
- State statute assigns the responsibility for establishing standards to the State Board, but budget bills are utilized to curb that authority.

The strong consensus, across these diverse stakeholder groups, was that the Legislature should continue to be responsible for:

- ensuring adequate and equitable funding;
- setting high-level system parameters and expectations to ensure equity, transparency, public involvement in decision-making, and the continued pursuit of improvement; and
- defining the essential metrics to be reported to the public on the performance of the system.

These should not be too narrowly prescribed, they argued, or districts will be left with too little leeway to tailor the educational services in their schools to the needs of their students, families and communities and to develop innovative educational approaches.

The Governor

As discussed above, a majority of interviewees prefer transition to an appointed CSSO and, of these, a majority felt the Governor should appoint this leader. Interviewees also felt the Governor should participate in the development of a shared statewide vision and expectations for Wyoming public education, and actively build public support for them.

A key role of the Governor that was not mentioned was his/her role in supporting adequate funding for public education through the submission of the annual Governor’s proposed budget. The crafting of this budget provides an important opportunity to signal areas of strategic investment or to recommend areas in which greater efficiencies can be achieved.

Summary of High-level Priorities of Wyomingites from the Survey and Interviews

Across the nearly 1500 survey responses and 31 interviews, ten high-level priorities for the future governance structure were identified that gained a high level of agreement. They are:

1. Wyoming needs a *shared* statewide vision and goals for the public education system. The governance structure should be designed to support this.
2. A plan for reaching the vision and goals should be developed in collaboration with the local school districts, P-20 education stakeholders, and the public, and the structure should support sustained focus on reaching the goals.
3. The roles, responsibilities, and accountability of each state governance entity need to be clearly defined, as well as the processes by which final authoritative decisions are made.
4. The State Board of Education should continue to be charged with establishing the education policies, standards, and accountability metrics.
5. The Chief State School Officer should be appointed, rather than elected, and annually evaluated for leadership in attaining the goals.
6. The Chief State School Officer should be responsible for facilitating the development of a shared state vision for public education and implementing the policies and standards adopted by the Board.
7. The Chief State School Officer should be a member of the Governor's Cabinet, either formally or informally, to coordinate across agencies and advocate for public education.
8. The Department of Education should be responsible for providing, upon request or proven need, timely support and information on best-practices to districts and schools.
9. The structure should leave room for creative local leadership and maintain local control over curriculum and instruction.

In addition, consensus was found on the need to better inform and engage parents across the state concerning the level of academic preparation needed by students today to ensure a strong future.

Figure 26

| Entity | Interviewee Recommendations on Roles and Authorities |
|-----------------------------------|--|
| Legislature | <ul style="list-style-type: none"> • Clarify in legislation the roles and responsibilities of each entity and ensure the structure supports clear, efficient, and authoritative decision-making • Participate in the development of a shared statewide vision and expectations for Wyoming public education • Ensure adequate and equitable funding for high-quality public education across the state • Set high-level system parameters and expectations to ensure equity, transparency, public involvement in decision-making, and the continual pursuit of educational improvement • Define the essential accountability metrics to be reported to the public on the performance of the system • Avoid overly prescriptive legislation and legislation that usurps the authority designated to other entities in the state • Avoid sudden or frequent changes in direction; actively support sustained focus on reaching shared expectations |
| Governor | <ul style="list-style-type: none"> • Participate in the development of a shared statewide vision and expectations for Wyoming public education, and actively build public support for them • Avoid sudden or frequent changes in direction; actively support sustained focus on reaching shared expectations |
| State Board of Education | <ul style="list-style-type: none"> • Participate in the development of a shared statewide vision and expectations for Wyoming public education, and actively build public support for them • Establish or adjust state education policies, standards, accountability metrics, and assessments to align with the statewide vision and expectations • Develop, in collaboration with districts and the public, more specific goals for reaching the shared statewide expectations |
| Chief State School Officer | <ul style="list-style-type: none"> • Facilitate the development of a shared statewide vision and expectations for Wyoming public education, and actively build public support for them • Implement and administer the policies and standards established by the Board • Lead the Wyoming Department of Education and ensure that the primary mission of that agency is to increase district capacity to meet the shared statewide expectations by providing: <ul style="list-style-type: none"> ○ Information about research-based best practices, tailored to the specific needs of a school or district ○ Facilitation of sharing of information and expertise across schools and districts in Wyoming ○ Accurate, timely responses to inquiries ○ Direct support to schools and districts, upon request or proven need • Ensure that professionals within WDE have the experience and expertise needed to provide the highest quality support to schools and districts • Ensure that required compliance monitoring is done well and also done as efficiently as possible, with particular emphasis on minimizing the time required by schools and districts to complete compliance reporting |

Chapter 6

The Path Forward: Options for Consideration

As described in Chapter 1, areas of overlapping authority, as assigned or perceived, between the elected State Superintendent and the Board have been a source of tension, debate, and periodic dysfunction since the early 1900s. No fewer than six modified education governance structures have been enacted by the state Legislature over the last 100 years. Many were attempts to bring about more effective coordination between the office of the State Superintendent and the State Board of Education.

This review of the history of educational governance in Wyoming concludes that the primary cause of these periods of tension and dysfunction is a structural flaw within the governance structure, which creates the expectation of policy-level authority for the elected State Superintendent in the eyes of both the public and the Superintendent but assigns only “general supervision” powers. This structure provides no mechanism to resolve areas of dispute with the State Board of Education and create a shared plan for moving forward.

This report also concludes that Wyoming must take action promptly to address the governance issue and craft a shared statewide vision and goals for education so that the state’s students, families and communities can be confident of a strong future.

This report provides three options the legislature may want to consider to improve the function of state-level education governance. Before describing them, however, we provide information and options regarding one component of that larger structure: the State Board of Education.

Decision Point: State Board Member Selection

Presently, the Governor appoints 11 voting members to the Wyoming State Board of Education, with the approval of the Senate, and these members serve six-year staggered terms. These appointments must include representation from each of the state’s seven appointment districts, and no more than six of the 11 voting members can be from the same political party. The appointments must also include a classroom teacher, an administrator, a local school board member and a business representative. The other seven

voting members are lay citizens “known for their public spirit, business or professional ability, and interest in education.” The State Superintendent also serves on the State Board of Education as a voting member, and the executive director of the Wyoming community college system serves as an ex-officio, non-voting member.

The following are options the Legislature could consider for the selection of State Board members that are consistent with priorities expressed by Wyoming stakeholders.

- i. **(Current method) Members are appointed by the Governor with confirmation by the Senate, adhering to the current representation requirements.**
 - o For a subset of the members, the Governor could be required to select individuals from a set of finalists approved by a **Selection Committee** that might be composed of key stakeholder group leaders, state and local board member representatives, and members of the Legislature.
- ii. **(Revised method) Some Board members are appointed by the Governor and the remainder are appointed by the leadership of the Legislature.**
- iii. **(Revised method) The Board consists of a combination of members appointed by the Governor and members elected by the public.** Given the strong support in Wyoming for the designated representations on the Board and for nonpartisan ballots for education, it may be best to elect four of members via nonpartisan ballots.

State Board service is unpaid, volunteer service, so dividing the state into election districts would make the campaign process financially accessible to a larger number of citizens. Doing so may also increase the engagement of community members and the communication and responsiveness of State Board members to those communities, although there were no complaints received through this study about the responsiveness of current State Board members.

If the state decides to move away from an elected State Superintendent, the election of regional State Board members would ensure that the citizenship maintains its “voice” in the leadership of the public school system and, unlike the current structure, selects individuals who are authorized to set the goals and standards of the system.

There was widespread support across all stakeholder groups for maintaining the four seats reserved for teacher, administrator, local board, and business representatives on the State Board. It is also highly valuable to have on the Board individuals with expertise in areas such as finance, organizational leadership, early childhood development, and postsecondary education. To err on the side of ensuring strong capacity to steer the long-term vision of the educational system, and to avoid creation of an excessively large Board, we recommend that four of the 11 Board members be regionally elected, and the others, including the four designated representatives, be appointed by the Governor with Senate approval.

Education Governance Models for Consideration

Three options for a future education governance structure for Wyoming are provided for consideration. Each contains strengths and vulnerabilities, and none can guarantee the acceleration of educational improvement (see Chapter 4). Each option below does, however, incorporate the following two attributes:

1. Each addresses the structural flaw described above to ensure a means by which final, authoritative decisions regarding educational policies, standards, and goals can be made; and
2. Each is consistent with the priorities of Wyomingites described in Chapter 5.

As discussed in the preceding section, the question of how the members of the State Board of Education are selected should be discussed within the context of the specific governance structure being considered.

Three governance structures are provided for consideration. On page 61, a chart summarizes how each option aligns with the high-level priorities of Wyomingites gathered through this study.

Option 1: Chief State School Officer Appointed by State Board of Education

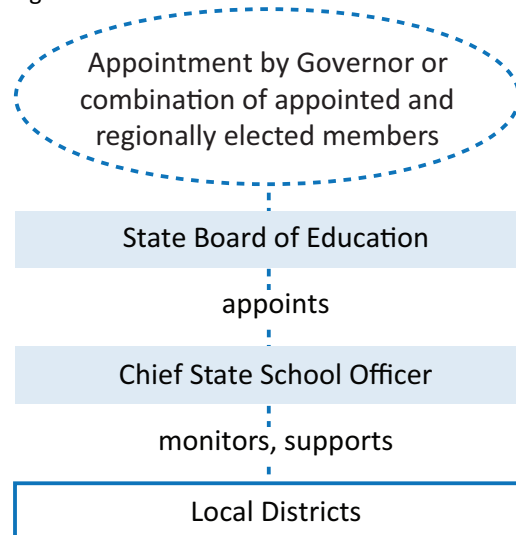
Under this model, the State Board of Education, consisting of either solely appointed members or a combination of appointed and regionally elected members serving 6-year staggered terms, would select the Chief State School Officer (CSSO). The Board would set the policies, standards, and goals for the educational system. The CSSO's responsibilities would be those listed in Figure 26. The Board would annually evaluate the CSSO's performance, making changes in leadership if needed to ensure ongoing educational improvement.

As a means to build shared support for the selected CSSO, Wyoming could require that the Governor and/or legislative leadership approve the appointment.

Alternatively, statute could require that a Selection Review Committee be appointed, with some of the members being appointed by legislative leadership, some by the Governor's office, and some by key stakeholder groups. This committee could be charged with interviewing a list of semi-finalist candidates identified by the State Board and providing feedback on the selection prior to Board appointment. One drawback to this approach is that some candidates prefer to have their candidacy remain confidential until after appointment in order to protect their current position and relationships. The desire to create shared support for the chosen CSSO should be weighed against the need to ensure a strong candidate pool.

The following chart evaluates this governance structure against the priorities of Wyomingites gathered through the surveys and interviews.

Figure 27



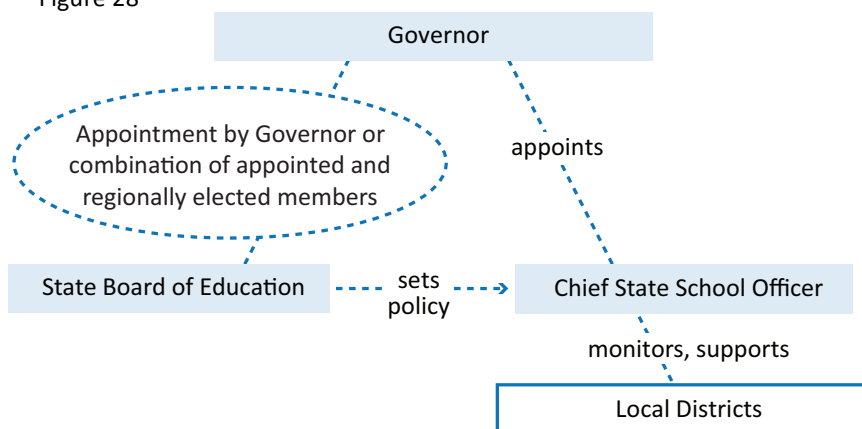
| Option 1: Chief State School Officer Appointed by State Board of Education | |
|---|--|
| Strengths | Weaknesses |
| Appointment of the CSSO by the State Board of Education was the top choice among the nearly 1,500 Wyomingites who responded to the education governance survey. | Wyoming stakeholder group representatives, who interact with the state education governance system regularly, preferred appointment by the Governor. |
| Because more people are willing to accept an appointment than are willing to run for statewide office, the pool of in-state candidates for CSSO is larger than under the current structure. In addition, the pool could also include former Wyomingites and candidates from across the country. | There is a benefit to having a CSSO who is a resident and knows the people and the educational strengths and needs of the state. |
| Some authors on the topic of state education governance conclude that this structure, in which Board members have 6-year staggered terms, supports sustained focus on a long-range vision for education and makes the system less vulnerable to the political pressures of election cycles. | <p>A Board-appointed CSSO may lack the political clout of a Governor-appointed CSSO to move an agenda through legislative enactment.</p> <p>Reform-minded Governors are less able to act authoritatively to move their agendas forward given the staggered terms of Board members.</p> <p>If the system is not working well, replacing a sufficient number of Board members to create a stronger Board with greater urgency for improvement is difficult, although it has been done.</p> |
| The Board is authorized to create the contract with the CSSO, the incentives (if any) for strong performance, and the terms for contract extension and termination. The Board can annually review the CSSO's performance and can adjust the priorities or goals for the coming year to reflect changing needs across the state. | Board members serve as unpaid part-time volunteers so the quality of the Board and their primary leadership role over the educational system depends heavily on the ability to attract knowledgeable, thoughtful, and dedicated individuals to the Board. |

Option 2: Chief State School Officer Appointed by the Governor

In this structure, which was the top preference of Wyoming educational stakeholder group leaders interviewed as part of this study, the CSSO is appointed by the Governor, perhaps with Senate or other legislative approval. This structure increases the Governor's accountability for and involvement in educational improvement and ensures the alignment of the educational agendas of the Governor and the CSSO.

Figure 28

A critical consideration for this structure is the role of the State Board of Education. In order to align with the key priorities of Wyomingites, the Board would maintain the policy-level authority it currently has. This is also consistent with research that indicates that although states with a Governor-appointed CSSO are more likely to make educational improvement, there is a negative impact when too much power is centralized.



Even though some or all of the Board members would be appointed by the Governor, members serve staggered terms so there is no assurance that the vision and policy views of the Board will align with those of the Governor and CSSO. For that reason, if the Board is to continue to have this high level of authority, the process for selecting the CSSO should include the State Board of Education. That involvement could take a number of forms, such as:

- Development of a document by the State Board of Education and Governor's office that articulates their shared vision for public education in the state and the high-level goals that the successful candidate will be tasked to achieve. This document would then be used to frame the search and selection processes carried out by the Governor.
- Board responsibility for conducting the initial phases of the search for a new CSSO and preparing a slate of finalists.
- Establishment of a Selection Screening Committee that includes several members of the State Board and the Board Chair as well as other key stakeholder group leaders to conduct the initial phases of the search for a new CSSO and prepare a slate of finalists. This option, however, would need to be weighed against the need for candidate privacy as discussed under Option 1.

In order to prevent periods of dysfunction, a structural means by which decision-makers forge agreement on goals and broad policy positions is essential.

The following chart evaluates this governance structure against the priorities of Wyomingites gathered through the surveys and interviews.

| Option 2: Chief State School Officer Appointed by the Governor | |
|--|---|
| Strengths | Weaknesses |
| Appointment of the CSSO by the Governor was the top choice among the 31 representatives of Wyoming stakeholder groups interviewed for this study. | This structure had much less support on the survey, which tapped the views of those less connected to state-level governance activities. |
| There is some evidence that states with Governor-appointed CSSOs are more likely to make educational improvements. | The tenure of Governor-appointed CSSOs appears to be shorter, on average, than Board-appointed CSSOs. Sustaining a long-term vision and improvement plan, therefore, may be more challenging. |
| Governor-appointed CSSOs benefit from the political clout of the Governor to move their agenda through legislative enactment, and may be better positioned to coordinate with the leads of other state departments that serve children and families. | Governor-appointed CSSOs are often seen as partisan and therefore may be less effective in moving an improvement agenda through the legislative process, or in informing legislation under discussion in the Legislature, when the Governor is not of the same political party as the majority. |
| Because more people are willing to accept an appointment than are willing to run for statewide office, the pool of in-state candidates for CSSOs is larger than under the current structure. In addition, the pool could also include former Wyomingites and candidates from across the country. | There is a benefit to having a CSSO who is a resident and knows the people and the educational strengths and needs of the state. |
| The CSSO serves at the pleasure of the Governor, so accountability for annual progress is strong and changes in leadership, when needed, can be made quickly. | Frequent changes in leadership can create instability and confusion at the local level about the educational direction of the state. |

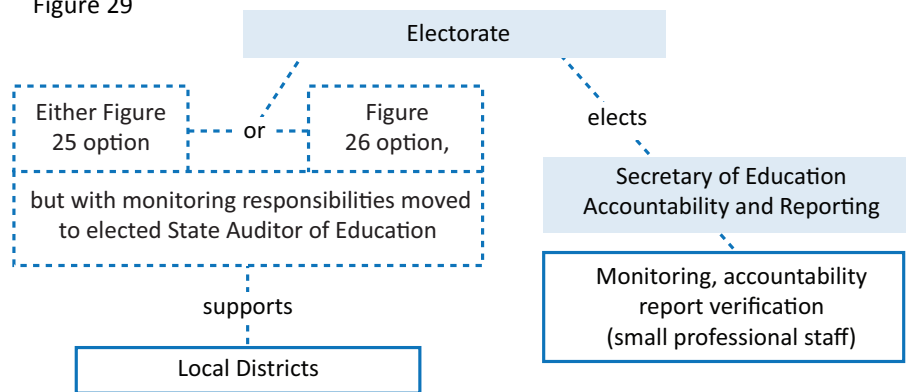
Option 3: An Appointed Chief State School Officer and an Elected Secretary of Education Accountability and Reporting

This model is not currently in use in any state. It prioritizes the desire for a statewide elected official for public education, while also maintaining the desire for a State Board of Education that is charged with establishing the policies, standards, and goals of the system. The unique potential strength of this structure is that it allows the CSSO and Department of Education to be completely focused on educational improvement, as articulated in a shared statewide vision, because the responsibility for monitoring and reporting to the public on the performance of the system, potentially from early childhood through postsecondary

education, are assigned to the elected Secretary of Education Accountability and Reporting.²⁷

This model could be used in conjunction with either a Governor-appointed or a State Board-appointed CSSO. Therefore, all of the considerations listed under Option 1 and Option 2 would need to be weighed and that appointment process determined.

Figure 29



This option would be more costly than the other options to implement due to the two high-level leadership positions. Further study would be required to determine a) the level of staffing needed within the Department to serve only the educational improvement and policy/standards implementation duties, and b) the level of staffing required within the office of the Secretary of Education Accountability and Reporting to ensure professional, efficient compliance and performance monitoring.

The following chart evaluates this governance structure against the priorities of Wyomingites gathered through the surveys and interviews.

²⁷ The position title of State Secretary of Education Accountability and Reporting is used for illustrative purposes only.

Option 3: An Appointed Chief State School Officer and an Elected Secretary of Education Accountability and Reporting

| Strengths | Weaknesses |
|---|--|
| The public maintains the ability to directly choose a state-level official for public education, without creating the false expectation that this individual has the authority to establish or modify the policies of goals of the system. | The position described as Secretary of Education Accountability and Reporting has not been used by any other state so there is no research concerning its effectiveness or unintended impacts. |
| The responsibilities of the Board, CSSO, and Department are all devoted to promoting and supporting educational improvement, and responsibilities for compliance and performance monitoring are assigned to a separated entity. The accountability of the CSSO and Department for providing effective guidance and support to schools and district is enhanced. | Some additional cost would be incurred due to the inclusion of two high-level education officials, and there could be additional staffing costs. |
| Because more people are willing to accept an appointment than are willing to run for statewide office, the pool of in-state candidates for CSSOs is larger than under the current structure. In addition, the pool could also include former Wyomingites and candidates from across the country. | There is a benefit to having a CSSO who is a resident and knows the people and the educational strengths and needs of a state. |
| The state gains the ability to have the appointed CSSO evaluated annually and, if needed, replaced. | No corresponding weakness identified. |

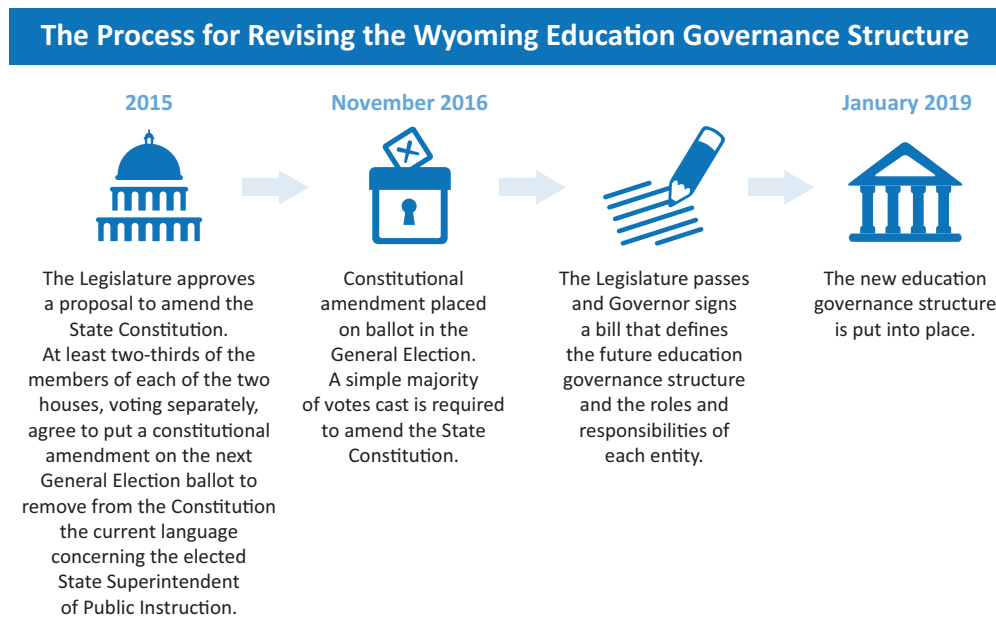
Steps Required to Implement a Revised Governance Structure

Each of the governance structures offered for consideration would require a change to the state constitution, as each alters or eliminates the position of the elected State Superintendent of Public Instruction. As illustrated in Figure 30, modifications to the state constitution must begin with the approval of at least two-thirds of the members of the Wyoming State House and Senate, in separate votes, of a proposal to revise, delete, or amend the existing language. In this case, we recommend that the proposal call for the existing language pertaining to the State Superintendent to be deleted in order to allow the deliberations on the best structure for Wyoming to include all possible options.

If the proposal is approved by both the House and the Senate, the amendment would be placed on the November 2016 general election ballot. A simple majority would be required for passage.

The Legislature would then have approximately 18 months to discuss with citizens the best governance structure for Wyoming and to pass a bill that lays out the authorities and accountabilities of each entity. In January of 2019, when the term of the State Superintendent elected in November of 2014 expires, the new structure would be put into place.

Figure 30



How the Governance Structure Options Address Key Priorities of Wyomingites

| | Source of priority | Option 1 CSSO appointed by State Board | Option 2 CSSO appointed by Governor | Option 3 Elected Secretary of Education Accountability and Reporting; Appointed CSSO |
|--|--|---|--|---|
| 1. The structure supports the development of a shared statewide vision and goals for the public education system. | This need was a dominant theme across the survey results and interviews. | Yes | Yes | Yes |
| 2. The structure supports sustained focus on reaching the established goals. | A top priority across survey respondents and interviewees | Yes | Yes | Yes |
| 3. The roles, responsibilities, and accountability are clearly defined, as well as the process by which final authoritative decisions are made. | The need for clearly defined roles was a dominant theme across the survey results and interviews; this review identified the need for the decision-making process. | Yes | If the Board maintains policy authority, need to ensure the alignment on goals | Depends on choice of Option 1 or Option 2 |
| 4. The State Board of Education establishes policy, standards, and accountability metrics. | Survey and Interview respondents consensus | Yes | Yes | Yes |
| 5. The Chief State School Officer is appointed, rather than elected, and annually evaluated. | Supported by a majority of every stakeholder group in the survey, and a strong majority of the interviewees (74%) | Yes | Yes | Yes |
| 6. The Chief State School Officer is responsible for facilitating the development of a shared state vision for public education and implementing the policies and standards adopted by the Board. | The need for a shared state vision and clear expectations were top priorities among survey respondents, and seen by interviewees as critically needed. | Yes | Yes | Yes |
| 7. The Chief State School Officer is a member of the Governor's Cabinet to coordinate across agencies and advocate for public education. | Recommended by 64% of those interviewed, but a minority of survey respondents | Maybe | Yes | Maybe |
| 8. The Department of Education is responsible for providing, upon request or proven need, timely support and information on best-practices to districts. | Recommended by a majority of interviewees | Yes, in addition to compliance and performance monitoring | Yes, in addition to compliance and performance monitoring | Yes, exclusively (Monitoring responsibilities moved to elected Secretary of Ed Accountability and Reporting) |
| 9. The structure leaves room for creative local leadership and maintains local control over curriculum and instruction. | A top priority across survey respondents and interviewees | Yes | Yes | Yes |
| ADDITION: The general public maintains a direct "voice" in statewide educational leadership through elections | Not preferred by the majority of survey respondents or interviewees, but may be a preference of the wider statewide citizenry | Maybe — if some State Board members are elected | Maybe — if some State Board members are elected | Yes, through the elected Secretary of Education Accountability and Reporting |



Conclusion

Laying the Foundation for a Strong Future

Through the interviews, survey, and accompanying research conducted for this legislatively commissioned study of education governance, a compelling picture emerges of a state with both a serious challenge and a tremendous opportunity before it.

The larger challenge concerns the state's rate of educational improvement. Simply put, Wyoming is not currently on track to meet the educational needs of the state's students, families, and the state's economic requirements. Unless the State realizes significant increases in the academic preparedness of its students for postsecondary education and training programs and the workforce, the future well-being of Wyoming will be jeopardized.

One factor that has impeded improvement efforts, according to those interviewed for this study, is disjointed and contentious state education governance. Mixed messages regarding the direction of the state, slow or inadequate implementation of state-level initiatives and lack of timely responses to data needs have resulted in frustration and inefficiency at the local level. The state governance structure needs to be modified in order to yield clear, consistent, and timely guidance to the districts regarding the State's goals, requirements, and expectations of the educational system.

The opportunity before the State is far greater, however, than just an improved state-level education governance structure. The opportunity includes development of a structure designed to support the critical role of K-12 education in today's society, as well as the expanded set of responsibilities assigned to states.

Further, the opportunity before the State is to leverage key strengths of Wyoming: the strong financial support the State provides to districts and schools and the sense of urgency held by many Wyomingites for educational improvement.

Wyoming is a state that invests generously in its public schools, providing districts with the funding to recruit and retain qualified educators, maintain safe and up-to-date learning environments, and deliver needed additional supports students who need them. In fact, controlling for cost of living expenses, Wyoming has

the highest per pupil allocation in the country, according to a recent report from the U.S. Chamber of Commerce.

Wyoming is also a state in which residents pride themselves in their willingness to work through differences in order to support their children. The recent governance turmoil has helped to bring about a sense of urgency to improve public education. Statewide efforts are best implemented and sustained when stakeholders from across the state participate in the development of a shared vision and set of goals for the State's educational system. The interest in Wyoming is high. The need is great. This is an opportunity to act decisively to ensure the future for generations to come.

Resolving the governance issues will not directly bring about educational improvements that are needed to solidify the State's future economic and social well-being, but will help clear the way for them to occur. Resolving them in a way that emphasizes sustained focus on shared statewide goals and accountability for improvement will also send a strong signal to the public education system that, while local control for instructional decisions will be maintained, the State must be resolute that it will provide strong, clear direction and leadership. The students and families of Wyoming deserve no less.

This report was prepared for the Wyoming Joint Education Interim Committee for the purpose of informing discussions concerning the possible restructuring of state-level education governance.

Prepared by Cross & Joftus

November, 2014

Appendix A

Reports on Education Governance in Wyoming, 1985 – 2005

- I. *Staff Audit Report of the State Board of Education*, Wyoming Legislative Service Office, June 6, 1985
- II. *A Study in State Government Efficiency*, Wyoming Joint Legislative-Executive Efficiency Study Committee, 1988
- III. *The Final Report on Accountability and Efficiency in State Government*, Wyoming Joint Reorganization Council, 1991
- IV. Opinion Letter from the Office of the Wyoming Attorney General, November 13, 2003
- V. *State-Level Education Governance*, Wyoming Management Audit Committee, December, 2005

State-Level Education Governance

**Management Audit Committee
December 2005**

Management Audit Committee

*Representative Randall Luthi, Chairman
Senator Grant Larson, Vice Chairman*

*Senator Ken Decaria
Senator John Hanes
Senator Kit Jennings
Senator John Schiffer
Senator Kathryn Sessions*

*Representative Roy Cohee
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Wyoming Legislative Service Office

EXECUTIVE SUMMARY

State-Level Education Governance

Program Evaluation Division

December 2005

Purpose

Three entities constitute the state level of Wyoming's educational system: the Superintendent of Public Instruction, the Department of Education supervised by the Superintendent, and the State Board of Education. Statutes create a complex and interdependent structure that assumes a cooperative relationship will exist between these entities. However, at times there has been tension between the Superintendent and the State Board, as their responsibilities intertwine. This report reviews this relationship and describes the evolution of many responsibilities delegated to each, as well as the potential barriers to cooperation.

Background

In 1889, the Wyoming Constitution established that supervision of public education would be entrusted to the Superintendent in the manner determined by the Legislature. As one of Wyoming's five elected officials, the Superintendent serves on multiple education-related boards and on four major state boards, and is accountable to the public for education matters. The Superintendent's education-related duties have changed over the years but remain primarily administrative, those of the Department's chief executive officer.

The State Board, created by the Legislature in 1917, consists of 11 members appointed by the Governor for staggered, six-year terms.

The Board has long had the duties of prescribing standards for education programs and evaluating and accrediting schools. These responsibilities, along with that of assessing student performance, became critical in state school reform of the late '90s.

In the past two decades, the Legislature has made numerous statutory changes to address issues of authority believed to be creating tension in the Superintendent/State Board relationship, and to add to the duties of each. Further, since 1997, the Legislature itself has become more involved in guiding education through reform efforts. Finally, federally mandated "No Child Left Behind" requirements have created specific demands affecting this relationship by linking academic standards and student assessments more closely to federal funding issues.

Principal Findings

One perspective is that tension results because the Superintendent, as the primary public face of education in the state, has accountability but not authority for critical education decisions made by the Board. Candidates for Superintendent campaign on specific education issues with the belief that as an elected official and the chief education officer, the Superintendent should have a leadership role in all areas of education, even those that have been legislatively delegated to the State Board.

Another source of contention is that the State Board must rely on the Department to provide almost all the information and research it needs to conduct business. Each new Superintendent can reconfigure the Department's organization and allow the Board a different degree of access to the Department's staff and resources.

Superintendents may also disagree with Boards as to their roles and scope of authority. The Superintendent and the Department need the Board to perform specific statutorily- designated duties, while some Boards see a broader role for themselves in becoming more proactive and bringing about "big picture" discussions to enhance education. Because pursuing such a role requires Department support, it can strain Department resources already pledged to support other responsibilities, some assigned by the Legislature. Complicating matters further, the Legislature's education reform measures from 1997 on have given many new responsibilities to this lay board that has no staff.

Most states use one of four basic models of education governance. Wyoming and ten other states use the same basic structure: an elected Superintendent and a Board appointed by the Governor. Significant variation occurs from state to state and no one model or organizational variation is ideal or more functional than the others. While other states may at present have a cooperative relationship, the balance can be tenuous.

Options to Reduce Tension

Our research suggests that radical changes to the structure are not necessary. Instead, the following are several options available to address the sources of tension:

- ❖ Make the orientation currently provided only to State Board members also available to candidates for

Superintendent. Expand the orientation by incorporating the Attorney General's Office to review statutes, roles, and responsibilities.

- ❖ Enhance State Board resources by providing a staff analyst to do some research and information gathering.
- ❖ Empower the Superintendent with a vote on the State Board to help balance accountability with authority.
- ❖ Make the State Board an advisory body, thus eliminating questions of authority and allowing the State Board to focus on discussion of improving education.
- ❖ Maintain the status quo if the Legislature is comfortable with the creative tension that occasionally occurs.

Agency Comments

The Superintendent generally agrees or partially agrees with the report's findings and desires that the current structure be retained. The Superintendent is committed to cooperating and communicating with the State Board and will institute various changes within the Department to assist the Board.

The State Board also favors maintaining the current system, believing minor adjustments will help it be more effective. The Board disagrees, however, with the options of giving the Superintendent a vote on the Board; of making the Board advisory; and of having the Legislature focus the Board on only its decision-making responsibilities.

Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website a legisweb.state.wy.us

Option Locator

| Page Number | Option Summary | Party Addressed (indirectly) | Agency Response | |
|-------------|--|---|-----------------|-------------|
| | | | Superintendent | State Board |
| 35 | Independent orientations in which the Office of the Attorney General participates to explain the statutory roles of the Superintendent and the State Board could better communicate the roles of the two. It would be helpful to orient candidates for the Superintendent office. Department personnel would also benefit from an independently-presented orientation. | Superintendent State Board <i>Political Parties</i> | Agree | Agree |
| 36 | To be able to secure more information and research, the Board could have a dedicated policy analyst. However, the Department would still serve as the Board's primary source of expertise in educational issues. | Superintendent State Board <i>Legislature</i> | Partially Agree | Agree |
| 38 | The Board might also benefit from more travel funds so that members would maintain greater contact with education system constituents and thus better represent their concerns in state-level governance. | Superintendent State Board <i>Legislature</i> | Agree | Agree |
| 39 | A Superintendent vote on the State Board could help to balance authority with accountability. | Legislature | Agree | Disagree |
| 39 | The Legislature could make the State Board an advisory body. | Legislature | Partially Agree | Disagree |
| 40 | The Legislature could focus the State Board upon its decision-making responsibilities. | Legislature | Partially Agree | Disagree |
| 41 | The Legislature could maintain the current arrangement. | Legislature | Agree | Agree |

TABLE OF CONTENTS

State–Level Education Governance

| | |
|--|-----|
| Introduction: Scope | i |
| Chapter 1: Background | 1 |
| <i>Chart of Statutory Duties 1969 – present</i> | 9 |
| Chapter 2: Fundamental tension exists in state-level education governance | 15 |
| Chapter 3: Other similarly structured states also struggle with governance issues | 29 |
| Chapter 4: Options to reduce the potential for tension in the State Board/Superintendent relationship..... | 35 |
| Agency Response | 43 |
| Appendices | |
| (A) <i>Research methodology</i> | A-1 |
| (B) <i>NASBE and Education Commission of the States Models of Governance</i> | B-1 |

INTRODUCTION

Scope and Acknowledgements

Scope

W.S. 28-8-107(b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

In June 2005, the Management Audit Committee directed staff to review K-12 education governance at the state level, with a focus on the working relationship between the State Superintendent of Public Instruction and the State Board of Education. We addressed the following questions:

- What is the history of the Superintendent position and the Board, how were they originally intended to share authority at the state level, and how has that relationship evolved?
- Do barriers to cooperation exist between the Superintendent and the Board?
- How do other states with similar governance structures reconcile superintendent/board differences?
- What options does the Legislature have in adjusting state-level education governance responsibilities?

Acknowledgements

The Legislative Service Office expresses appreciation to those who assisted in this research, especially the State Superintendent of Public Instruction, members of the State Board of Education, and staff of the Department of Education. We also thank the many other individuals who contributed their expertise including former superintendents, former state board members, and other agency officials.

CHAPTER 1

Background

Three state-level entities guide education: State Board, Department, and Superintendent.

Three entities form the triad responsible for the state level of Wyoming’s educational system: the Superintendent of Public Instruction, the Department of Education, and the State Board of Education. As the chief state school officer, the Superintendent provides for the general supervision of public schools; as an elected official, the Superintendent has the status and political power to be the state’s primary spokesperson for public education. The Department is the system’s operational vehicle and the Superintendent’s support staff. The Board’s activities, although often less visible than those of the Superintendent, are of fundamental importance: statutes charge the Board with establishing policies for public education and implementing and enforcing uniform standards for educational programs through school accreditation.

Historically, the Legislature has struggled to create a straightforward organizational structure and a workable balance of duties between the Board and Superintendent. Just in the past 20 years, it has passed two major pieces of legislation to clarify duties and has made numerous additions to the responsibilities of both (see Chart of Statutory Duties 1969 - Present, pp. 10-13).

State’s Constitution established the office of Superintendent, while the Board was a later legislative creation

By Constitution, the Legislature sets the Superintendent’s duties.

The Wyoming Constitution, ratified in 1889, entrusts general supervision of the public schools to the State Superintendent of Public Instruction. The Constitution holds that other powers and duties of the office of Superintendent “shall be as prescribed by law,” thus allowing the Legislature to decide at a more detailed level how to assign specific educational responsibilities.

The Superintendent is one of five constitutionally-designated statewide elected offices, along with the Governor, Secretary of State, Auditor, and Treasurer. As the chief executive officer of the Department of Education, the Superintendent's duties are further prescribed in the Education Code, Title 21 of Wyoming Statutes. Those duties are primarily administrative functions, such as maintaining a uniform statewide reporting system for student assessment, printing forms, and promulgating rules for the acceptance of federal funds, but the Superintendent also has the key responsibility of administering the school finance system.

The State Board was created 30 years after the office of Superintendent.

A State Board of Education was not part of the initial state-level administrative structure for public schools, and was created by the Legislature nearly thirty years after the Constitution's ratification. The Board's members are appointed by the Governor with the Senate's consent. In addition to the duties mentioned above, the Board also sets high school graduation standards and implements a statewide assessment system.

Together, the Superintendent and the Board have authority to take appropriate administrative action, including changing accreditation status, against any school district or state institution that does not comply with applicable laws or with student content and performance standards prescribed by the Board.

The Legislature established a system based on shared and separate authority

Superintendent and Board purposes are closely intertwined.

Since its creation in 1917, the Board's authority has included prescribing statewide policies for education; at the same time, the Constitution entrusts the Superintendent with "the general supervision of the public schools." Because these purposes are so closely intertwined, a cooperative relationship between the Superintendent and the Board has been the custom. The statutory allocation of duties between the two has necessitated that they coordinate their actions and work together to achieve mutually agreed-upon goals. However, the legislative history of the Superintendent's duties, the State Board's functions, and the practical means of sharing these authorities as laid out in statutes, reflects that at times, an unhealthy tension has resulted.

State Board established in 1917. The Legislature’s intent in creating a State Board of Education appears to have been to coordinate and readjust the relationship between state and local education communities, reversing the traditional (local) seat of organizational authority. Legislative assignment of certain duties to the new State Board did not, however, fully clarify which entity was to do what, since creation of the Board impinged on what had been for nearly 30 years the Superintendent’s exclusive authority.

Soon after the Board’s creation, issues about overlapping authority came up.

Questions about proper assignment of duties and the possibility of overlapping authority soon arose. For example, the 1917 legislation stated that “general supervision of public schools shall be entrusted to a State Department of Education at the head of which shall be a State Board of Education which shall administer the state system....” Notably absent from the 1917 legislation was any reference to the Superintendent’s position, to which the State’s Constitution had already assigned “general supervision of schools.” In addition, this framing of the new Board as “head” of the professional Department and as administrator of the state’s education system was less than clear.

The Legislature reversed some of its Board-related direction two years later, presumably to clarify the overlap in responsibility it had created. In 1919, it eliminated the Board’s “general supervision” authority and its authority over the Department.

The Commissioner of Education was staff to the Board (and Department).

Commissioner of Education. The same legislation that created the State Board in 1917 also authorized the Board to appoint a Commissioner of Education. The Commissioner served several masters: he was staff to and responsible to the Board, but also served as the chief officer of the Department’s teacher certification division. In addition, statutes designated the Commissioner as “the executive head of the public school system of the State.” Under this somewhat confusing format, and for the next forty years, the Superintendent was head of the Department and supervised the Commissioner. The Board prescribed policies and standards and “recommended” rules and regulations, while the Commissioner, as the Board’s executive officer and agent, executed its policies.

Fundamental changes in 1959 and 1969. Amendments to

After elimination of the Commissioner position, the Board no longer had its own staff.

the Education Code in 1959 eliminated the position of Commissioner, transferring the position's powers and duties to the State Board. With this transfer of functional responsibilities came a further depletion of the Board's autonomy, as it no longer had staff of its own through which to carry out these duties. As a result, the Board became more dependent on the Superintendent and the Department staff who report to the Superintendent.

Statutory changes in 1969 made the Board part of the Department.

Ten years after elimination of the Commissioner position, the Education Code of 1969 set up yet another model. This legislation stated that the Department of Education consisted of the State Superintendent, the State Board, and necessary departmental divisions. Under this model, the Board was a part of the Department and had authority to approve the Superintendent's departmental organization and staffing decisions. The Department had the explicit charge of assisting both the Superintendent and the Board with "the proper and efficient discharge of their respective duties."

Further complicating the arrangement was a statutory provision (since repealed) that required the Board "with or without the assistance of the State Superintendent" to enforce its own rules. While the original intent of this provision may have been to restore to the State Board its pre-1959 ability to act on its own, the Board no longer had staff that would enable it to take independent action.

1985 LSO audit found the Board had assumed an ambiguous role

An '85 LSO audit found the Board lacked a separate identity.

By 1984, questions about effective functioning and the appropriate division of responsibilities were being raised and the Legislature scheduled the State Board for a sunset review. A 1985 LSO audit reviewed the powers and duties of the Superintendent and the State Board as well as the functional relationship between them. The report described the State Board at that time as "lacking its own separate identity" and as having taken an "auxiliary position to the Superintendent and the Department." It concluded that the proper role of the Board in the state's educational scheme still needed to be sorted out.

The Legislature has continued to add and shift duties between the two.

The two decades since that analysis have been characterized by continuing legislative efforts to re-frame and streamline the role of the State Board, and to some extent that of the Superintendent, and to clarify their respective duties. During the late 1980s and early 1990s, different pieces of proposed legislation would have provided staff for the Board, made the Board more advisory, allowed the Superintendent to make Board appointments, and would have abolished the State Board altogether, transferring its duties to the Superintendent. While the Legislature did not enact these proposals, it did approve certain others. Chapter 2 examines legislative changes made since 1987 and their implications for the state-level educational governance system.

State Superintendent of Public Instruction

The Superintendent is a partisan office elected every four years. In 2004, the Legislature approved a FY '05/'06 budget for the office of Superintendent of \$1,220,881 in General Funds. The entire Department overseen by the Superintendent had 104 full-time employees and a biennial budget of \$231 million, not including the School Foundation Program, school construction, or court-ordered placement funding. The current Superintendent has reorganized the Department's FY '07/'08 budget request, the structure and amounts of which were not available as of this writing. However, as in the past, the Superintendent's Office budget request will include support staff costs for the State Board.

The Superintendent, a non-voting member of the Board, provides information to it on request.

In addition to serving as the Department's chief executive officer of, the Superintendent is an ex-officio non-voting member of the State Board of Education. As administrator of the policies created by the Board, statute requires the Superintendent to "assist the state board in the performance of its duties and responsibilities, including providing information to the board upon request." The Superintendent also participates in task forces and committees to develop strategies, review programs, and implement plans for improving education in the state.

Superintendent serves on several other boards

The State Superintendent serves with the state's other four statewide elected officials on the State Loan and Investment Board, the Board of Land Commissioners, the State Building Commission, and the Board of Deposits. Further, the State

As one of the state's top five elected officials, the Superintendent sits on four major state boards.

Superintendent serves as an ex-officio non-voting member on the Community College Commission, the State Advisory Council for Innovative Education, and, by Constitution, the University of Wyoming Board of Trustees. In addition, the Superintendent serves on a number of boards created by both statute and executive order, including the School Facilities Commission (W.S. 21-6-202), and other education-related commissions.

Because of legislation passed in 2005 (ch. 242), the Superintendent (or any state elected official) may authorize a designee to act as the official's personal representative to any board or commission, except those to which the official is appointed by the Wyoming Constitution or which is comprised solely of state elected officials (W.S. 9-1-103).

State Board of Education

Of the State Board's 11 members, at least one must be from each of the state's seven appointment districts. One at-large member is a certified classroom teacher; one is a certified school administrator; and two are representative of private business or industry. The other seven members are lay citizens "known for their public spirit, business or professional ability, and interest in education." No more than six members can be from the same political party; members serve six-year terms and are not eligible for reappointment except to fill an unexpired term.

For staffing, the Board has a Department liaison and administrative assistance.

By statute, the Board meets at the call of the Board Chairman, the Superintendent, or the Governor. In 2004, the Board held eight meetings and in 2005 it will hold ten, some of which are teleconference meetings. The Superintendent appoints a high-level Department staff member to act as Board liaison and also provides administrative assistance. However, the Board relies upon the Superintendent and the full Department staff to give members the substantive and analytical information necessary to make informed policy decisions. The Board has no separate staff of its own with which to accomplish duties; its work is carried out "through" and "with" the Superintendent and Department.

Department staff prepare the Board's budget request and submit it to the Legislature as part of the Department's request. Board

The Legislature has approved budget increases to support additional Board activities.

members receive per diem, mileage, and travel expenses but no salary. The Board’s approved budget for the current biennium is \$135,987, a large increase over its FY ’01/’02 budget (see Figure 1.1). The increase is primarily to cover membership in, and out-of-state travel to, the National Association of State Boards of Education (NASBE) as well as additional in-state travel costs and increased communications related to charter school responsibilities.

Figure 1.1

Budget by Biennium

| 2001-2002 | 2003-2004 | 2005-2006 |
|---------------------------------|---|--|
| State Superintendent | | |
| \$856,091 | \$960,129 | \$1,220,881 |
| | <i>'01/'02 – '03/'04 change: +12%</i> | <i>'03/'04 – '05/'06 change: +27%</i> |
| | | <i>'01/'02 – '05/'06 change: +43%</i> |
| State Board of Education | | |
| \$51,905 | \$89,379 | \$135,987 |
| | <i>'01/'02 – '03/'04 change: +72%</i> | <i>'03/'04 – '05/'06 change: +52%</i> |
| | | <i>'01/'02 – '05/'06 change: +162%</i> |

Source: LSO

Need for further examination of respective roles

Following the election of 2002, friction became evident in the working relationship between the newly-elected Superintendent and the Board. Some held this to be a failing of cooperation between individuals, while others saw it as a governance or structural problem. In 2003 the Board requested clarification from

An informal A.G.

opinion in '03 has not fully satisfied concerns.

the Attorney General of its authority and responsibilities in the performance of its duties as set forth in law. The Attorney General responded with an informal opinion that the State Board establishes education policy, while the Superintendent assists the Board in implementing policy and directs the expenditure of appropriated funds in order to carry out those policies.

While seemingly clear in theory, some tension has continued in practice, with several factors coming into play. For example, the Superintendent is elected in part for political views presented to the electorate, while Board appointees are chosen by a Governor not always from the same political party as the Superintendent. The Board is dependent upon the Superintendent for information and staff support, while the Superintendent depends upon the Board to set standards and policies for statewide public education. Although they are structurally interdependent, both entities are unlikely to have parallel views on every issue at all times.

The next chapters will review statutory duties in Wyoming and governance in other states.

In the nearly 90 years during which the Board has had a role in state-level education governance, the Legislature has shifted and refined the Board's role as well as that of the Superintendent. This study reviews how the statutory allocation of duties sets up tension, describes governance arrangements in similarly structured states, and concludes with options for the Legislature to consider if it wishes to make further system changes.

Chart

Statutory duties 1969 to present

Key:

Statutes enacted or amended:

Statutory duties assigned on or before 1969:

Statutory duties assigned 1985 to 1987:

Statutory duties assigned 1990 to 1994:

Statutory duties assigned in 1997 and after:



Selected Superintendent Duties, 1969 – Present

Not including the Superintendent's board and commission assignments, or school finance duties in Title 21, Chapter 13

| Responsibility/Authority | ← 1969 | 1987 | 1994 | 1997 → |
|---|-------------------------------|----------------------------------|-------------------------------|----------------------------------|
| General supervision of the public schools, with powers and duties prescribed by law. <i>Art. 7, § 14, Wyoming State Constitution; W.S. 21-2-201</i> | Superintendent | Superintendent | Superintendent | Superintendent |
| Serve as an ex officio member of the University of Wyoming Board of Trustees. <i>Art. 7, § 17, Wyoming State Constitution</i> Serve on the Board of Land Commissioners. <i>Art. 18, § 3, Wyoming State Constitution</i> | Superintendent | Superintendent | Superintendent | Superintendent |
| Supervise the Department of Education and organize and staff it the way the Superintendent deems necessary to help him discharge his duties. <i>W.S. 21-2-104</i> | Superintendent State Board | Superintendent Amended | Superintendent | Superintendent |
| Make rules, consistent with the education code, for the proper and effective administration of the state educational system, but not in areas specifically entrusted to the State Board. <i>W.S. 21-2-202(a)(i)</i> | Superintendent | Superintendent | Superintendent | Superintendent |
| Consult with and advise the state board, local school boards and administrators, teachers and citizens to develop public support for a complete and uniform system of education for the citizens of the state. <i>W.S. 21-2-202(a)(ii)</i> | Superintendent | Superintendent | Superintendent | Superintendent |
| Enforce the provisions of the education code and the rules and regulations provided for in it. <i>W.S. 21-2-202(a)(iv)</i> | Superintendent | Superintendent | Superintendent | Superintendent |
| Along with the State Board, report to the governor and recommend legislation and appropriations for education and educational activities. <i>W.S. 21-2-306</i> | Superintendent State Board | Superintendent State Board | Superintendent State Board | Superintendent State Board |
| Assist the State Board in the performance of its duties and responsibilities, including providing information to the board upon request. <i>W.S. 21-2-202(a)(vii)</i> | Superintendent | Superintendent Amended | Superintendent | Superintendent |
| Print and distribute school laws, regulations, forms, reports to local district boards, administrators and other persons. <i>W.S. 21-2-202(a)(ix)</i> TRANSFERRED FROM BOARD | State Board | Superintendent Amended | Superintendent | Superintendent |
| Promulgate rules for the acceptance and disbursement of federal funds apportioned to the state for school lunch, milk, and other commodities distribution programs. <i>W.S. 21-2-202(a)(x)</i> TRANSFERRED FROM BOARD | State Board | Superintendent Amended | Superintendent | Superintendent |
| Except as otherwise provided by law, decide controversies arising from the administration of the state school system involving rules, orders, or directives promulgated by the State Superintendent, State Board, or the State Department of Education. This decision will be the final administrative determination. REPEALED IN 1994 | Superintendent | Superintendent | Repealed | NA |
| Inform the State Board of applications from school districts to the Farm Loan Board for loans or grants for capital construction. REPEALED IN 1994 | NA | Superintendent | Repealed | NA |
| For purposes of the statewide assessment of students, have authority to assess and collect student educational assessment data from school districts, community colleges, and the University, in accordance with Board rules. <i>W.S. 21-2-202(a)(xiv)</i> | NA | NA | Superintendent | Superintendent Amended |

| Responsibility/Authority | ← 1969 | 1987 | 1994 | 1997 → |
|--|---------------|-------------|-------------------------------|--|
| Assist the professional teaching standards board (PTSB) in the performance of its duties, including providing information to the Board upon request. <i>Added in 1993, when PTSB was established. ch. 217. W.S. 21-2-202(a)(xvi)</i> | NA | NA | Superintendent 1993 | Superintendent |
| Include in the Department's budget request recommendations for school foundation program account appropriations and appropriations to the account necessary to fund payments to school districts as required by law, and recommendations for appropriations for special programs. <i>Added 1993, ch. 125 W.S. 21-2-202(xvii)(A) and (B)</i> | NA | NA | Superintendent 1993 | Superintendent |
| Promulgate rules assuring children with disabilities receive free and appropriate education. TRANSFERRED FROM THE STATE BOARD. <i>W.S. 21-2-202(a)(xviii)</i> | State Board | State Board | Superintendent | Superintendent |
| Serve as the agency to accept all federal funds, establish a state plan to qualify the state for federal funds, provide technical advice to local educational agencies to obtain federal funds. <i>W.S. 21-2-202(a)(xix)</i> TRANSFERRED FROM BOARD | State Board | State Board | Superintendent | Superintendent |
| Designate an employee of the Department to serve as liaison to the State Board. <i>W.S. 21-2-202(b)</i> | NA | State Board | Superintendent | Superintendent |
| Take appropriate action with the State Board, including but not limited to changing accreditation status, against any school district or state institution failing to comply with any applicable law or with the uniform educational programs standards specified under W.S. 21-9-101 and 21-9-102 and the student content and performance standards prescribed by the State Board. <i>W.S. 21-2-202(c)</i> | NA | NA | Superintendent | Superintendent with the State Board 2002 |
| Develop and implement a statewide education technology plan. <i>W.S. 21-2-202(a)(xx)</i> | NA | NA | NA | Superintendent |
| Establish and maintain a uniform stateside reporting system based upon the statewide student assessment implemented by the State Board. <i>W.S. 21-2-202(a)(xxi)</i> | NA | NA | NA | Superintendent |
| Administer the school finance, data management, and reporting system for school funding. <i>W.S. 21-2-203(c)(i)</i> | NA | NA | NA | Superintendent 1998 |
| Promulgate rules to administer the school finance, data management and reporting system for the funding of public schools. <i>W.S. 21-2-203(c)(l)</i> | NA | NA | NA | Superintendent 1998 |
| Establish guidelines for school districts for the safe storage and disposal of toxic chemicals and other hazardous substances. <i>W.S. 21-2-201(a)(xxii)</i> | NA | NA | NA | Superintendent 2001 |
| Establish statewide guidelines for adequate special education staffing levels, monitor school district special education service delivery practices, develop procedures. <i>W.S. 21-2-202(a)(xxii) – (xxv)</i> | NA | NA | NA | Superintendent 2003 |
| Develop a process and procedures for waivers for career-vocational programs, a grant program, monitoring, and district reporting of vocational education expenditures to implement and administer W.S. 21-13-329, the adjustment to the foundation program formula for vocational education. <i>W.S. 21-2-202(a)(xxvi) – (xxix)</i> | NA | NA | NA | Superintendent 2003 |
| Employ legal counsel to review contracts entered into by the Superintendent. <i>W.S. 21-2-202(a)(xix)(J)</i> | NA | NA | NA | Superintendent 2004 |

Selected State Board Duties, 1969 – Present

| Responsibility/Authority | ← 1969 | 1987 | 1994 | 1997 → |
|---|--|--|-------------------------------------|-------------------------------------|
| Hold a meeting during the first quarter of a calendar year and select a chairman. Meet at the call of the Superintendent, the Governor, or the Board chairman. May hold other meetings at regular intervals as the duties require. <i>W.S. 21-2-301(b)</i> | State Board | State Board | State Board | State Board |
| Prescribe minimum standards for public schools, including general education programs, site selection and building of public schools. <i>W.S. 21-2-304(b)(i)</i> REPEALED IN 1997 | State Board | State Board | State Board | Repealed (replaced) |
| Through accreditation of school districts, implement and enforce the uniform standards for education programs prescribed under W.S. 21-9-101 – 102. <i>W.S. 21-2-304(a)(ii)</i> | State Board | State Board | State Board | State Board |
| Enforce the uniform state educational program standards imposed by W.S. 21-9-101 and 21-9-102 and the uniform student content and performance standards established by rules and regulations by taking appropriate administrative action with the Superintendent, including but not limited to changing accreditation status. <i>W.S. 21-2-304(b)(ii)</i> | State Board with or without the Superintendent | State Board with or without the Superintendent | State Board with the Superintendent | State Board with the Superintendent |
| Initiate or facilitate discussions regarding the need and means for improving education. <i>W.S. 21-2-304(b)(v)</i> | State Board | State Board | State Board | State Board |
| Along with the Superintendent, report to the governor and recommend legislation and appropriations for education and educational activities. <i>W.S. 21-2-306</i> | State Board Superintendent | State Board Superintendent | State Board Superintendent | State Board Superintendent |
| Act with the Superintendent as the "State Committee" to approve or reject proposals for organization or reorganization of school district boundaries. <i>W.S. 21-6-202, 21-6-210(a)</i> | State Board Superintendent | State Board Superintendent | State Board Superintendent | State Board Superintendent |
| Approve or disapprove agreements to form BOCES. <i>W.S. 21-20-104(a)</i> | State Board | State Board | State Board | State Board |
| Prescribe rules for administering the laws governing the certification of school administrators, teachers and other personnel. <i>W.S. 21-2-304(b)(iii)</i> REPEALED IN 1993 | State Board | State Board | PTSB 1993 | PTSB |
| Print and distribute to local school districts the school laws, regulations, forms and reports. <i>W.S. 21-2-304(b)(vi)</i> REPEALED IN 1987 - TRANSFERRED TO SUPERINTENDENT | State Board | Repealed Transferred | Superintendent | Superintendent |
| Promulgate rules under which the Superintendent may accept and disburse federal funds for school lunch programs. <i>W.S. 21-2-304(b)(ix)</i> REPEALED IN 1994 - TRANSFERRED | State Board | State Board | Repealed Transferred | Superintendent |
| Serve as the state agency to accept all federal funds for education, and to supervise the programs. <i>W.S. 21-2-304(b)(xii)</i> REPEALED IN 1994 - TRANSFERRED | State Board | State Board | Repealed Transferred | Superintendent |
| Review actions of the Department of Education by which school districts are aggrieved. <i>W.S. 21-2-304(b)(xii)</i> REPEALED IN 1994 | State Board | State Board | Repealed | NA |
| Promulgate rules assuring children with disabilities receive free and appropriate education. <i>W.S. 21-2-304(a)(xi)</i> REPEALED IN 1994 - TRANSFERRED TO THE SUPERINTENDENT | State Board | State Board | Repealed Transferred | Superintendent |
| License private schools as provided under W.S. 21-2-401 – 407. <i>W.S. 21-2-304(b)(x)</i> | | State Board | State Board | State Board |
| Approve or reject alternative scheduling for districts requesting to operate for less than 175 days in a school year. <i>W.S. 21-2-304(b)(viii)</i> | NA | State Board 1985 | State Board | State Board |

| Responsibility/Authority | ← 1969 | 1987 | 1994 | 1997 → |
|---|---------------------------------------|---------------------------------------|---------------------------------------|---|
| Establish minimum standards for trade, correspondence, distance education, technical, vocational, business or other private schools and all degree-granting post secondary schools not accredited and insure Department inspects them. <i>W.S. 21-2-401(d)</i> | | State Board 1985 | State Board | State Board |
| Establish policies for public education consistent with the Wyoming Constitution and statutes. May promulgate rules necessary to implement Title 21 and its responsibilities under this title. Shall not have rulemaking authority in any area specifically delegated to the Superintendent. <i>W.S. 21-2-304(a)(i)</i> | NA | State Board | State Board | State Board |
| Establish improvement goals for public schools. <i>W.S. 21-2-304(b)(xiv)</i> 1990 | NA | NA | State Board 1990 | State Board |
| Promulgate rules for the development, assessment and approval of school district teacher performance evaluation systems. <i>W.S. 21-2-304(b)(xv)</i> 1993 | NA | NA | State Board 1993 | State Board |
| Implement, administer, and supervise, through the Superintendent, education programs for visually handicapped and hearing impaired adults. <i>W.S. 21-2-304(b)(xvi)</i> 1993 | NA | NA | State Board 1993 | State Board |
| Establish statewide goals for Wyoming public education. <i>W.S. 21-2-304(e)</i> | NA | NA | State Board | State Board |
| Serve as the State Board of Vocational Education, promulgate rules, and review district career-vocational education plans. <i>W.S. 21-12-101, W.S. 21-2-307(b)</i> | State Board | State Board | State Board | State Board |
| Perform ongoing review of state board duties and make recommendations regarding board duties to the Legislature. At least every 5 years, evaluate and review the educational program standards and student content and performance standards and report findings and recommendations to the Joint Education Committee. <i>W.S. 21-2-304(c)</i> | NA | NA | State Board | State Board |
| In consultation with local school districts, promulgate rules to prescribe uniform student content and performance standards for the common core of knowledge and common core of skills specified under W.S. 21-9-101(b) and promulgate uniform standards for programs addressing the special needs of student populations specified under W.S. 21-9-101(c). <i>W.S. 21-2-304(a)(iii)</i> | Replaced repealed W.S. 21-2-304(b)(i) | Replaced repealed W.S. 21-2-304(b)(i) | Replaced repealed W.S. 21-2-304(b)(i) | State Board in consultation with school districts |
| Establish requirements for a high school diploma as measured by each district's body of evidence assessment system. <i>W.S. 21-2-304(a)(iv)</i> | NA | NA | NA | State Board 2002 |
| Implement through the Superintendent a statewide assessment system for measuring student progress based upon uniform educational program and student content and performance standards imposed by law and Board rules. <i>W.S. 21-2-304(a)(v)</i> | NA | NA | NA | State Board through the Superintendent |
| Grant or deny requests by charter schools for release from state statutes and rules, decide appeals from district board decisions relating to charter schools. <i>W.S. 21-3-305(c), W.S. 21-3-310(b)</i> | NA | NA | NA | State Board 2001 |
| From school year 2005-2006 on, through the Superintendent and in consultation with local districts, establish a statewide accountability system in rules. <i>W.S. 21-2-304(a)(vi)</i> 2004 | NA | NA | NA | State Board through the Superintendent 2004 |

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CHAPTER 2

Fundamental tension exists in state-level education governance

The Legislature is also a major player in state-level education governance.

Chapter Summary

Since 1987, the Legislature has enacted a series of statutory changes that have created both a system of checks and balances and a basis for tension in state-level education governance. This period has also seen major reforms in how the state handles education, assigning more control than ever before at the state level. Throughout this reform process, by creating task forces and playing a major role itself, the Legislature has broadened state-level policymaking in education beyond the Superintendent and the State Board of Education. Yet, tension has developed between these two players with respect to how they interact to meet their statutory responsibilities. This chapter discusses the primary areas of contention between the State Board and the Superintendent, and how the statutory allocation of duties between the two may have created the potential for this tension. If policymakers believe such a tension is detrimental rather than constructive, they may consider options to alleviate it, as discussed in Chapter 4.

Tension became more apparent during the former Superintendent's administration

The Management Audit Committee questioned whether there is a structural basis to this tension.

Although tension between the elected Superintendent and the appointed State Board has arisen from time to time, it became especially evident in recent years. This tension prompted the Board to request an Attorney General clarification of its statutory authority and responsibilities, and the Superintendent to request a Joint Education Committee study of the of the State Board's role. After the Superintendent's resignation, the Management Audit Committee undertook this review to determine if there is a structural basis for such tension, apart from the individuals involved in the relationship at any particular time.

The Attorney General responded to the State Board's request with

The Attorney General said statutory language is “clear and unambiguous.”

a straightforward answer: The statutory language is “clear and unambiguous,” assigning the State Board with establishing education policy in the state and the State Superintendent with administering and implementing that policy. Further, the Superintendent directs the expenditure of appropriated funds in order to carry out State Board policies.

The Superintendent’s view was that there is not clear differentiation between the roles.

Notwithstanding the Attorney General’s view, the Superintendent’s position was that the Board’s duties have evolved significantly but not necessarily strategically over the course of education reform, and that there should be a clear differentiation between advisory roles and responsibility for leadership and implementation of education policy.

The Attorney General also said that the statutory language “clearly contemplates a cooperative relationship between the State Board and the State Superintendent.” Through numerous interviews with individuals who have been involved in this relationship over time, we identified the following as the major sticking points that interfere with what the Attorney General interpreted as intended cooperation.

Superintendent: Has the accountability but not the authority to make final decisions in many critical areas

Superintendents want leadership in making educational decisions important to voters.

From the Superintendent perspective, a major source of tension in the relationship with the appointed State Board is that the public holds the Superintendent accountable for most if not all of State Board policies and decisions. Many State Board decisions involve aspects of education important to voters, such as graduation requirements and student performance assessments. Unless they take a leadership position in those issues, Superintendents believe they cannot fully take charge of their political futures.

Wyoming statutes have traditionally given the State Board authority to set standards for learning, and to evaluate and accredit schools. Throughout its school reform efforts beginning in 1997, the Legislature has maintained State Board authority in these key areas, and has assigned it policy- and decision-making in other critical areas, such as assessment implementation and graduation

In its school reform measures, the Legislature has assigned the State Board decision-making authority in critical areas.

requirements, among others. These aspects of education governance are of great importance to the public as well as to candidates for the Superintendent office, and ultimately, the Superintendents themselves.

These are also policy areas of great interest to citizens and Superintendents.

An aspect of discord became apparent in 2004 when the Legislature modified the statewide assessment system required by statute (W.S. 21-2-304(a)(v)) to comply with federal No Child Left Behind Act of 2001 (NCLB) requirements. The State Board is responsible, “through the superintendent and in consultation and coordination with local school districts,” for implementing a statewide assessment system. However, the Superintendent wanted a dominant role in changing the statewide assessment because it was an issue on which he had campaigned. Provisions in the final legislation effectively gave the Superintendent primary authority to work with the statewide task force that law created to revise the assessment. The Board’s role was relegated to receiving reports on the task force recommendations and the proposed transitional plan to the new assessment.

State Board: Must rely upon the Department for information and resources necessary to carry out its responsibilities

The Board’s capacity for independent policymaking is thwarted.

The State Board has limited ability to act independently from the Department, which is supervised by the Superintendent. Thus, its ability to be independent in its policymaking or adjudicatory duties in complex and nuanced educational areas is thwarted because it must rely upon the Department for most information. Professional Department staff to do the “leg work” and provide the information necessary for the Board to make informed decisions. As a Board member said, “It is difficult for us to get research and information behind a policy. We are not really capable of doing that sort of research.” For legal guidance, the Board can turn the Attorney General’s Office, and during the former Superintendent’s administration, the Board became more reliant upon that assistance.

Superintendent

Difficulty can arise if there is a disagreement between the Superintendent and the Board about how to proceed on a policy. Board members have not always been able to obtain the information they believe they need because different admin-

administrations have allowed the Board varying access to Department staff.

administrations have allowed varying degrees of access to individual staff members, ranging from complete and open to none. If a Superintendent does not want Department staff to provide support to the Board, members feel they have no recourse.

On their own, board members have some access to general expertise and research through the Board's membership in NASBE. NASBE membership primarily provides board development opportunities through conferences, publications, technical assistance, and field services. Wyoming's State Board has received assistance from NASBE in conducting an annual planning retreat, and one member currently serves in an elected leadership post in the organization.

The Superintendent's control of Department resources can leave the Board unable to "implement"

Statutes charge the State Board with implementing, enforcing, and establishing a number of items, including uniform standards and a statewide assessment. Throughout most recent Superintendent administrations, a shared understanding has existed that the Superintendent and the State Board must reach collaborative agreements and go forward with fulfilling the duties required by statute. Provisions in statute state that neither the Superintendent nor the Board will make rules in areas specifically delegated to the other, but disputes arise in areas other than rulemaking. For example, there can be disagreement between the Board and the Superintendent over communications and the deployment of Department resources. The Superintendent could choose not to notify the Board of information pertinent to its statutory responsibilities, or not to direct Department resources in support of Board responsibilities.

Without the Superintendent's resources, the Board cannot do what statute directs.

An example from 2003 of the stalemate that can occur between the two involved the implementation of the body of evidence assessment (BOE). By 2006, statute requires each district to have a BOE assessment to measure high school graduation requirements, and the Board to promulgate rules for these assessments. The Superintendent pulled back Department resources from assisting districts with their BOE assessments, and told the districts they were no longer required to work on them. The Board wanted to continue to have Department assistance

available, and believed the Superintendent undermined its efforts in implementing BOE assessments.

Superintendent and Board can differ on the scope of the Board's role

Statute tells the Board to be both action-specific and contemplative.

The Department, led by the Superintendent, prefers for the Board to focus on those duties which require specific Board actions on work products developed by staff, such as reviewing and approving educational program standards, approving or disapproving alternative school district scheduling, or promulgating rules in the various areas for which it has responsibility for rules. As one former official put it, "The board has a pretty darn big job description. If they start nosing around in other stuff, they won't get to what they are legislatively required to do."

Board members are increasingly interested in the broader policy-making role.

However, statutes tell the Board to be contemplative and probing. They charge the State Board with establishing policies for public education in the state consistent with the Constitution and statutes, initiating discussions about the needs of and means for improving education, and setting statewide goals for Wyoming public education. Board members are increasingly interested in this broader role. Some chafe at a narrow interpretation of the Board's role that makes it simply reactive to information presented by the Department in the form of recommended action items at their meetings. Board members have sensed that they were not encouraged by the Department and Superintendent to be proactive, but believe they can best contribute by engaging policymakers in a wider dialog about education in the state.

Currently, the Board wants to better

For example, the current Board has an interest in developing a larger role with respect to career and technical education (CTE), which is also an issue in current school finance litigation. The Board sees two fronts in which it would like to become more active. One is in reviewing the state's career/vocational education content and performance standards to ensure that high school students receive the skills they need, and the other is in better defining its role as the State Board of Vocational Education. Although it has the statutory option, the Board has not adopted rules in this capacity. The Department sees a limited Board CTE

define its role as the State Board of Vocational Education.

responsibility, that of reviewing standards, which is scheduled to be done again in 2008.

The Superintendent must balance Board requests with other priorities, many assigned by the Legislature.

Regardless of what the Board takes up as its initiatives, the Superintendent and other Department officials must balance requests for assistance with other priorities, many assigned directly by the Legislature. This can leave Department staff in a bind, especially if they sense that the Superintendent does not share the Board's interest in a topic. There is also the potential for the Board to abuse Department resources, but no one we interviewed indicated that had happened. As one Department official noted, "Somehow we make it happen."

Even though the Board has the authority to prescribe uniform student content and performance standards, and to implement a statewide assessment system, it is not clear that it must approve what the Department, design teams, and task forces develop as these products. Further, the Legislature itself makes many of the significant decisions affecting the Board's responsibilities, and requires reports be made directly to its committees

Statutory allocation of duties sets up the tension

The scope and content of their respective duties have changed and grown.

LSO looked at how statutes have changed over the last two decades to see if changes in assigned duties may have contributed to increased tension between the two state-level entities. As illustrated in the chart on pages 10-13, the scope and content of the respective duties of the Superintendent and the State Board have been considerably changed and enhanced. Unless otherwise indicated, the changes we discuss below are still in place.

1987 legislation broadened State Board purview

In 1987, the Legislature passed a bill that consolidated State Board duties into one chapter and added to them. A key addition to the Board's responsibilities was the charge of establishing policies for public education in the state consistent with the Constitution and statutes. This legislation also created a new section to consolidate the responsibilities of the State Board acting as the State Board of Vocational Education.

1987 changes placed the Department solely under the Superintendent's supervision.

Legislative changes in 1987 clarified the duties of the State Superintendent. One clarification was to put the Department solely under the Superintendent's supervision, staffed with the personnel he determined necessary to assist him in the discharge of his duties. The 1987 additions also included requirements for the Superintendent to provide the State Board with information it requested, and a Department liaison to field requests for staff assistance.

1990 legislation charged the State Board with setting comprehensive goals for state public education

The Legislature gave the Board duties that would become central in school reform.

As part of a large bill that primarily addressed school finance ('90 Laws, Ch. 122), the Legislature added to both the membership of the State Board and its duties. Two at-large positions representing private business or industry were added, enlarging the Board to its current membership of eleven. The Legislature also required the State Board to prescribe minimum standards for assessment of student progress and to establish goals for education. Thus, in 1990, the Legislature placed the Board in a central policy role in what was to evolve into the state's school reform effort.

This legislation also directed the Department to transfer funding from its budget to cover a full-time position, separate and independent of the Superintendent and the Department, to perform duties directed by the State Board. As implied earlier, such an independent position no longer exists.

In 1993, PTSB took over teacher certification from the State Board.

Two years later, the Legislature moved the responsibility for certifying teachers and administrator from the State Board to the newly-created Professional Teaching Standards Board (PTSB). Since its establishment in 1917, certification had been a major State Board responsibility.

1994 legislation was another attempt to clarify duties

According to former officials, the Department and the Board reached a transition point in 1992 that led to the Board's examination of its purpose. Both the Superintendent and the State Board determined that certain duties were misplaced between the two. Thus, they reached agreement and worked with the

Legislature to pass legislation that once again aimed to clarify their respective duties ('94 Laws, Ch. 17).

Responsibility for federal programs transferred from the Board to the Superintendent.

In its preliminary work sorting out the responsibilities, the Board concentrated upon keeping those duties it believed it could realistically accomplish without a staff, and on transferring to the Superintendent those over which it had little oversight. Among the transferred duties were those of promulgating rules to accept and distribute federal funds for commodities programs and to ensure that disabled children receive free and appropriate education.

Because of "No Child Left Behind," federal programs are now intertwined with Board functions.

Since 1994, the national education environment has changed, making another transferred responsibility from then a potential area for conflict between the Superintendent and the Board. This was the transfer of the designation as the state agency to accept and administer federal funds for education in the state. Because of the change, the Superintendent establishes a plan to qualify the state for federal funds, and provides technical advice and assistance to school districts for obtaining such funds, among other actions. With the passage of NCLB, this responsibility has become intricately intertwined with the same academic policies, such as assessment and standards-setting, that are Board functions.

Legislation repealed the Superintendent's authority to decide controversies with the State Board.

The 1994 legislation also repealed a provision that established clear final authority between the Superintendent and the State Board. Until then, it had been the Superintendent's authority to decide controversies arising from the administration of the state school system, involving rules or directives promulgated by the Superintendent, Department, or State Board. It also repealed the Board's authority to receive contested case appeals from school districts aggrieved by Department actions, and added a provision in the Superintendent's statutory scheme allowing school districts aggrieved by an act of the State Superintendent to seek review in accordance with the Wyoming Administrative Procedure Act (W.S. 21-2-202(d)).

1997 school reform and its aftermath added mostly to State Board statutory responsibilities, in theory

The Superintendent acquired extensive duties related to the transition to a new finance system.

In a 1997 Special Session, the Legislature passed legislation in response to the Supreme Court decision in Campbell Co. School District No. 1, et al. v. State of Wyoming, et al. Through this, “School Reform-1” (’97 Spec. Session, Ch. 3), the Legislature assigned extensive duties to the State Superintendent in order to begin the implementation of a new finance system and to assist in the development of a school system that ensured equitable opportunity for a proper education. Many of these duties had to do with administrative procedures such as collecting information on various topics from school districts and developing reporting procedure recommendations. School Reform-1 also directed the Department to work with a statewide design team to establish a student assessment system. In contrast, the Legislature did not assign the State Board much responsibility in the actual school reform tasks during the transition period.

The heart and soul of academic school reform went to the State Board, in statutes.

However, in permanent statutes, the Legislature placed the heart and soul of the state’s school reform effort with the State Board, and charged the Superintendent primarily with information-gathering tasks. The State Board’s statutes were greatly enhanced, to include such key responsibilities as: enforcing the uniform standards for education (the “basket of educational goods and services”) through accreditation of public schools; prescribing uniform student performance standards including high school graduation standards; and implementing, through the Superintendent and in consultation and coordination with local school districts, a statewide assessment system for measuring student progress.

The Board is charged with implementing key provisions of school reform.

Thus, the Legislature gave the appointed board instead of the elected official the major role of -- not approving or advising upon policy -- but of *implementing* key provisions of school reform in the state. Implementation, by definition, suggests the performance of acts necessary to bring into effect some agreed upon plan or policy. Realistically, the Board has no way to implement its duties other than through the Superintendent and the Department. Statute compensates for this by saying that the Board will establish or implement various standards or tasks “through the superintendent,” “with the superintendent,” or “through the state department of education.”

It is the Department, not the Board, that actually does this work, by organizing and supporting task forces of experts and school district personnel in which it plays a major role. The Legislature has recognized this by appropriating funds to the Department to undertake tasks that clearly fall under State Board responsibilities.

Post 1997 legislation fueled the tension

2002 legislation required the State Board to modify requirements for high school graduation.

Since the major reform legislation in 1997, the Legislature has modified statutes that affect areas in which tension has arisen. For example, in 2002, it added to the Board's responsibility the establishment of modified requirements for high school graduation that incorporated three different kinds of graduation endorsements. This amendment also required the Board to adopt rules for districts to follow in developing assessments for students, demonstrating they earned diplomas. This Board responsibility became a conflict with the Superintendent, who did not support this approach.

In addressing voc-ed funding in 2003, the Legislature assigned several tasks to the Superintendent.

The Legislature passed a large bill in 2003 primarily related to vocational education financing. This legislation assigned several detailed responsibilities to the Superintendent dealing with funding vocational education programs in the districts. It also gave the Board, acting as the State Board of Vocational Education, the responsibility of reviewing school district vocational education programs to ensure that they satisfactorily serve student needs and are aligned with state content and performance standards. Arguably, this is a redundant provision, because the State Board already had the responsibility to evaluate and accredit all school districts according to the state's uniform standards for educational programs. However, it may have prompted the Board's interest in more clearly defining a role for itself in this high-profile area.

Finally, 2004 legislation added significant amounts to the Board's assessment implementation responsibility to bring it into compliance with federal law. This was also the legislation that gave the Superintendent, instead of the Board, primary responsibility to work with a statewide task force in developing a new assessment, which caused the friction discussed above.

Placing academic school reform requirements with the State Board seems logical, given its historical duties

The Board has long set academic standards and accredited schools.

State Board statutes serve as a place where the Legislature has documented much of the academic content of the state's school reform plan. Since the State Board has long had the responsibilities of setting standards and accrediting schools, this seems like a logical extension of its duties. However, another view is that this was intentionally done, so that the Board can share with the Legislature and Superintendent the brunt of criticism for imposing more state control in public education.

But the Board has relied upon the Department to do the actual work.

For whatever reason it was done, in assigning this responsibility to a volunteer board without staff, the Legislature has acknowledged that the Department, under the direction of the Superintendent, will be doing the work to develop the assessments, standards, and other components of academic school reform. It does not appear that the Legislature contemplated the State Board would actually do this on its own, or have the authority to impede what the Department, through processes designed to obtain broad input, develops.

Many see benefits to the State Board sharing authority

Despite the tension created by this arrangement, many of those we interviewed agreed there are advantages to having a State Board. Paramount in their thinking was that with Board input, policy in critical areas of education can be more consistent. The Board brings continuity through election cycles because its membership is staggered in six-year terms, whereas Superintendents can change every four years. Other advantages cited include that the State Board:

The chief benefits mentioned were that the Board brings continuity and a lay citizen perspective.

- Is a structure through which a group of committed citizens can represent the concerns of their districts when interacting with the Superintendent and the Department.
- As a lay board, provides checks and balances to policies and initiatives developed by state-level professionals.

- Makes policy in this important area that affects so many not under the control of one person, the Superintendent.
- Helps garner support among both the public and the Legislature for the Superintendent and Department in the implementation of education policy.
- Brings increased attention and a celebratory aspect to education throughout the state by holding meetings in different communities and visiting schools.

This point of view also holds that conflicts, when they occur, are a natural and valuable part of policy development. Some described it as a creative or healthy tension, rather than a negative.

Influence comes through hiring and supervising key Department personnel.

Superintendent has ability to influence State Board

Although having no vote on the State Board, the Superintendent nevertheless has considerable influence on its operations and decisions. Our interviews with current and former Board members confirmed what might be intuitively assumed: through the hiring and day-to-day supervision of key personnel, and through the constant decision-making that is part of education administration at the state level, the Superintendent is intricately involved in all the Department work done to develop and implement Board policies. Department officials, past and present, note that Department work products nearly always go before the Superintendent or the Deputy for approval.

The position is more powerful than the 2003 A.G. opinion indicated.

In addition to having this subtle influence, the Superintendent can exert more overt pressure: by openly working to persuade the Board, by hiring desired experts, by managing the flow of information from Department staff to the Board, and simply by virtue of his or her participation in Board discussions as one of the state's top five elected officials. Although the Attorney General's 2003 informal opinion held that the Superintendent position is meant to be ministerial, it has been historically and is still in practice a far more powerful position than that.

Statutes are based on the assumption that the Superintendent and the State Board will function cooperatively

There seems to be an expectation that more informed eyes make better policy.

Through its statutes, the Legislature has set up a complex and interdependent state-level governance structure that requires the Superintendent and the State Board to work cooperatively. It does not appear that the Legislature expects the two to come forward with competing or differing initiatives or proposals, given the inability of the Board to either prepare researched positions or implement anything on its own. That does not imply, however, that the Board is nominal, in place to rubber-stamp whatever the Department presents to it. Rather, there seems to be an expectation that more informed eyes make better education policy, and the Board is a means of providing those informed eyes.

Tension can arise, in part because the Board requires the Superintendent's staff and resources.

Through our interviews, we learned that generally the individuals involved in this delicate relationship have worked through their differences, driven by a desire to do what is best for public education in the state and by respect for one another and the law. However, the potential for tension between an elected official and a board appointed by another elected official is close beneath the surface, especially given that the Board has a statutory-given call upon the Superintendent's staff and resources.

In the next two chapters, we discuss what we learned about other states with similar governance structures and offer options that the Legislature, Superintendent, or State Board might consider to address the points of contention raised in this chapter. Whether or not any of the options is adopted depends upon whether affected policymakers believe the tension warrants action.

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CHAPTER 3

Other similarly structured states also struggle with governance issues

Variations on Wyoming's model of education governance

Most states are set up according to one of four basic models of state education governance, Wyoming being one of 11 with an elected superintendent and a governor-appointed state board. In 1991, during reorganization of state government, the Wyoming Legislature considered establishing an entirely different structure, one that would have abolished the office of superintendent and replaced it with a Board of Regents responsible for all levels of education. The Legislature rejected that proposal and other major changes, ultimately deciding to keep the state's traditional model.

Wyoming has considered and rejected changing its structure.

Because radical change has been considered and rejected, we looked at the ten other states with similar education governance structures to see if their systems differ from Wyoming's in ways that offer strong advantages. The purpose was to offer ideas for modification that might fine-tune Wyoming's existing system. We found significant variation in the internal organization as well as the balance of duties and responsibilities among these other states, yet most of them acknowledge that tensions arise sometimes between their chief education officer and their state board. Although this creates occasional difficulty and organizational challenges, they also acknowledge the importance of both the superintendent and the board in contributing to a complete picture for the education system.

Other states' structures provide options for change.

In this chapter we draw on the similarly-structured states for what can be learned with regard to possible modifications. The features are: (1) the Superintendent has accountability but not authority; (2) the Board must rely upon Department staff over which it has no control; (3) the scope of the Board's role; and (4) which entity has the final authority.

Reorganization of state government did not produce significant changes in Wyoming's education governance structure

Past Legislatures have considered a governor-appointed chief education officer.

In 1989, the Joint Legislative-Executive Efficiency Study Committee recommended formulation of a cabinet-level Department of Education which would encompass all education activities at the state level: elementary and secondary education, community colleges, the Western Interstate Commission for Higher Education, and the University of Wyoming. The 1989 Legislature considered a constitutional amendment that would have paved the way for the Governor to appoint the proposed Department director. Although the measure passed the Senate, it encountered stiff opposition in the House of Representatives and failed.

The Study Committee continued to search for an acceptable means of bringing all education sectors under the cabinet umbrella, and two years later again recommended revising the state's educational structure, this time into a Board of Regents. As noted above, that attempt failed and there have not been serious attempts to reconfigure the system since then.

Eleven states fall under the same model of education governance, but still vary greatly

States individualize their governance structures.

The National Association of State Boards of Education (NASBE) and the Education Commission of the States have developed charts that categorize the generally accepted main models of education governance currently in practice throughout the United States (see Appendix B-1). Neither organization holds that a particular model is superior to others; instead, they explain that there is considerable variation among states because each developed a preferred structure according to its own customs and traditions. For example, in some states, board members are elected and they appoint the chief state school officer; in others, the governor appoints the chief officer. Accordingly, we were unable to identify a single "best practice" model for state education governance systems.

The ten other states that, like Wyoming, elect a superintendent and

permit the governor to appoint state board members are: Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, and Oregon. All but three – Georgia, Indiana, and North Carolina – are western states. Each of these states has different demographics, needs, and educational priorities which understandably influence the infrastructure of their particular system. Thus we found distinct variations among them in how education is organized at the state level.

Each state’s system may have its own strengths and weaknesses

Maintaining a balanced relationship is also a challenge for other states.

We contacted key personnel in these states and learned that their systems are not exempt from concerns about the working relationship between their state board and superintendent. Several said that even if things are going well now, they may not have run smoothly in the past. The balance in the relationship can be tenuous, with several indicating the dynamics are about to change because of recent board appointments. Others indicated their current working relationship could change for better or worse depending on what happens in the next election.

For the most part, states currently enjoying a smooth relationship attribute this cohesiveness to a same-mindedness or political synchronicity on the part of their superintendent and board members, or alternatively, to strong positive leadership committed to providing direction and cooperation. Given this context, we asked questions in several areas we had identified as “sticking points” in Wyoming’s governance structure.

What authority does the Superintendent have?

Superintendents generally oversee the department and implement policy.

While the superintendents in the ten states we compared are elected officials, the responsibilities assigned to them vary according to statutory and constitutional requirements unique to each state. Generally, superintendents are in charge of, or the chief executive officers of, the education department and are responsible for overseeing implementation of education programs. The primary exception is Idaho, which has made the state board its governing body for all of education in the state including post-secondary; the superintendent is responsible to the state board only when he deals with kindergarten through grade 12 public

education matters.

Several states give the Superintendent a formal voice on the State Board.

Wyoming's Superintendent, an ex-officio member of the State Board, does not have a vote. Three other states (North Dakota, California, and North Carolina) have similar provisions, but five states (Idaho, Arizona, Indiana, North Dakota, and Oklahoma) make the superintendent a voting member of the state board. This gives the superintendent a formal voice in policy making and a say in approving board actions. Indiana's Superintendent is also the chairman of the state board and thus has considerable discretion in setting the board's agenda.

Figure 3.1

**State Boards of Education
Selected Membership Features**

| State | Number of appointed members/Length of term in years | Superintendent is a voting member | Appointments have balanced political affiliation |
|----------------|---|-----------------------------------|--|
| Arizona | 11/4 | Yes | No |
| California | 11/4 | No | No |
| Georgia | 13/7 | No | No |
| Idaho | 7/5 | Yes | No |
| Indiana | 10/6 | Yes | Yes |
| Montana | 7/7 | No | Yes |
| North Carolina | 11/8 | No | No |
| North Dakota | 6/4 | Yes | No |
| Oklahoma | 6/6 | Yes | No |
| Oregon | 7/4 | No | No |
| Wyoming | 11/6 | No | Yes |

Source: LSO

Overlapping authority between

In half the states we contacted, the superintendent is charged with overseeing federal programs while the state board has authority over standards and graduation requirements. Officials in these states mentioned recent federally-mandated No Child Left Behind regulations as providing more of an entree into policy making on the superintendent's part, or at least making the lines of authority somewhat more overlapping and on occasion contentious.

***the Superintendent
and State Board may
create friction.***

In six of the states, the superintendent also serves on other state boards as part of his or her elected official responsibilities. In Idaho for example, the superintendent serves on numerous boards and committees. In most of these six states, superintendents serve on their state land board as well as state investment and retirement boards. Staff from several states commented on the considerable time their superintendents spend on those responsibilities, which often are not directly education-related.

How does the Board get the information it needs to make informed decisions?

In Wyoming, the State Board relies on the Department of Education to provide complete, accurate, and timely information and materials. In the past, access to department personnel and resources has varied based on the individual Superintendent's administrative style and view of the State Board. The relationship has run the gamut from full access to all staff, to Board members being required to conduct all inquiries through the staff liaison designated by the Superintendent.

***State boards have
support staff based
on extent of duties.***

In the other similarly structured states, the most common staffing structure is an executive director and one or two support staff. Idaho is the major exception, in that its board has full authority over the entire department as well as the elected superintendent. At the other end of the spectrum is North Dakota, whose board has very specific and limited authority; it is staffed by a single liaison supplied by the department.

***Wyoming's State
Board establishes
policy.***

What is the scope of the Board's role?

Wyoming statutes assign responsibility for establishing state education policy to the Board. Most of the other ten states also describe their boards as being responsible for approving policy, especially over areas of standards, assessment, graduation requirements, and accreditation. The charge of the California board also includes monitoring and implementing standards, and overseeing charter schools and federal programs. Several state boards provide an appeal process for teacher licensing and other local school board issues.

State boards may have full authority, authority over specific issues, or almost no authority.

Who has final authority?

As with the other issues we compared, the authority of a state board varies in degree, by issue, and by state. One state we contacted has a board with policy making ability and approval by law, although in reality policy is developed by the department while the board is said to “rubber stamp” their work. The converse is true for three states: Idaho, Georgia, and North Carolina give their state boards final authority on policy matters, with Idaho’s board having authority on all educational matters. In North Carolina, the issue of final authority was resolved in favor of the State Board after the Superintendent sued the State Board.

In other states, the board may be designated as the state agency for specific areas of education, giving it final authority over those issues. Or the state board may have clearly defined authority in a specific area such as teacher licensing, and an implied or perceived final authority in other areas. For most states, however, the hierarchy of authority is not defined in statute; instead, it is subject to the interpretation and customs of the department and the individuals involved.

Other states’ structures appear to contain their share of ambiguity and “healthy tension”

Greater collaboration may produce better results.

Our review of similar states’ governance models provided interesting and almost infinite points of comparison, but did not point to specific, inherently superior, adaptations of the system. The comparison suggests that, given its model of elected superintendent and appointed board, the tension within Wyoming’s system is not unusual. It also suggests that interlocking responsibilities, while creating occasional conflict, may lead to full discussion of critical issues, and in the end generate a more collaborative body of policy.

CHAPTER 4

Options to reduce the potential for tension in the State Board/Superintendent relationship

Chapter Summary

We did not see consequences that compel radical changes in structure.

The Superintendent and State Board are traditional institutions in Wyoming's state-level administration of education, and in the case of the Superintendent, in other important state-level governance arrangements as well. There are intangible as well as practical reasons for maintaining these institutions. Our research did not indicate that the current structure creates consequences compelling enough to make radical changes, such as abolishing the State Board or changing the Constitution so that the Superintendent is no longer a statewide elected official.

Thus, we present some options that apply to the sources of tension we learned about in our research, some of which borrow from other states with the same basic model. Implementing any of these options depends upon whether policymakers believe the potential for occasional tension is untenable, or whether they see value in the complex relationship now in place.

Independent orientations could better communicate the roles of the two

The Office of the Attorney General could provide an orientation to statutory duties.

A basic step, and one which is already being implemented to some degree with the Board, is to conduct orientations on roles and responsibilities for both new Board members and Superintendents, preferably when the latter are candidates. A review of statutory responsibilities along with a frank discussion of the cooperation required by the state's governance arrangement could alleviate potential misunderstandings on the part of both. Moreover, Department personnel, who may tend to narrowly perceive the boundaries of the Board's role, could benefit from such an orientation. The Office of the Attorney General may be best positioned to develop this orientation to statutes, particularly if it develops a presentation more nuanced than a list of statutes and its 2003 informal opinion.

NASBE offers orientation possibilities, as does a formal mentoring practice for new board members.

All the states we contacted provide some form of orientation for incoming state board members to prepare them for their duties. These orientations may be in the form of sending board members to a three-day NASBE orientation, having department staff and the state board director provide orientation, or having current state board members mentor new board members. In some states, the governor's office sponsors orientations covering state government and board service that are required for incoming board members.

In Wyoming, the Department of Education's liaison prepares an orientation manual for Board members, and along with the Board chairman, conducts orientation at the new members' first meetings. But Department officials acknowledged that some of the manual's contents are dated and not consistent with practice. Further, the Board has not developed strategic plans in the manner required of executive branch agencies, with measurable objectives.

Orienting Superintendent candidates about the scope and authority of the position is also an option.

Orienting candidates for the office of Superintendent about the statutory scope and authority of the position is a more difficult proposition. Some of those with whom we spoke suggested that the political parties may be the appropriate entities to undertake that sort of communication about the distribution of statutory authorities. However, even with such a primer, candidates for Superintendent may not acknowledge in their campaigns those key issues that, practically speaking, at the most, they share with the State Board.

Enhancing Board resources would allow it to secure more information

The Board's inability to get information necessary to develop policy options other than through the Department is a key source of contention in the relationship. A solution would be for the Board to have a staff person to perform the duties it requests. Further, whether full- or part-time, this should be a policy analyst position rather than an administrative assistant so that the Board would have the ability to obtain some independent research on policy issues. NASBE says that boards need staff that will gather

A dedicated policy analyst would help the Board to better fulfill its open-ended responsibilities.

information, analyze it, provide alternatives, and make recommendations. Having an analyst would also enable the Board to better fulfill those open-ended statutory responsibilities such as establishing statewide goals for Wyoming public education, and initiating or facilitating discussions about improving education in the state. Under the existing arrangement, we sensed Department impatience with assisting the Board in those endeavors that do not directly relate to action items.

Even with such an analyst, the Board would still rely upon the Department for comprehensive expertise on issues.

Most of those we interviewed, including present and past board members and Department officials, believed that having a staff person empowered to get information from the Department, and possibly outside as well, would be a benefit. The Department currently provides administrative assistance to the Board in arranging meetings and other such logistical tasks. Under the former Superintendent, the position was dedicated full-time to this work, although the practice generally is to have a staff member from the Superintendent's Office provide this assistance part-time.

Among other states with Wyoming's model, most have an executive officer for their boards.

Even if the Board were to have an analyst position, the state's comprehensive expertise in educational issues would still reside in the Department, under the supervision of the Superintendent. Further, a one-person staff would not suffice for all the work the Department does in accrediting schools, drafting rules, implementing a statewide assessment, and the other duties statute assigns to the Board. Thus, the need for cooperation and assistance from the Department and Superintendent would continue.

The most common staffing arrangement among the other states sharing Wyoming's governance model is to have an executive director or executive officer and support staff for the Board. Only North Dakota is similar to Wyoming in appointing a department liaison to staff the board. However, that state's board has an extremely limited sphere of influence and authority compared the Wyoming State Board's wide range of responsibilities.

Increasing resources could enable the Board to better represent their districts in state-level governance

The Governor appoints seven of the Board members from the appointment districts in Figure 4.1. Both past and current

Reimbursement has been for only meeting-related and out-of-state travel.

members we interviewed spoke of the need to maintain contact with school boards, administrators, and citizens to learn how state-level policies actually affect the local school districts, and to relay their concerns. Further, Board members want to attend other educational meetings and forums throughout the state, specifically including meetings of the Legislature’s Joint Education Committee. Reimbursement for the costs of travel in these large appointment districts would facilitate this model of board involvement. To date, State Board funding has traditionally covered only the travel costs generated by attendance at Board meetings, and in the last few years, included additional funds for some members to travel to NASBE conferences. Thus, the Board may need additional resources to develop this representative role more fully.

Different boards make varying commitments to this outreach role.

However, the Board’s role in representing local districts is not universally perceived. Some say Board members do not usually bring forth input from the local districts, and districts communicate directly with the Department and Superintendent. Most agree that the State Board is much lower profile than the Superintendent, and that different boards make varying commitments to this outreach role.

Figure 4.1

State Board Appointment Districts

| District | Counties |
|----------|---------------------------------------|
| 1 | Laramie, Goshen, Platte |
| 2 | Albany, Carbon, Sweetwater |
| 3 | Lincoln, Sublette, Teton, Uinta |
| 4 | Campbell, Johnson, Sheridan |
| 5 | Big Horn, Hot Springs, Park, Washakie |
| 6 | Crook, Niobrara, Weston |
| 7 | Natrona, Fremont, Converse |

Source: W.S. 9-1-218(b)

A Superintendent vote on the Board could help to balance authority with accountability

We found that the Superintendent has considerable influence on Board operations and decisions even though, by law, the position

The Superintendent perspective is that the elected official's position should prevail.

has non-voting status on the Board. Nonetheless, the Superintendent perspective is that the elected official's position should prevail, because of its implied accountability to the citizens. Superintendents' positions on the boards in other states with Wyoming's model vary, with some having no vote and no power to override the board, to one where the superintendent is the board chairman and by virtue of setting the board's agenda, exerts some control over its decision-making.

A vote would give the Superintendent formal as well as informal influence on Board decisions.

As noted earlier, in 1994 the Legislature deliberately removed the Superintendent's authority to decide controversies arising from the administration of the state school system involving rules or directives promulgated by the Superintendent, Department, or State Board. According to the Attorney General, the State Board has clear authority to set policy, and many interpret that as the authority to make final decisions that should not be undermined by the Superintendent (such as the Body of Evidence issue discussed earlier). By giving the Superintendent a vote on the Board, the Legislature could give that position some formal authority as well as the informal but forceful influence the position currently holds.

The Legislature could make the State Board an advisory body

With the Legislature's heavy involvement, there may be little policymaking left for the Board.

A source of contention in the current arrangement is that the Board is charged with making policies and implementing key tasks that it has no way to accomplish other than through the Department. According to a NASBE official, a problem that state boards face in the accountability reform era is that they are required to implement policies, but have had little input into the legislation passed by legislatures. With the heavy involvement of the Wyoming Legislature, through the Joint Education Committee (JEC), there may be little policy left for the State Board to develop, other than over the implementation of policies essentially developed in legislation. However, in statute, the Superintendent has authority over the implementation agency, thus creating the potential for tension.

The public comment

If the Board were to have an advisory role over policy implementation, outside input on these decisions would continue

***aspect of rulemaking
may suffice for
public input.***

to come through the public comment requirement of the rule promulgation process. As for the standards, these have traditionally been developed in an inclusive process involving stakeholders from throughout the state. Similarly, the Legislature has set up statewide task forces to develop the statewide student assessment.

***The Board could
focus upon purposes
rather than means of
educational
improvement.***

In this scenario, the Board might focus more on its role of initiating and facilitating discussion regarding the need and means for improving education, and upon establishing statewide goals for Wyoming public education. It could focus more upon the purposes of standards, assessments, teacher performance evaluation systems, and other elements of the educational system, rather than the means. Board members have also said that developing a relationship with the Legislature and the JEC so that the Board has more involvement at the policy-development level is a goal.

The Board has important adjudicatory duties relating to private school licensing, charter school appeals, and approving or rejecting alternative school district schedules and proposals to form boards of cooperative educational services. Any changes to the Board's authority must make provisions for how these duties will be accomplished.

Alternatively, the Legislature could focus the State Board on its decision-making responsibilities

***The Legislature
could repeal the
Board's more
philosophical
assignments.***

Statutes give the State Board responsibility for comprehensive discussion and policy making that may be occurring to a large degree at the legislative level. If so, the Legislature could modify Board statutes so that they are more focused on those items in which the Board has a role in making decisions critical to the system's functioning, such as accreditation and standards, and acting in an adjudicatory manner to make the determinations discussed above. Focusing the Board in this way may alleviate some of the tension with the Superintendent and Department, which may not share the Board's interest in pursuing its more open-ended and philosophical tasks.

The Legislature could maintain the current

arrangement

However, the issue of how the Board will “implement” would continue to create discord at times.

In roughly the last two decades, the Legislature has passed two major overhauls of the Superintendent and State Board statutes, and made changes to both schemes to reflect school reform requirements. Most with whom we talked agreed with the Attorney General that the assignment of authorities now is clear, but contention arises with how the Board will prepare itself to make its decisions, and then carry them out. The Legislature has continued to assign the Board implementation roles when there is no practical way for it to implement anything without the Department, which is controlled by the Superintendent. The Legislature has woven an intricate web of interdependence that is not always clear or comfortable for either.

This intricate web of interdependence may not be altogether bad.

Indeed, some lack of clarity in a governance structure may not be altogether bad. This point of view was eloquently expressed by a former Wyoming Superintendent who testified in opposition to a restructuring proposal floated during reorganization of state government. She stated that despite various shortcomings and problems, Wyoming’s system “works effectively,” and went on to add:

“There are admitted ambiguities within the education governance system. Some students of government assert that they are inadvertent; others, that a complex system must have room for overlapping jurisdictions, duplication of duties, and even the absence, in some cases, of explicit delineation of responsibilities. Nevertheless, over time, the members of the system have accommodated one another in a manner that allows the system, though not monolithic, to work effectively.”

Thus, if it sees the occasional tension as a healthy indication of a good system of checks and balances, the Legislature could make no changes, and leave the responsibility for making the current system work with those who are directly involved. According to many we interviewed, the system has worked well before, although it took dedicated effort and leadership on the part of the participants.

Decisions on options come down to deciding whether and how to benefit from a lay board at the state level

How best can a lay board's involvement improve public education?

It has been suggested that, in the past, the Legislature has switched authorities around depending upon whether the State Board or the Superintendent was in or out of political favor at the time. However it proceeds, if at all, in recommending or undertaking action to lessen the tension in the State Board/Superintendent relationship, the Legislature needs to make decisions based upon whether it wants the involvement of a lay board with the benefits described on page 26, and if so, how best to use it to improve public education.

Staff Audit Report

of the

**STATE BOARD
OF EDUCATION**



**PREPARED BY:
LEGISLATIVE SERVICE OFFICE
June 6, 1985**

TABLE OF CONTENTS

| CHAPTER | PAGE |
|---------|---|
| I | INTRODUCTION |
| | Background..... 2 |
| | Scope of the Audit..... 2 |
| | Development of Educational Governance in Wyoming..... 3 |
| II | THE STATE BOARD OF EDUCATION |
| | Formation of State Board..... 8 |
| | Powers, Duties and Functions..... 8 |
| | Education Governance Structure..... 10 |
| | Wyoming's Educational System..... 10 |
| | The State Board as Surrogate to other Boards 15 |
| III | SUNSET CRITERIA.....18 |
| IV | CONCLUSIONS AND RECOMMENDATIONS.....22 |
| V | AGENCY RESPONSE.....23 |

CHAPTER I
INTRODUCTION

BACKGROUND

Wyoming's first public school was established in 1867 at Cheyenne, a century later than education had developed in the eastern and some western states. Historically, the territorial Legislature did not have the authority to establish a school system. Its authority was permissive and its laws could only define in general terms the duties and powers of those entrusted with school management. Each school system was controlled by the local authorities.

The first law relating to education was enacted in 1869, when the State Auditor was designated ex officio State Superintendent of Public Instruction. His duties were limited to issuing an annual report on the schools and securing uniform textbooks. In 1879 the Superintendent of Public Instruction reported 36 schools in the state and total enrollment of 2,090 pupils. The Department of Education reported 398 schools, 49 school districts and a total enrollment of 101,266 pupils for the 1984-1985 school year.

Together, the Superintendent of Public Instruction, the Department of Education and the State Board of Education form the triad responsible for the state's educational system. The State Board's role in this triad is ambiguous.

As one of the five elected officials and the chief state school officer, the Superintendent has the political power and prestige to be the state's primary spokesperson for public education. The Department is the system's operational vehicle and provides the Superintendent with staff support. Lacking its own separate identity, the State Board has assumed an auxiliary position to the Superintendent and the Department.

SCOPE OF THE AUDIT

Chapter 69, Session Laws of Wyoming, 1984, included the State Board of Education (State Board) on the list of agencies scheduled for a sunset review. This same legislation directed the Legislative Service Office (LSO) to conduct a management audit of the State Board. The purpose of the audit was to determine the extent the State Board has fulfilled its statutory responsibilities and operated in an efficient, effective, economical manner. This audit was performed in accordance with audit standards promulgated by the Comptroller General of the United States. In keeping

with those standards the LSO is compelled to disclose information which may be perceived as affecting the audit. A member of the State Board, whose term expired March 1985, was hired as a full time employee of the LSO. The individual reported to work after the audit had been completed and had no input into the LSO's final report.

The audit focused on the State Board's major responsibilities which are recommending minimum standards for:

- school and school district accreditation;
- certification of professional personnel employed by schools and school districts; and
- site and building and construction of public schools.

The LSO audit reviewed the statutory and functional relationship between powers, duties and functions of the Superintendent of Public Instruction and those of the State Board of Education.

DEVELOPMENT OF EDUCATIONAL GOVERNANCE IN WYOMING

The Constitution of the State of Wyoming ratified November 5, 1889 addresses the issue of public education as follows:

Article 1, Section 23. Education. The right of the citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

Article 7, Section 1. Legislature to provide for public schools. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction embracing free elementary schools of every needed kind and grade

Article 7, Section 14. Supervision of schools entrusted to state superintendent of public instruction. The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.

Article 21, Section 28. Legislature to provide for public schools. The Legislature shall make

laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the state and free from sectarian control.

Article 4, Section 11 establishes the State Superintendent of Public Instruction as an elected official. Article 4, Section 12 states the Superintendent's powers and duties shall be prescribed by law.

In 1915 the Wyoming Legislature appointed a school code committee "to make a thorough investigation into the needs of the public schools of Wyoming." The committee reported its aim had been "to establish minimum state standards for schools throughout Wyoming and to provide a means for putting these standards into practice." In commenting on the Committee's report, Wyoming Governor Kendrick said, "I must insist that public education is a state responsibility, and should not be left to the accidental judgment of local boards, which is often excellent, but is just as often the reverse."

The 1917 legislation which resulted from the school code committee's report was designed to coordinate and readjust the relationship between the state and local education communities. This legislation reversed education's traditional seat of organizational authority. Furthermore, it has come to be regarded as one of the most important assertions of state authority over functions previously reserved to the judgment and authority of local bodies.

The 1917 act, which established a State Department of Education governed by the State Board, read in part as follows:

The general supervision of public schools shall be entrusted to a State Department of Education at the head of which shall be a State Board of Education which shall administer the state system . . .

The State Board's authority included:

- appointing a Commissioner of Education to serve as the Board's executive officer;
- prescribing statewide policies of educational administration;
- recommending rules and regulations for the administration of the public school system;
- exercising general control and supervision over the

public schools and educational interests of the state; and

- prescribing standards regulating the general curriculum for elementary and secondary schools.

Notably absent from the 1917 legislation was any reference to the Superintendent of Public Instruction which the Constitution had established 28 years earlier. The first statutory reference to the Superintendent of Public Instruction was in 1919, when the Legislature transferred the general supervision of the public schools from the State Department of Education to the State Superintendent of Public Instruction. The 1919 legislation eliminated the State Board's authority over the Department; but continued the Board's authority to appoint a Commissioner of Education. Under the Superintendent's supervision, the Commissioner was directed to execute the Board's educational policies and to:

- prepare and publish educational pamphlets and bulletins informing the public on educational policies;
- examine the expenditures, accounts, educational methods and administrative methods of boards and superintendents;
- prepare for the State Board's approval, suggested courses of study;
- prepare for the district board's use a guide for standardizing and grading schools and for the hygiene and sanitary building of schools and the selection of sites;
- print and distribute the school law and such forms and instructions regarding reports;
- require the county superintendents, city superintendents, principals, teachers and school officers to submit reports as deemed necessary; and
- conduct investigations within and without the state regarding educational needs and progress and means of improving conditions.

The Commissioner of Education was also designated as the chief officer of the Certification Division of the State Department of Education. As chief of that division the Commissioner was required to maintain records on all teachers employed in the state and a list of approved colleges and universities.

Between 1919 and 1959, statute provided for a Commis-

sioner of Education, whose apparent duty was to staff the State Board of Education. While the Commissioner functioned under the Superintendent's direction, the Commissioner appears to have been primarily responsible to the State Board. The Commissioner of Education appears to have been eliminated in 1959, when the Education Code was amended. The functional powers and duties previously delegated to the Commissioner were then transferred to the State Board.

The Education Code of 1969, as amended, created a State Department of Education consisting of the State Superintendent of Public Instruction (Superintendent), the State Board of Education and the necessary divisions. With regard to the Department's resources, W.S. 21-2-104 states the Department shall be

. . . . staffed by such personnel and provided with such facilities as the state superintendent with the approval of the state board shall determine necessary to assist him and the state board in the proper and efficient discharge of their respective duties.

Comments from the Superintendent and Deputy Superintendent indicate they do not seek Board approval in matters relating to the Department. They said this requirement is not consistent with the Superintendent's power as chief executive officer of the Department.

W.S. 21-2-202(a)(vii) directs the State Superintendent to assist the State Board in the performance of its duties and responsibilities. However, W.S. 21-2-304(a)(ii) states

. . . . with or without the assistance of the state superintendent the state board shall enforce the rules and regulations adopted under the preceding subsection by taking appropriate administrative action in compliance with law, including such orders as are necessary to withhold state funds from any school, school district, or institution failing to comply with any applicable law or with the minimum standards prescribed by the State Board. Provided, that nothing in this subsection shall be construed to prevent the State Board from seeking assistance from the state superintendent regarding any available judicial remedies, or to prevent the State Board from acting without the approval or consent of the state superintendent.

The original intent of this provision may have been to give the State Board power to act on its own. But the prac-

ticality of such a measure is questionable. The Board has no authority to direct Department staff and staff resources would be necessary to implement this provision.

CHAPTER II
THE STATE BOARD
of
EDUCATION

FORMATION OF STATE BOARD

W.S. 21-2-301 creates the State Board of Education. The statute provides for nine members; one from each appointment district and two members appointed at large. One of the at large members is required to be a certified classroom teacher and the other a certified school administrator. Board members are appointed for a single six year term and they are not eligible for reappointment. Not more than five (5) members of the Board shall be from one (1) political party. The Superintendent is designated as an ex officio, nonvoting member of the State Board. The following chart reflects the current board appointments.

| <u>BOARD MEMBER</u> | <u>APPOINTMENT DISTRICT</u> | <u>RESIDENCE</u> | <u>Term EXPIRES</u> |
|---------------------------|-----------------------------|------------------|---------------------|
| Irene Clarke, Chairperson | At Large | Gillette | 3-31-87 |
| Barbara Rogers | 1 | Cheyenne | 3-31-85 |
| John Patton | 4 | Sheridan | 3-31-85 |
| Glenn Engelking | At Large | Lovell | 3-31-85 |
| Carwin Linford | 3 | Afton | 3-31-87 |
| Michael McNamee | 2 | Laramie | 3-31-87 |
| Cynthia Boyhan | 7 | Dubois | 3-31-89 |
| Patricia Lauber | 5 | Worland | 3-31-89 |
| Everett Kilmer | 6 | Lusk | 3-31-89 |
| Lynn Simons | Ex Officio member | | |

These Board members also serve as the State Committee for School District Organization and the State Board for Vocational Education.

POWERS, DUTIES AND FUNCTIONS

The State Board's duties as prescribed in W.S. 21-2-304 are to:

- prescribe minimum standards for general education programs, site selection and building and construction of public schools and the evaluation and accreditation of the public schools;
- enforce the rules and regulations adopted for each of the preceding;

- prescribe rules and regulations for the certification of school administrators and teachers;
- maintain a list of approved institutions whose graduates may be eligible for Wyoming certification and providing for certification by reciprocity;
- conduct investigations regarding educational needs to insure an adequate educational system for Wyoming; and
- disseminate the school laws, regulations and other publications to local boards, administrators and other interested parties.

In addition, the State Board is responsible for other ancillary duties:

- promulgating rules and regulations for school bus safety and operation;
- approving the state plan for federal vocational education funds;
- licensing and setting minimum standards for private schools and agents thereof;
- considering requests for exception to certification requirements; and
- considering requests for approval of isolation cases involving transportation of pupils from remote areas.

Under W.S. 21-2-305 the State Board has the power to revoke or suspend teachers' certificates and to require reports and assistance from school boards and officials.

The State Board's major purpose is to establish policies and standards for the state's educational system. However, State Board members and the Superintendent said the State Board also:

- acts as a system of checks and balances for the State Superintendent's authority;
- functions as a sounding board for the State Superintendent regarding proposed educational policies;
- serves as watchdog over school district reorganization; and
- helps to diffuse politically sensitive educational

matters.

Board members said they believe that without a State Board, the State Superintendent could become the focus of concentrated authority, since the position would have both administrative and rulemaking power. Board members said that if the State Board were eliminated, policy proposals would be enacted without Board review. The State Superintendent said the State Board also performs politically sensitive functions which are undesirable for a single entity to control.

EDUCATIONAL GOVERNANCE STRUCTURES

Wyoming's educational system is governed by an elected State Superintendent of Public Instruction and a gubernatorially appointed State Board. This is just one of several approaches used to govern a state's school system. According to the National Association of State Boards of Education eleven different models are used nationwide to govern educational systems.

Under the most common governance model, used by fifteen states, the Governor appoints the board and the board appoints the chief state school officer. Wyoming's approach, which is used by twelve states, is the second most common governance model. The third most frequent approach is to have an elected state board which appoints the chief state school officer. This model is used in eleven states. Thirty-eight of the fifty states are represented by one of these three educational governance models. The National Association of State Boards of Education offered a word of caution against evaluating the effectiveness of a state's educational system on the basis of governance structure.

. . . . Any of the assumptions made about the effectiveness of different governance structures may not hold true in a particular state The most vital factor of all may be the hard work and devotion to quality education demonstrated by those who play a governance role in any state at any given time.

WYOMING'S EDUCATIONAL SYSTEM

The Superintendent of Public Instruction, which is a constitutionally created office, serves as one of five elected officials in Wyoming's cabinet form of state government. The State Superintendent is entrusted with the general supervision of the state's public schools. The State

Board is statutorily created and its members are appointed by the Governor with the Senate's consent. The State Board is responsible for establishing the state's educational policies.

Neither the current State Board members nor the State Superintendent said they believe there is a conflict between their respective duties and responsibilities. The State Superintendent said the term "general supervision" as contained in both the constitution and statutes may be either narrowly or broadly interpreted. She said her interpretation has been guided by the customs and traditions of the state, which she described as emphasizing local authority.

The State Board of Education Operations Manual states the following concerning the relationship between the State Board and State Superintendent:

"Generally, the State Board is responsible for establishing policy and standards, and the State Superintendent is responsible for administration implementing policies, enforcing standards, and developing public support."

However, this statement does not reflect the working relationship between the State Board and the State Superintendent. Most Board members said they believe the Board functions reactively rather than proactively. The State Board approves policies and standards initiated by the Department or advisory organizations. For example, the Board relies on the Professional Standards Board for proposed rule changes.

The State Superintendent and the majority of State Board members agreed the current relationship between the State Board and State Superintendent has worked because of the individuals involved. However, they said the situation might not work as well if the State Board and State were at odds with each other.

While the respective duties and responsibilities of the State Board and the State Superintendent may not conflict, the statutory structure of the State Board appears to be a hinderance. By statute, the State Board and Superintendent are both part of the State Department. As the chief executive officer of the Department, the State Superintendent has the authority to direct the Department's resources. One implication, at least organizationally, is that the State Board is dependent on the Superintendent's goodwill and its identity is tied to the State Department and Superintendent.

State Board members said they perceive the Board as having a low profile. The State Board is seldom, if ever, approached by the Legislature for its input on educational matters. They said the Legislature, the local boards and the public generally rely on the State Superintendent for the state's official position. This, members said, has hurt the Board's visibility and credibility as an effective educational policy making body.

The LSO's discussions with Board members, the Superintendent and Deputy disclosed different perceptions regarding the Board's access to information and Department staff. The State Superintendent said the staff resources of the entire Department are available to the Board. They said the Department provides whatever information the Board requests.

Board members said any requests for information from the Department are channeled through the Deputy Superintendent. Some Board members did not object to this arrangement saying that they recognized the Department as the Superintendent's province. Other board members said the policy limited their access to information and this limitation had hindered their ability to make decisions.

According to the National Association of State Boards' of Education, some states have independent, separate staff for the State Board of Education. One reason cited for having separate staff, was to improve the Board's access to information. In addition the national association said the Board's executive officer should act as a liaison between the State Board and the State Superintendent, and should inform the public of policies enacted to improve the quality of education. Four Board members said the State Board would benefit from an independent staff and three members had no opinion. Two members said the Board would benefit, if the staff were located in close proximity to the Department.

The State Superintendent and Deputy Superintendent objected to the independent staff proposal. They said the Board's staff support is already provided by the Department and the Deputy Superintendent is the Board's executive secretary. Furthermore, they said an independent Board staff could place the State Board and Superintendent in an adversary relationship.

BOARD FUNCTIONS AND RESPONSIBILITIES

The State Board carries out its statutory responsibilities in conjunction with the State Superintendent and the State Department of Education. The State Board's major responsibilities include developing minimum standards for general education programs, site and building and construction of public schools, school accreditation and certifica-

tion of teachers and administrators. The State Department is responsible for implementing and enforcing the Board's rules and regulations.

School Accreditation

Accreditation as defined in section 4 of Chapter VIII of the State Board's regulation is the process of determining the degree to which public school districts, including the schools and personnel, comply with applicable statutes and regulation. State Board members said, accreditation is one "of the big sticks" the Board can use to implement its policies and regulations, because students who graduate from nonaccredited high schools are not automatically granted acceptance at the University. In addition, the State Board has the authority to withhold school foundation funds from nonaccredited schools.

Each Wyoming school receives an annual accreditation rating. The three ratings are full accreditation, conditional accreditation and unaccredited. The State Board may penalize schools that receive either a conditional or nonaccredited rating. According to the Department's Fiscal Year 1984 Annual Report, 388 schools received accredited status and 6 received conditional ratings.

The accreditation process includes onsite visits and a review of the schools' annual reports. The Assistant Superintendent for Curriculum and Instructional Services said one third of the school districts annually receive an on-site visit. The evaluation team is staffed by Department personnel who analyze local education programs based on the State Board's Accreditation Rules and Regulations.

Certification of Administrators and Teachers

W.S. 21-2-304(a)(iii) requires the State Board to prescribe rules and regulations for the certification of school administrators, teachers and other persons. The statutes establish the minimum qualifications for certification and allow the State Board to exercise its discretion in making exceptions.

The State Board established the Professional Standards Board which assists the State Board in setting qualifications for teachers and administrators. The Professional Standards Board has 13 members which include the State Superintendent or her designee, three certified administrators, four certified teachers, a community college representative, two representatives from the University of Wyoming College of Education and two representatives from the Wyoming Education Association's Instructional and Profes-

sional Development Commission. The Professional Standards Board has no formal statutory foundation and advises the State Board on policies and standards relating to the:

- licensure of professional and para professional personnel;
- revocation or suspension of licenses;
- waiver of certification requirements;
- assignment of professional and para professional personnel; and
- accreditation of educational programs for professional personnel.

The Professional Standards Board solicits input from the teaching profession and other representatives of the educational community, then submits its recommendation to the State Board. If the State Board adopts the Professional Standards Board's recommendation, the State Board follows the formal process for adopting amendments to their certification rules and regulations.

Site Selection and Building and Construction of Public Schools

As of February 1985 the State Board had not promulgated minimum standards relative to site, buildings and construction of public schools as required by W.S. 21-2-304(a)(i)(B). The State Board attempted to promulgate the required minimum standards, but the standards only reached the public hearing stage of the promulgation process. The State Board received considerable resistance and withdrew the proposed regulations. In the aftermath, attempts were made during the 1984 Legislative Session to repeal this portion of the State Board's duties. However, the attempts failed.

At its June 1984 meeting the State Board decided site selection, building and construction rules and regulations are not needed at this time. A subcommittee of the State Board will continue to work on developing same. As an interim action, the Board voted to adopt a site facilities guidebook prepared by the Council of Educational Facility Planners. The State Board said the guide will give districts something to use until standards can be developed.

Another topic the State Board is concerned with relative to site selection and building and construction standards is the issue of asbestos in Wyoming schools. The State Superintendent advising the Board at the November 1984

meeting stated that asbestos law currently being enforced by the Federal Government is now being turned over to the States. The State Superintendent said the Department will move to actively enforce the asbestos law.

THE STATE BOARD AS SURROGATE TO OTHER BOARDS

In addition to its regular duties, the State Board of Education has been designated as the State Committee for School District Organization and the State Board for Vocational Education. W.S. 21-5-108 specifies the powers and duties of the State Committee, one of which is to carry out the provisions of the Wyoming School District Organization Law of 1969. The purpose section of this law is set forth below:

The legislature of the state of Wyoming hereby declares that this chapter is passed to provide machinery for the organization of the school districts in this state whereby school districts can be organized to: provide an improved and more equalized educational opportunity for all of the pupils in the state; provide a wiser and more efficient use of public funds for education by making it possible to reduce the disparity in per pupil valuation among school districts; to allow the initial planning for the organization of school districts under this chapter to be conducted on the local level; generally enlarge the school districts of the state; and eliminate the different types and kinds of school districts that presently exist and replace them with unified school districts as defined in this chapter.

During the audit, the State Committee considered a reorganization request from Big Horn County School District Number One. At its September 1984 meeting, the State Committee received testimony from the parties supporting the reorganization. After considering the testimony and hearing the arguments for and against, the State Committee denied the reorganization request. The case was transferred to the Supreme Court, as of January 10, 1985 it was still pending.

In 1969, the Legislature enacted W.S. 21-12-101 which requires the State Board of Education to act as the State Board for Vocational Education. W.S. 21-13-308(g) requires the State Board for Vocational Education to determine standards for vocational education programs. Evidence developed during the audit indicates the State Board has yet to fulfill its statutory directive to develop standards for vocational education programs.

In May 1982 the Governor and State Superintendent appointed a task force to examine the status of vocational education in Wyoming. The Task Force completed its review and issued its findings January 1984 in the Report of the Task Force on Vocational Education. According to this document, the task force found:

- many worthwhile vocational education programs being carried out;
- unnecessary duplication in many of the programs; and
- serious problems relating to governance which would require legislative action.

The task force said the governance problems have occurred because there is no single entity responsible for vocational education. The Community College Commission, the State Department of Education and the State Board of Vocational Education have overlapping responsibility for vocational education. This has caused confusion in lines of authority.

The task force proposed the State Board of Education and the Wyoming Community College Commission be restructured to allow the establishment of a Vocational Education Commission. This Commission would be empowered to carry out the state's vocational education program.

According to the 1984 task force report, Governor Hathaway previously initiated a comprehensive study of Wyoming's vocational education in 1968. That study also found ". . . no cohesive plan for vocational education." The 1984 task force reported that many of its concerns were the same as those identified in the 1968 study.

The State Board and State Superintendent issued a joint response to the task force's report. The joint response explained why the task force's recommendations were not acceptable and proposed alternative recommendations. The State Superintendent and State Board said they believe "articulation" is the major problem. That is, the continuity, quality and access of vocational education. In their joint response they stated:

We have formed a committee consisting of university, college, and state department policy-makers to deal with articulation. This report will be ready by January 1, 1984 (sic).

We have formed a committee of public school vocational educators to define public school vocational education. We will provide a progress report to the legislature, January 1,

1984.

We have launched a state-wide effort to collect data on the public school's costs vocational education. (sic)

We are reviewing the purpose, operation, and accomplishments of federally-sponsored vocational education in Wyoming to determine whether its goals and procedures are compatible with our assumptions and goals.

We are appointing an advisory committee to the State Board consisting of educators from both public schools and higher education, business, and industry and asking them to create a Wyoming Plan for Vocational Education that defines objectives, proposes funding, and recognizes shared responsibility but differing areas of authority and objectives.

We shall investigate fully with the colleges and Commission the concept of a two-plus-two plan for vocational education. This plan would explore the possibility of a coordinated program between high schools and community colleges.

We shall set aside a part of every meeting for vocational education and other curricular and instructional issues.

It appears that vocational education has been studied at great length, with little progress made in terms of its governance and definition of purpose. The State Board for Vocational Education appears to have adopted a philosophy that it has been designated only to receive federal vocational funds. W.S. 21-13-308(g) directs the State Board for Vocational Education to determine standards for vocational education programs. For many years school foundation revenues for vocational education have been allocated without formal rules. The Board, for the first time, proposed rules which formalized existing policies but the Legislative Management Council objected to those rules. Apparently, the Governor has not as yet approved the rules. Section 4, Chapter 53, 1984 Session Laws of Wyoming, requires the Board to submit a report to the Legislature defining vocational education programs and equipment, providing a cost ranking of programs and making recommendations for future funding.

CHAPTER III

SUNSET CRITERIA

W.S. 28-10-103(e) specifies the following ten criteria which the Management Audit Committee shall consider during the sunset review process.

The extent to which the agency's termination would affect the public.

From a practical viewpoint, the State Board functions in an auxiliary role to the Superintendent of Public Instruction and the State Department of Education. The State Board is the channel for citizen input into the state's educational system. According to the National Association of State Boards of Education:

. . . State boards have always been regarded as critical to insuring the prominence of education as a state function. They have helped to protect the schools from the whims and pressures of any single group be they partisans, politicians, education professionals, teachers unions or other special interests . . .

The State Superintendent, some State Board members, and representatives of the educational community expressed similar views. They said too much authority and power would be vested in one position if the State Board were eliminated. Other Board members did not agree. They questioned the need for a State Board since the Department has most of the responsibility and the staff. They said the Board probably would not be missed except when it was needed to share responsibility for controversial issues.

The State Superintendent said the State Board has most of the rulemaking authority and it is needed to balance political considerations. In addition, she said proposed policies would not be reviewed and the process could become more politicized than it currently is.

The extent to which the agency operates in the public interest and whether existing statutes, procedures and practices by any other state agency, and any other circumstances, including budgetary, resource and personnel matters interfere with the agency's ability to operate in the public interest.

The State Board was budgeted \$22,628 for Fiscal Year 1984 and \$18,751 for Fiscal Year 1985. Approximately 75 percent of these amounts were budgeted for travel. However, State Board members said out-of-state and in-state travel budgets are inadequate. The State Board members said their in-state travel budget is primarily used to reimburse members for attending Board meetings. They said the Board also needs the ability to attend more in-state educational functions, whether sponsored by the Department, a local district or school. Similarly, criticism was leveled at the out-of-state travel budget, Board members said they needed to attend more regional and national seminars to keep abreast of current issues affecting educational reform.

The Education Code of 1969 created an ambivalent relationship between the State Board and the State Superintendent. Organizationally, the State Board's connection to the Superintendent and the State Department contains the elements necessary to foster potential friction. However, the State Board and Superintendent appear to have developed a delicate working relationship based on goodwill.

The extent to which the agency manages and utilizes its resources in an economical and efficient manner.

The State Board does not manage its resources. The Department prepares the State Board's budget and the Board's executive secretary is directly responsible to the State Superintendent. Board members indicated the State Board has had little input in determining its budget. They said the State Superintendent establishes the Board's budget. The State Board is not budgeted as a separate program in the Department's biennial budget request, its appropriation is included in the Department's administration program. In commenting on this arrangement, the State Superintendent said that when the Department's budget was reduced, she kept the Board's budget constant. She said the budget cut was not transferred to the State Board.

Nonetheless, we believe this arrangement reduces the Board's independence and fosters the Board's reliance on the State Department. If the Legislature wants the State Board to function as an independent, primary decision making body then the Board should select a budget committee to develop the Board's biennial request. In addition, the State Board

of Education should appear as a separate program in the agency's budget. This would allow the Legislature, not the Department to set the Board's biennial budget. If the Legislature wants the State Board to function in an advisory capacity to the State Superintendent, then the present arrangement is acceptable.

The extent to which the agency is responsive to public inquiries and complaints.

Representatives of the educational community indicated the State Board has been willing to allow anyone who desired to address the State Board. Auditors attended several State Board meetings during the audit. During those meetings, the State Board appeared receptive to comments from interested parties.

The extent to which the agency's programs conflict or duplicate those offered by other public and private entities.

By statute the State Board and the State Superintendent share the responsibility for educating Wyoming's children. According to the Board's operation manual, the State Board is responsible for establishing policy and standards, and the State Superintendent is responsible for administration, implementing policies, enforcing standards and developing public support. No other public or private entity has the overall responsibility for the state's primary and secondary educational systems.

The extent to which the agency considers public input in making its rules and its decisions and whether the agency informs the public of its action.

The State Board complies with the Wyoming Administrative Procedure Act. The Board adheres to the necessary steps, in the promulgation process, however it issues a rule or regulation and then solicits public comment. An alternative approach would be to receive the public input first and then develop the rule or regulation.

During the audit several opportunities existed to observe the Board's decision making process. Specifically when the State Board considered whether to continue accepting federal vocational education funds, and when the Board reviewed a request to reorganize an existing certified school district. In both cases, the State Board received comments from interested parties.

The objectives and functions of the agency and its effectiveness in meeting those objectives.

Board members indicated the Board's ultimate goal is to provide a quality educational system for Wyoming's children. A 1985 news article appearing in "USA TODAY" ranked Wyoming's educational system number one in the nation. The criteria considered in the evaluation were teacher-pupil ratio, dollars expended per pupil enrolled, teachers, salaries and ACT scores. In commenting on the article, the Superintendent cautioned against using the ACT score as a meaningful criterion. She said test scores often appear higher for a smaller sample. Nonetheless, this is one indication of Wyoming's comparative ranking.

Any objectives or functions which are inconsistent with public needs and which should be terminated or altered.

The Board's goal to provide a quality educational system is in the public interest. President Reagan noted the importance of education when he said: "Certainly there are few areas of American life as important to our families as our schools and colleges."

Whether the agency is complying with Wyoming law and whether its activities are authorized by statute.

It does not appear as if the State Board has fulfilled its responsibilities as the State Board for Vocational Education. In our opinion, the State Board's responsibility for Vocational Education extends beyond accepting federal vocational dollars. W.S. 21-13-308(g) requires the State Board to determine standards for vocational education. This issue has been studied and reviewed for at least 17 years, with little, if any, progress being made.

The State Board has not fulfilled the requirements of W.S. 21-2-304(a)(i)(B) prescribing minimum standards for site selection and building and construction of public schools. The Board has adopted guidelines for the schools to use in the interim. According to the State Superintendent the lack of any minimum standards could be a potential liability to the state, if a school structure should fail.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

The proper role of the State Board of Education in the state's educational scheme is an issue the Legislature should address. Present statutory language appears to establish separate, independent identities for the State Board and the State Superintendent, based on their distinct roles in the educational system. However, statute also appears to mandate the State Board's reliance on the State Superintendent and the State Department.

Within the context of their ambiguous joint jurisdiction, the State Board and State Superintendent have developed a relationship based on goodwill. In our opinion, a statutory charge as important as the state's educational system should not be left to goodwill of individuals. If the Legislature desires the State Board to continue functioning in an auxiliary role to the State Superintendent, then statute should be amended affirming its auxiliary position and eliminating it as a primary policy making body. If the Legislature wants the State Board to operate as an independent policy making authority, with a distinct identity, then statute should be amended to strengthen the Board's structural position in the system. In either case, statutory changes are needed to make the State Board's level of responsibility consistent with its authority and position in the state's educational system.



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November 13, 2003

Jo Ann Fulton
Chairman
State Board of Education
c/o Wyoming Department of Education
Hathaway Building, Second Floor
2300 Capitol Avenue
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RE: September 19, 2003, opinion request

Dear Ms. Fulton:

In your letter dated September 19, 2003, you requested clarification of the State Board of Education's authority and responsibilities in the performance of its duties as set forth in law. You further requested an explanation of the relationship between the State Board of Education and the Wyoming Department of Education as it "relates to the accomplishment of the Board's duties and directing the expenditure of appropriated funds."

SHORT ANSWER

The State Board of Education establishes education policy in Wyoming. The State Superintendent of Public Instruction administers and implements that policy. The State Superintendent directs the expenditure of appropriated funds in order to carry out the policies of the State Board.

DISCUSSION

Since 1919, the respective roles of the State Board of Education and the Superintendent of Public Instruction vis-a-vis one another have gone through a number of changes. At various times over the course of these years, the Legislature has expanded and contracted the role of each. Currently, the duties of the State Board are found at WYO. STAT. § 21-2-304 and the duties of the State Superintendent are found at WYO. STAT. § 21-2-202. Each of these statutes are provided in their entirety in the attached Appendices A and B, respectively.

WYO. STAT. § 21-2-304 requires the State Board of Education to establish education policy in this state.

- (a) The state board of education shall:
 - (i) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title. Nothing in this section shall give the state board rulemaking authority in any area specifically delegated to the state superintendent;

* * *

WYO. STAT. § 21-2-304(a)(i).

In addition, the State Board implements and enforces uniform state educational program standards prescribed by statute; accredits school districts; implements student content and performance standards; enforces graduation requirements; and measures student progress. WYO. STAT. § 21-2-304. (See Appendix A)

WYO. STAT. § 21-2-202 describes the duties of the State Superintendent. In addition to other specifically identified duties, the State Superintendent is charged with assisting the State Board in the performance of its duties and providing staff assistance to the State Board.

- (a) In addition to any other duties assigned by law, the state superintendent shall:

* * *

- (vii) Assist the state board in the performance of its duties and responsibilities, including providing information to the board upon request;

* * *

- (b) The state superintendent shall designate an employee of the department of education to serve as liaison to the state board through which requests for staff assistance shall be directed.

* * *

WYO. STAT. § 21-2-202(a)(vii) and (b). (See Appendix B)

Where statutory language is clear and unambiguous, the language chosen by the legislature is to be given its plain and ordinary meaning. *McLean v. State*, 2003 WY 17, ¶6, 62 P.3d 595, 598 (2003). A statute is clear and unambiguous if its wording is such that reasonable persons are able to agree on its meaning with consistency and predictability. *Id.* Wyoming statutes specifically provide that the word "shall" in the education statutes is to be used "in an imperative sense." WYO. STAT. § 21-1-102. Where used, then, the word "shall" connotes a mandatory responsibility. *Wyoming State Dept. of Education v. Barber*, 649 P.2d 681, 685 (Wyo. 1982); *Stewart Title Guarantee Co. v. Tilden*, 2003 WY 31, ¶7, 64 P.3d 739, 741 (2003); WYO. STAT. § 21-1-102.

WYO. STAT. § 21-2-304 is clear and unambiguous. The State Board shall "establish policies for public education in this state...." WYO. STAT. § 21-2-304(a)(i). Likewise, WYO. STAT. § 21-2-202 is clear and unambiguous. The State Superintendent shall "[a]ssist" the State Board in carrying out its duties. WYO. STAT. § 21-2-202(a)(vii). Each of these duties is clearly mandatory. The plain language of these statutes provides that the State Board is to establish state policies for public education and the State Superintendent is to assist the Board in implementing those policies. In this context, to "assist" is "to give support or aid." Merriam-Webster Online

Dictionary 2003, <http://www.merriam-webster.com> (11 Nov 2003). The State Superintendent must give support to, or aid, the Board in carrying out the Board's policies.

An example of this interplay is found within the text of WYO. STAT. § 21-2-304(a)(v). Regarding the statewide assessment system, the State Board is charged with implementing this system "through the State Superintendent..." *Id.* The term "through" is "used as a function word to indicate means, agency, or intermediary: as a: by means of: by the agency of . . ." Merriam-Webster Online Dictionary 2003, <http://www.merriam-webster.com> (11 Nov 2003). Similarly, Black's Law Dictionary, Fifth Edition (1979) defines "through" as: "by means of, . . . by the intermediary of; in the name or as agent of; by the agency of . . ." Thus, the State Superintendent acts as an "intermediary" or an "agent" for the State Board. Put another way, the Legislature intended that the State Board accomplish its statutorily authorized duties "by means of" the State Superintendent. This language clearly contemplates a cooperative relationship between the State Board and the State Superintendent, and requires that the State Superintendent act affirmatively to support and implement Board policies.

Nothing in this conclusion is novel. For decades, the Supreme Court and this office have consistently concluded that the duties assigned to the Board by statute are exclusive to the Board and may not be assumed by, or delegated to, another. *State v. Copenhaver*, 184 P.2d 594, 608; 64 Wyo.1 (1947); *Barber, Supra.*; (See 1981 Wyo. Op. Atty. Gen. 75; 1979 Wyo. Op. Atty. Gen. 315; 1978 Wyo. Op. Atty. Gen. 224 and 1978 Wyo. Op. Atty. Gen. 143). These opinions are informative as they touch upon whether the Superintendent may assume, or otherwise be empowered, to carry out the statutory duties of the State Board. In *Copenhaver*, the Court held that the core duties of the State Board are non-delegable. *Id.* Therefore, the State Board must maintain control over its statutory duties. The ministerial functions necessary to carry out those duties may, however, be delegated by the State Board, and the legislature has intentionally provided the State Superintendent as the vehicle through which those ministerial functions shall be completed. WYO. STAT. § 21-2-202(a)(vii).

This type of relationship between the State Board of Education and the State Superintendent is not unique to Wyoming. California has very much the same allocation of responsibilities between its Board of Education and Superintendent of Public Instruction. See *State Board of Education v. Honig*,

16 Cal. Rptr. 2d 727, 736 (Cal. 1993). In California, as in Wyoming, the Superintendent is an elected position and the Board consists of gubernatorial appointees. *Id.* at 733. Under California's system, the Board "is the governing and policy determining body of the department", and "the Superintendent is vested with all executive and administrative functions." *Id.* As noted above, in Wyoming, the Board is charged with establishing "policies for public education...", WYO. STAT. § 21-2-304(a)(i), and the Superintendent is the "administrative head and chief executive officer of the department..." WYO. STAT. § 21-2-201. The California and Wyoming situations are quite similar. Providing an apt analogy for Wyoming's situation, the California court found "the substance and structure of the relationship between the corporate board and its chief executive officer are essentially the same as the relationship between the Superintendent and the Board." *Id.* at 737, Fn. 7. Relying in part upon this characterization of the relationship, *Honig* ultimately held that the Superintendent could be compelled by court order to implement policy as determined by the Board. *Id.* at 771.

The second question posed seeks an explanation of "the relationship between the State Board and the Wyoming Department of Education as it relates to the accomplishment of the Board's duties and directing the expenditure of appropriated funds." The Department of Education is essentially the operational arm of the State Superintendent. WYO. STAT. §§ 21-2-104 and 105. The duties imposed upon the State Superintendent to assist the State Board, or "through" which the State Board acts, are applicable to the Department just as they are to the State Superintendent.

In terms of "directing the expenditure of appropriated funds", the State Board has no specific statutory authority. That authority appears to rest with the State Superintendent as the administrative head of the Department of Education. WYO. STAT. § 21-2-201. In general, the State Superintendent directs the expenditure of funds appropriated to the Department in order to best accomplish the duties ascribed to him by law, including the duty to assist the State Board and the duty to implement the policies of the State Board. However, in light of the duties imposed upon the State Superintendent to assist the Board, the Superintendent must direct the expenditure of funds appropriated to the Department in a manner which effectively carries out the policies of the State Board.

Jo Ann Fulton
November 13, 2003
Page 6

If you have any further questions or concerns, please do not hesitate to contact us.

Sincerely,

Patrick J. Crank
Attorney General

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Enclosures

APPENDIX A
DUTIES OF STATE BOARD OF EDUCATION
WYO. STAT. § 21-2-304

- (1) The state board of education shall:
- (1) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title.
 - (2) Through the evaluation and accreditation of school districts, implement and enforce the uniform standards for educational programs prescribed under WYO. STAT. § 21-9-101 and 21-9-102 in the public schools of this state, . . . The board shall ensure that educational programs offered by public schools in accordance with these standards provide students an opportunity to acquire sufficient knowledge and skills, at a minimum, to enter the University of Wyoming and Wyoming community colleges, to prepare students for the job market or postsecondary vocational and technical training and to achieve the general purposes of education that equips students for their role as a citizen and participant in the political system and to have the opportunity to compete both intellectually and economically in society;
 - (3) By rule and regulation and in consultation and coordination with local school districts, prescribe uniform student content and performance standards for the common core of knowledge and the common core of skills specified under WYO. STAT. § 21-9-101(b), and promulgate uniform standards for programs addressing the special needs of student populations specified under WYO. STAT. § 21-9-101(c) that ensure these student populations are provided the opportunity to learn the common core knowledge and skills as prescribed by the uniform student content and performance standards pursuant to this paragraph. . . .
 - (4) Establish, in consultation with local school districts, requirements for students to earn a high school diploma as measured by each district's body of evidence assessment system prescribed by rule and regulation of the state board and required under WYO. STAT. § 21-3-110(a)(xxii)[sic]¹. . . .
 - (5) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system for measuring student progress based upon uniform educational program and student content and performance standards imposed by law and by board rule and regulation. . . . The assessment system shall be aligned to the statewide educational program standards, . . . The assessment results will be used in conjunction with a school district's annual assessment to design educational strategies for improvement and enhancement of student performance. . . . In consultation and coordination with school districts the board shall review and evaluate the assessment system

¹The correct citation is Wyo. Stat. § 21-3-110(a)(xxiv)

regularly and based upon uniform statewide reports from each district, annually report to the legislature on student performance at specified grade levels and on school improvement plans.

(2) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

- (ii) Enforce the uniform state educational program standards imposed by WYO. STAT. § 21-9-101 and 21-9-102 and the uniform student content and performance standards established by rules and regulations adopted under subsection (a) of this section by taking appropriate administrative action with the state superintendent, including but not limited to the changing of accreditation status;
- (5) Initiate or facilitate discussions regarding the needs of and the means for improving education;
- (1) Approve or disapprove alternative scheduling for school districts requesting to operate for fewer than one hundred seventy-five (175) days in school year . . .
- (10) License private schools. . .
- (xiv) Establish improvement goals for public schools for assessment of student progress based upon the national assessment of educational progress testing program and the statewide assessment system established under paragraph (a)(v) of this section;
- (xv) Promulgate rules and regulations for the development, assessment and approval of school district teacher performance evaluation systems. Rules and regulations adopted under this paragraph shall allow each district flexibility in developing an evaluation system which meets the individual need of the district;
- (xvi) Through the state superintendent, implement, administer and supervise education programs and services for adult visually handicapped and adult hearing impaired persons within the state.

* * *

(3) The state board shall perform an ongoing review of state board duties prescribed by law and may make recommendations to the legislature on board duties. In addition and not less than once every five (5) years, the board shall evaluate and review the uniformity and quality of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards promulgated under paragraph (a)(iii) of this section and shall report findings and recommendations to the joint education interim committee of the legislature on or before December 1 of the year in which the review and evaluation was undertaken. The joint education interim committee shall report its recommendations, based upon findings and recommendations of the state board, to the legislature during the immediately following legislative session.

* * *

(5) In addition to subsections (a) and (b) of this section, the state board shall establish statewide goals for Wyoming public education.

APPENDIX B
DUTIES OF STATE SUPERINTENDENT
WYO. STAT. § 21-2-202

- (a) In addition to any other duties assigned by law, the state superintendent shall:
- (1) Make rules and regulations, consistent with this code, as may be necessary or desirable for the proper and effective administration of the state educational system. . . .
 - (iv) Enforce the provisions of this code and the administrative rules and regulations provided for in this code, . . .
 - (vii) Assist the state board in the performance of its duties and responsibilities, including providing information to the board upon request;
 - (xiv) For purposes of the statewide assessment of students and reporting student performance under WYO. STAT. § 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be provided within a reasonable time in accordance with rules and regulations of the state board.
 - (xxi) Establish and maintain a uniform statewide reporting system based upon the statewide student assessment implemented by the state board under WYO. STAT. § 21-2-304(a)(v);
- (2) The state superintendent shall designate an employee of the department of education to serve as liaison to the state board through which requests for staff assistance shall be directed.
- (3) In addition to subsection (a) of this section, the state superintendent may take appropriate administrative action with the state board as necessary, including but not limited to the changing of accreditation status, against any school district or state institution failing to comply with any applicable law or with the uniform education program standards specified under WYO. STAT. § 21-9-101 and 21-9-102 and the student content and performance standards prescribed by the state board.

**APPENDIX C
RULES OF STATE SUPERINTENDENT
AND STATE BOARD**

| STATE BOARD OF EDUCATION | STATE SUPERINTENDENT |
|--|--|
| CH. 1 PRIVATE SCHOOL LICENSING | CH. 2 STANDARDS FOR WYOMING SCHOOL BUSES |
| CH. 5 ENTITLEMENTS UNDER SECTION 309(e) OF EDUCATION CODE | CH. 4 FOOD MANAGEMENT/SCHOOL LUNCHES |
| CH. 6 SCHOOL ACCREDITATION | CH. 7 SERVICES FOR CHILDREN WITH DISABILITIES |
| CH. 12 PROGRAMS FOR EDUCATIONALLY DISADVANTAGED | CH. 8 SCHOOL FOUNDATION PROGRAM |
| CH. 13 BONDED INDEBTEDNESS MILL LEVY SUPPLEMENT | CH. 10 CONTESTS BEFORE CONTEST BOARD OF WYOMING SCHOOL FOR THE DEAF |
| CH. 15* ALTERNATIVE EDUCATION SERVICES | CH. 11 INFORMATION PRACTICES FOR WYOMING SCHOOL FOR THE DEAF AND WYOMING OFFICES OF THE VISUALLY HANDICAPPED |
| CH. 16 ALTERNATIVE COURSE DELIVERY SYSTEMS | CH. 14 APPROVAL OF EDUCATION PROGRAMS OF PUBLIC AND PRIVATE INSTITUTIONS RECEIVING STATE FUNDS |
| CH. 18 PRIVATE SCHOOL LICENSING FOR NON-RELIGIOUS ELEMENTARY AND SECONDARY SCHOOLS | CH. 17* SITE SELECTION AND SCHOOL CONSTRUCTION |
| CH. 19* ONE TEACHER SCHOOL | CH. 20 COST-BASED BLOCK GRANT MODEL FOR TRANSPORTATION REIMBURSEMENT |
| CH. 21 ALTERNATIVE SCHEDULES | CH. 24* SCHOOL CAPITAL CONSTRUCTION GRANTS, MAINTENANCE AND REPAIR PROGRAMS |
| CH. 22 SCHOOL DAY | CH. 25 REIMBURSABLE EXPENSES PURSUANT TO SCHOOL DISTRICT ORGANIZATION |
| CH. 26 INSTITUTIONAL SCHOOL ACCREDITATION | CH. 27 MONTGOMERY TRUST FUND FOR THE BLIND |
| CH. 29 TEACHER PERFORMANCE EVALUATION SYSTEMS | CH. 28 SCHOOL FOR THE DEAF |
| CH. 30 PRIVATE SCHOOL LICENSING FOR | |

| | |
|--|--|
| POST SECONDARY DEGREE GRANTING INSTITUTIONS | |
| CH. 31 GRADUATION REQUIREMENTS | |
| CH. 32 CHARTER SCHOOLS | |

* Should be repealed

A Study in State Government Efficiency

**Joint Legislative-Executive
Efficiency Study Committee**

David G. Ferrari
Ruth C. Sommers
Janet E. Washburn

CONCEPTUAL REORGANIZATION STRUCTURE FOR WYOMING

“Our plans miscarry because they have no aim. When a man does not know what harbor he is making for, no wind is the right wind.”

Seneca

There are a number of alternatives available to Wyoming policymakers in the reorganization of state government. However, no one single plan of organization will address all of the needs of the State nor satisfy all of the desires of the special interest groups or the State's bureaucrats. Any plan, regardless of its makeup or design, can be met with resistance, chiefly because it represents change and it is an unproven alternative to the status quo.

A reorganization plan which addresses the principles of organization and management will, by its very nature, require structural changes in government if it is to result in an organization based upon a hierarchical scheme, unity of command, functional departmentation, and manageable span of control — in other words, if it is designed in a manner the Governor can administer. Altering Wyoming's structure to this degree must be done before full efficiency and optimum economies in operations can be attained. However, it is optimistic to hope to effect a complete reorganization plan in a short period of time. Such an attempt would create confusion in an already shaken bureaucracy which is still reacting to budgetary and personnel cutbacks and reductions.

As a first step in reorganization, the State must establish a mechanism which will facilitate a smooth, gradual transition from the structure now in place to that of a cabinet type of administrative plan which effectively transfers the authority and responsibilities from the various administrative boards, commissions and councils

to the Governor's Office, leaving these entities with clear and direct channels to provide advice and counsel to the operating agencies and programs.

PROCESS OF REORGANIZATION

The process of reorganization must be an ongoing procedure whereby the State's administrative structure can be adjusted or modified to meet technological, political and socioeconomic changes in the State and national environments. Many states have addressed this need through establishment of permanent commissions or councils, generally with joint legislative and executive membership, whose charge is to constantly monitor the State's administrative structure, review and assess conditions which impact the state bureaucracy, and propose organizational changes which are necessary to address current and future challenges.

Wyoming was served by such an entity beginning in 1967 when Governor Hathaway appointed a commission on governmental reorganization and constitutional revision. In 1969, the Legislature, in Chapter 196, authorized the Legislative-Executive Commission on Reorganization of State Government. This commission was active in proposing and securing legislation to streamline, consolidate and modify the administrative structure of government; such efforts were designed to provide a more efficient and economical state government which was thought to be more viable and responsive to the people

of Wyoming. The commission ceased existence in 1982 with the recodification of Title 9. Its demise was at least partially attributable to the creation of the Legislative Service Office and the fact the Governor, during the late 1970's and early 1980's, chose alternate ways to address organizational issues, primarily through formulation of joint staffing from both the Legislative and Executive Branches of government. These special teams were formed to study problems and recommend solutions and then were disbanded upon project completion.

The Joint Legislative-Executive Efficiency Study Committee recommends a joint council be reestablished on an on-going basis to implement this reorganization proposal and assess continuing proposals to streamline the bureaucratic structure. Appropriate staffing and funding should be addressed in the 1989 Legislative Session. Legislation to achieve this end will be submitted to the 1989 Legislature along with legislation to create a cabinet form of government. Such enabling legislation will define the overall "conceptual" administrative structure, the departments, powers and duties of the department directors, the method of reorganizing, and appointment and removal power of the Governor in forming and staffing the organization.

Clearly, a reorganization effort resulting in a cabinet form of government, in which functional departments are created and formed by merging existing agencies, programs, personnel and activities into them, must be designed and carefully scheduled to be implemented over time in an orderly, deliberate fashion. The Committee has concluded a minimum of three years will be necessary to effect the total reorganization prescribed herein, with approximately one-third of the 79 boards, commissions, councils, departments, agencies and institutions being impacted each year. A gradual phase-in of this nature can be handled without a major disruption of government services and will provide adequate time for the Governor, the Legislature and all parties affected to assess both the future reorganization components of this proposal, as well as enable an evaluation of each accomplished departmentation. Thus, adjustments, alterations and modifications can be addressed.

Other states have successfully implemented reorganization efforts. Some involved complete restructuring, while others were partial modifications. Legislation from several of these states

was examined and that deemed most appropriate for Wyoming was assessed, modified and tailored to meet the needs of this study. What follows is excerpts of legislation from various states, including Idaho, Georgia, Florida, Michigan, Hawaii and South Dakota. It is recommended that the language which follows, under each of the following headings, become a part of the legislative language: Purpose, Definitions, Reorganization Concept, Structure of the Executive Branch, Directors of Departments - Powers and Duties, Appointment and Removal Power, and Method of Reorganization.

SUGGESTED STATUTORY LANGUAGE

Purpose

a) The State has experienced changes in societal attitudes, values and emphasis, as well as rapid developments in technology. These changes have produced new issues requiring new programs and new approaches for their resolution. The state government has sought to meet these new issues and to implement new programs and approaches within the framework of its present structure. However, programs which essentially are intended to meet common needs have been dispersed among several agencies and they have not received the coordination they require.

b) The State Constitution contemplates the separation of powers within state government among the Legislative, Executive and Judicial Branches of the government. The Legislative Branch has the broad purpose of determining policies and programs and reviewing program performance. The Executive Branch has the purpose of executing the programs and policies adopted by the Legislature and of making policy recommendations to the Legislature. The Judicial Branch has the purpose of determining the constitutional propriety of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws.

c) Within constitutional limitations, the agencies which comprise the Executive Branch should be consolidated into departments consistent with executive capacity to administer effectively at all levels. The agencies in the Executive Branch should be integrated to achieve maximum efficiency

and effectiveness as intended by the State Constitution.

d) Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing programs in response to public needs.

e) The responsibility within the Executive Branch of government for the implementation of programs and policies should be clearly fixed and ascertainable.

f) Departments should be organized along functional or program lines.

g) The management and coordination of state services should be improved and overlapping activities eliminated.

h) When this reorganization of state government abolishes non-exempt positions (those covered by the Personnel Rules), the individuals affected, when otherwise qualified, should be given priority consideration for any new positions created by reorganization or for other vacant positions in state government.

Definitions

a) To provide uniform nomenclature throughout the structure of the Executive Branch, the following definitions shall apply in this and all future acts.

i. "Cabinet" means collectively the Attorney General, the Department of Employment, the Department of Commerce, the Department of Education, the Department of Administration, the Department of Family Services, the Department of Health, the Department of Natural Resources, the Department of Public Safety, and the Department of Transportation.

ii. "Department" means the principal administrative unit within the Executive Branch of state government.

iii. "Examining and licensing board" means a board authorized to grant and revoke licenses to engage in regulation occupations.

iv. "Director of the department" means the individual or board in charge of the department.

v. "Administrator" means the individual in charge of a division within the department.

vi. "Council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

vii. "Committee" means an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence shall terminate upon the completion of its assignment.

viii. "Coordinating council" means an interdepartmental advisory body created by law to coordinate programs and activities for which one department has primary responsibility but in which one or more other departments have an interest.

ix. "Commission," unless otherwise required by the State Constitution, means a body created by specific statutory enactment within a department, the Office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the director of the department or the Governor.

x. "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section or another unit or entity of government.

xi. "Board of trustees" means the University of Wyoming Board of Trustees.

Reorganization Concept

a) All executive and administrative offices, boards, agencies, commissions, councils and instrumentalities of the state government and their respective functions, powers and duties, except for the Office of the Governor, Attorney General, Secretary of State, Auditor, Treasurer, and Examiner shall be allocated by law among and within

not more than 12 principal departments organized as far as practicable according to major purposes by no later than July 1, 1991. Subsequently, all new programs or functions shall be assigned to administrative offices, agencies and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary agencies may be established by law and need not be allocated within a principal department; however, such temporary agencies may not exist for longer than two years.

b) Except as to elected constitutional officers, the Governor may, within 18 months of the effective date of this Act, make such changes in the organization of offices, boards, commissions, councils, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within 90 days after submission, unless disapproved by a resolution concurred on by a majority of all the members of either house.

Structure of the Executive Branch

- a) The Executive Branch of state government is structured as follows:
- i. The department is the principal administrative unit of the Executive Branch. Each department shall bear a title beginning with the words "State of Wyoming" and continuing with "Department of."
 - ii. For field operations, departments may establish district or area offices which may combine division, program, section and subsection functions.
 - iii. For their internal structure, all departments shall adhere to the following standard terms:
 - A) The principal unit of the department is the "division." Each division shall be headed by an "administrator."
 - B) The principal unit of the division is the "program." Each program shall be headed by a "manager."

C) The principal unit of the program is the "section." Each section shall be headed by a "supervisor."

D) If further subdivision is necessary, sections may be divided into units which shall be known as "subsections" which shall be headed by "chiefs."

b) Unless specifically authorized herein, the director of the department shall not reallocate duties and functions specifically assigned herein to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the director of the department.

i. Within the limitations of this subsection, the director of the department may establish additional divisions, programs, sections and subsections of the department to promote efficient and effective operation of the department. After July 1, 1993, no new divisions, programs, sections and subsections of departments may be established until approved by the Executive Office of the Governor or by law.

ii. The Executive Office of the Governor shall adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. Such criteria shall not only be applied to future agency requests for reorganization, but shall also be utilized to review the appropriateness of programs currently in existence. Any current program which does not meet the criteria for a program shall be reorganized into a section or other appropriate unit.

c) The exemptions from the Wyoming Personnel Rules shall include the appointed directors of the departments and the division administrators established herein.

Directors of Departments - Powers and Duties

- a) Each director of a department, except as otherwise provided herein, shall:
- i. Except as provided by law or within this Act, with the approval of the Governor, be authorized to establish

the internal organization of his/her department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the department. The directors of the departments appointed by the Governor under this Act shall review all statutes relative to the consolidation or elimination of the several agencies or parts of agencies herein combined and prepare a plan of amendment and revision of relevant statutes. The revision of statutes shall be presented to the Governor and the Legislature on or before January 1 of the succeeding calendar year.

- ii. Plan, direct, coordinate and execute the powers, duties and functions vested in that department or vested in a division, program or section of that department; powers and duties assigned or transferred to a division, program or section of the department shall not be construed to be a limitation upon this authority and responsibility.
- iii. Have authority, without being relieved of responsibility, to execute any of the powers, duties and functions vested in said department or in any administrative unit thereof through said administrative units and through such assistants and deputies as shall be designated by the director of the department from time to time, unless the director of the department is explicitly required by law to perform the same without delegation.
- iv. Compile a comprehensive program budget covering such period as may be required reflecting all program and fiscal matters related to the operation of the department, each program, sub-program and activity therein, and such other matters as may be required by law.
- v. Reimburse the members of advisory bodies for their actual necessary and reasonable expenses incurred in the performance of their duties in accordance with the provisions of law.
- vi. Have existing authority to promulgate rules pursuant and limited to the powers, duties and functions trans-

ferred herein and have authority to promulgate rules pursuant and limited to the powers, duties and functions enacted hereby.

- vii. Have authority on behalf of the department and the State to accept gifts, grants, bequests, loans and endowments for purposes consistent with the powers, duties and functions of the department.
- viii. Make recommendations deemed desirable and necessary by the department concerning more effective internal structuring of the department to the 1990 session and ensuing sessions of the Legislature.

Appointment and Removal Power

a) Each principal department shall be under the supervision of the Governor and, unless otherwise provided by law, shall be headed by a single executive. Such single executive, unless provided otherwise by the Constitution, shall be nominated and, by and with the advice and consent of the Senate, appointed by the Governor and shall hold office for a term to expire at the end of the term for which the Governor was elected, unless sooner removed by the Governor. The Governor shall have power to nominate and make interim appointments requiring Senate confirmation during recess of the Legislature except that such nominations and interim appointments shall extend only to the end of the Governor's term or until acted upon by the Legislature.

- i. Any person may be removed without cause by the Governor, at the Governor's pleasure, if appointed by the Governor to serve as head of a state agency, department or division, or as a member of a state board, council, coordinating council, or commission.
- ii. Any division administrator may be removed by the department director, at the pleasure of the department director.

Method of Reorganization

a) The Executive Branch of state government shall be reorganized by transferring the specified agencies, programs and functions to the departments, commissions or offices created or referred to herein. Types

of transfers used herein are defined as follows:

- i. **Type One Transfer** - A type one transfer is the transferring intact of an existing agency or of an existing agency with certain identifiable programs, activities or functions transferred or abolished so that the agency becomes a unit of a department. Any agency transferred to a department by a type one transfer shall henceforth exercise its powers, duties and functions as prescribed by law, subject to review and approval by, and under the direct supervision of, the director of the department.
 - ii. **Type Two Transfer** - A type two transfer is the assigning to any department of an examining and licensing board which has as a function the setting of standards for, or the regulation of, a profession or the examination, licensing or certifying of practitioners of such profession.
 - iii. **Type Three Transfer** - A type three transfer is the merging of an identifiable program, activity or function of an existing agency into a department. Any program or activity transferred by a type three transfer shall have all its statutory powers, duties records, personnel, property and unexpended balances of appropriations, allocations or other funds transferred to the department to which it is transferred. The transfer of segregated funds shall be made in such manner that the relation between program and revenue source as provided by law is retained.
- b) **Rights and Obligations of Succeeding Department** - The department into which a program or organizational segment is transferred by this Act ("succeeding department") shall assume all of the rights and powers exercised, and all of the duties and obligations incurred by the office or department from which the program or organizational segment is transferred ("former department") in the administration of the programs and organization segments transferred, whether such powers, duties and obligations are mentioned in or granted by any law, contract or other document. All references in any such law, contract or

document to the former department in connection with the programs and organizational segments transferred shall apply to the succeeding department as if the latter were named in such law, contract or document in place of the former department.

c) **Federal Aid, Bond Obligations; Not Impaired** - It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the Governor is authorized and empowered to modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the Legislature at its next session thereafter for review by the Legislature.

d) **Amendment of Conflicting Laws** - All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this Regular Session 1989, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide the Act relating to the "State Government Reorganization Act of 1989" is being amended.

OVERALL STRUCTURE

a) The Committee considered various alternatives for the overall organization structure and embarked on a proposal based on the principles of organization expressed in Chapter IV and the Standards of Administrative Reorganization, also outlined therein. Briefly, the overall structure which follows:

- i. Concentrates authority and responsibility for the management of state government in the Governor, through the department directors and division administrators;
- ii. Integrates functions throughout government through departmentation;
- iii. Changes the function of boards, commissions and councils from administrative or executive to advisory responsibilities;

- iv. Coordinates administrative and staff services in either staff agencies reporting directly to the Governor or, in a department of administration, the director of which reports directly to the Governor;
 - v. Provides for an independent audit of state government on a routine, regular basis; and
 - vi. Recognizes a Governor's cabinet.
- b) Additionally, the structure recommended recognizes the limitations imposed by the Wyoming Constitution, identifying those provisions which will need to be submitted for amendment.

Governor's Office

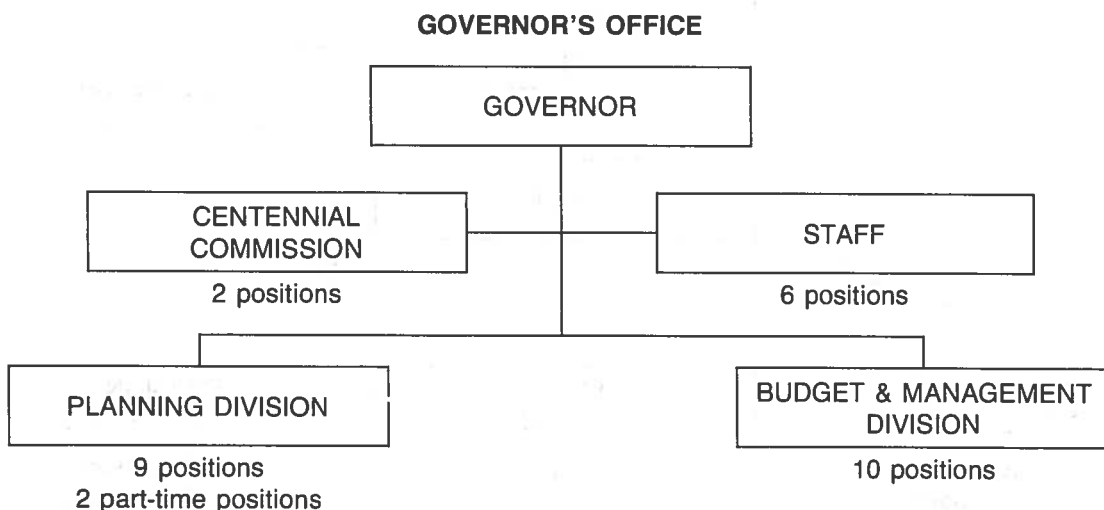
Although the Governor has access to any function, activity or staff in state government, the formal organizational structure currently in place can make this access cumbersome, awkward and disruptive. Theoretically, each of the nearly 7,000 state employees work at least indirectly for the Governor and it is perceived that each of the 79 Executive Branch board, commission, council, department, agency and institution directors work directly for the Governor. In reality, however, this simply is not the case. As has been previously noted, most of the 79 Executive Branch entities do not work for the Governor, but instead report to a board, commission or council. Additionally, the Budget Division administrator works directly for the Governor, but due to current organization flaws,

reports to a department director who serves at the Governor's pleasure. It is the purpose of this proposal to correct this organizational deficiency which will serve to streamline and clarify the lines of authority and responsibility and remove the existing conflict with the principle of unity of command. This division administrator should not be asked to serve two different masters — the Governor and the department director.

The Budget Division should be removed from the Department of Administration and Fiscal Control (DAFC) and placed as a division within the Governor's Office. It is commonly known that the Governor is the State's Chief Budget Officer and W.S. 9-2-1004 through 9-2-1015 generally provide for the administration of the budget through the Budget Division. Nearly all budgetary activities contained in statutes either direct or infer the Budget Division is acting on behalf of the Governor.

The budget activity is too important a function to be removed from the Governor's Office. Most state policy is addressed through the state budget inasmuch as most policy carries with it financial or budgetary implications. Budgeting is the preeminent management tool and executive decision-making process in the public sector. It is not an administrative, housekeeping or support function and should not be treated as such. Thus, the Committee recommends Budget become a division of the Governor's Office along with a Planning and Coordination Office; the Budget Administrator should report directly to the Governor. The resultant structure would appear as shown in Figure VI-1.

FIGURE VI-1



Secretary of State

The Secretary of State is a constitutional office with State statutes prescribing duties and responsibilities for the office in the areas of corporations, elections and securities. Additionally, the Secretary of State serves on eight state boards and commissions:

- a) Board of Charities and Reform;
- b) Board of Deposits;
- c) Capitol Building Commission;
- d) Canvassing Board;
- e) Land Commission;
- f) Farm Loan Board;
- g) Liquor Commission; and
- h) Board of Wills and Trusts.

The Committee, in assessing the duties and responsibilities of this agency, recommends the agency's functions remain intact. However, participation by the Secretary of State in an administrative capacity on these eight boards and commissions would be gradually eliminated. Upon conclusion of the reorganization proposal advanced, most of the activities of these boards and commissions would be altered or phased out and the responsibilities and authority for administering the programs transferred to the proposed cabinet departments. The organizational structure of the Secretary of State's Office remains virtually as is, as shown in Figure VI-2.

State Auditor

The State Auditor, also a constitutional position, is responsible for administration of the State's accounting system, pre-audit of travel and expense vouchers, issuance of warrants, administration of the State's bad debt law, and processing of claims against the State.

W.S. 9-1-403(a)(iv) provides the State Auditor is "... authorized to cooperate with the federal government ... regarding federal royalty ... audit activities ...". This function, operationally, has been segregated into a separate division within the office. The State Auditor, along with the Governor, Secretary of State, State Treasurer, and Superintendent of Public Instruction, serves on the following boards and commissions:

- a) Board of Charities and Reform;
- b) Capitol Building Commission;
- c) Canvassing Board;
- d) Land Commission;
- e) Farm Loan Board;
- f) Liquor Commission;
- g) Board of Will and Trusts;
- h) Financial Advisory Council; and
- i) Group Health Insurance Board.

As noted, the administrative authority of these boards, for the most part, will be phased out, reducing the State Auditor's responsibilities with

FIGURE VI-2

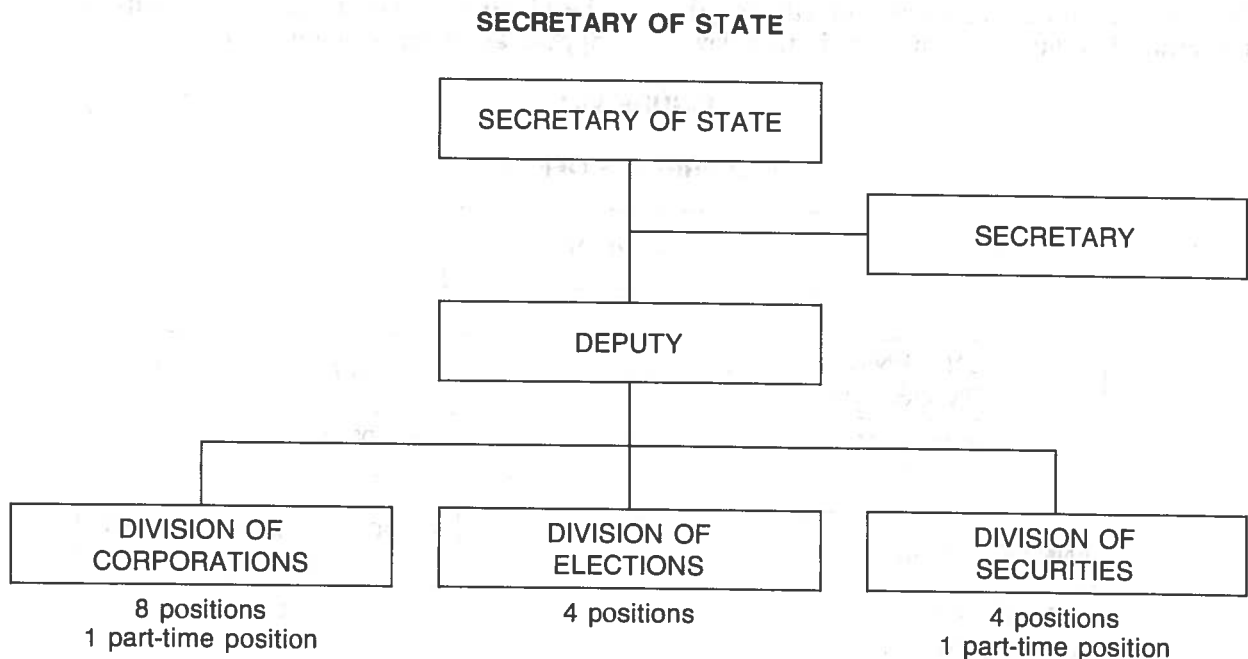
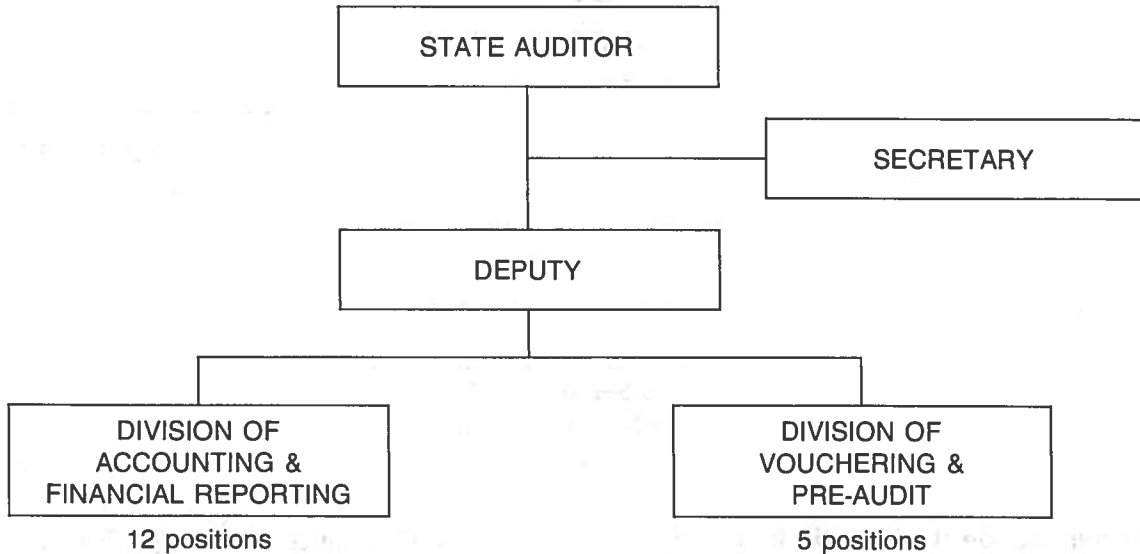


FIGURE VI-3

STATE AUDITOR'S OFFICE



regard to these areas. In addition, the Audit Division of this office, if this proposal is implemented, would be removed from this office and merged with the audit efforts of other agencies, leaving the State Auditor with responsibilities limited to the State's accounting, pre-auditing of vouchers, payroll, bad debt administration, and claims processing.

The audit functions are more fully discussed under the Department of Audit; what remains of the State Auditor's Office is shown in Figure VI-3.

State Treasurer

The State Treasurer, one of five current state-wide elected officials, is responsible by statute for receipting all revenue into the State; investment of all State funds, excluding those of the Retirement System; collateralization of state deposits; distribution of revenues to various funds and accounts; administration of the State's Deferred Compensation Plan; accounting for all escheat property; and administration of the Workers' Compensation Division. Additionally, the State Treasurer serves on 15 boards and commissions:

- a) Board of Charities and Reform;
- b) Capitol Building Commission;
- c) Land Commission;
- d) Farm Loan Board;
- e) Liquor Commission;

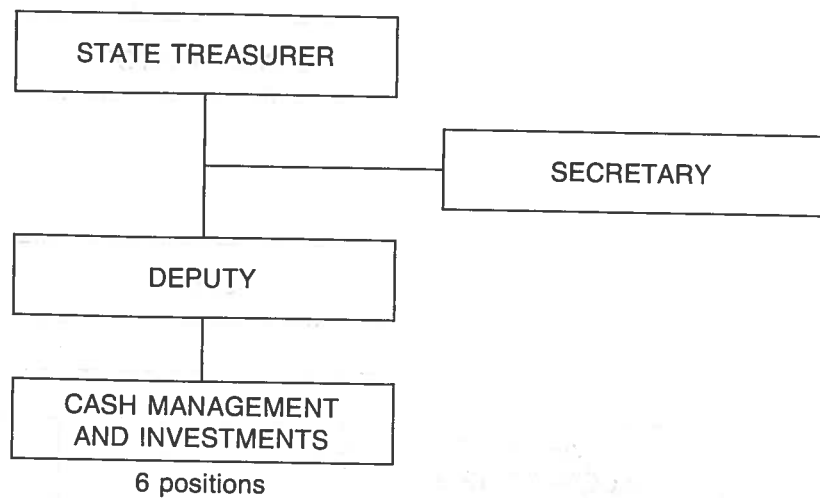
- f) Board of Wills and Trusts;
- g) Retirement Board;
- h) Board of Deposits;
- i) Wyoming Community Development Authority;
- j) Investment Advisory Council;
- k) Deferred Compensation Board;
- l) Group Health Insurance Board;
- m) Investment Fund Committee;
- n) Financial Advisory Council; and
- o) Medical Liability Compensation Fund Board.

The Workers' Compensation Division, by statute, is administered by the State Treasurer. Recommendations for formulation of a cabinet level Department of Employment include a transfer of this program from the State Treasurer to that department. Following implementation of this proposal, the State Treasurer would remain responsible for cash management, state investments and other cash receipts and investment related activities. Recommendations to expand the State's permissible investments, employ the services of an investment advisor or manager, and enhance the State Treasurer's cash management activities are also incorporated in another section of this proposal.

The Committee sees no change in the State Treasurer's organizational structure, as depicted in Figure VI-4.

FIGURE VI-4

STATE TREASURER'S OFFICE



Superintendent of Public Instruction

Article 4, Section 11 of the Wyoming Constitution provides this position shall be chosen by the electorate and Article 4, Section 14 provides the Superintendent shall be entrusted with the general supervision of the public schools.

It has been noted in recent reports that the public schools in Wyoming represent approximately 30 percent of all spending for government services in Wyoming, with total outlays of roughly \$535 million annually. Approximately 30 percent of the state budget, according to the State Auditor's Annual Report, was expended last year for public schools, community colleges, and the University of Wyoming.

As was noted in Chapter II, public school finance has required increasing attention from both the Governor and the Legislature during the past few years because the Wyoming School Foundation Program revenues have been inadequate to meet the program's outlay. Supplemental appropriations and authorizations to the account have had to be made during the past three years and will continue to be necessary to meet projected outlays over the next several years. In fact, the Legislative Service Office has projected the account will be short by \$40.5 million in Fiscal Year 1990 and \$46.8 million in Fiscal Year 1991. Clearly, these shortfalls must be made up from other state funds, impacting all other areas of state government during a time when all programs are in competition with each other for scarce resources.

The Committee believes significant advantages can be gained by restructuring, merging elementary and secondary education, community colleges, WICHE, and the University of Wyoming into a cabinet level department, the director of which reports directly to the Governor. Such action would serve to streamline the budget process inasmuch as all educational funding could be reviewed, together with some attention being focused on the allocation of resources to each education sector on more of an equitable basis. The Governor and Legislature could then obtain a more meaningful assessment of the effectiveness of funding at each level and the possibility for a continuum of services would be enhanced. The transition of each student's progress from elementary through higher education would be a smoother and more appropriate educational program provided through enhanced coordination of programs at all levels.

Wyoming is one of 15 states in which the Constitution calls for an elected chief state school officer. In one other state, Indiana, the official is elected, as required by state statute. In 22 states, the top education official is appointed by the State Board of Education, requiring no further approval; however, in four other states the board appointment requires the Governor's approval, and in two other states the board appointment requires Senate approval.

The Governor appoints the chief state school officer in only five of the 50 states. In one case, the Governor's appointment requires a legisla-

tive committee approval, as well as the Senate's. In two of the states, the Governor's appointment has to be approved by the Senate and in one state, the Governor's appointment must be approved by both Legislative Houses. In only one case could the Governor make the appointment without further approval of another body being required.

Finally, in yet another state, Nebraska, the responsibilities for education are shared by the Education Commissioner, Department of Education, and President of the State Board of Education.

The selection process of the State's chief state school officers is summarized in Table VI-1.

The Committee recommends constitutional amendments be submitted to a vote of the people whereby the State Superintendent of Public Instruction is no longer elected. Instead, legislation would provide for appointment by the Governor with Senate approval. Legislative action of this nature enacted by the 1989 Legislative Session would enable the question to be put before the voters in the general election in 1990. The current incumbent's term of office would be completed by the end of calendar year 1990 and this component of the restructuring could be implemented at that time.

THE CABINET

The Governor's cabinet would consist of 10 departments; one, the Attorney General's Office, would remain a "staff" office to the

Governor as opposed to the nine "line" agencies. Another "staff" agency not included in the Governor's cabinet is the Audit Agency (State Examiner). The nine principal line departments would be created by the transfer of various agencies, boards, commissions, councils, departments, activities and programs now represented by the current 79 Executive Branch entities. The objective of this action is to merge entities which are performing similar, related or interdependent services into a department whose functional goals and objectives are compatible. This will enable enhanced coordination of activities, better utilization of resources, improved access to services for the State's citizens, and clear and distinct delegation and lines of authority and responsibility. The possibility of elimination of duplication of activities should be measurably improved and the opportunity for cost reduction, revenue enhancement, and performance efficiency should be realized.

The cabinet departments created by this proposal include the following agencies: Employment, Commerce, Health, Family Services, Administration, Transportation, Education, Agriculture and Natural Resources, and Public Safety. A brief explanation of the anticipated makeup of these agencies follows. The organizational structure recommended, showing the relationships of existing agencies, the programs included in each, and the lines of authority are depicted in Figure VI-5. Detailed descriptions of the departments recommended for implementation in 1989 are contained in Chapters VII, VIII, and IX.

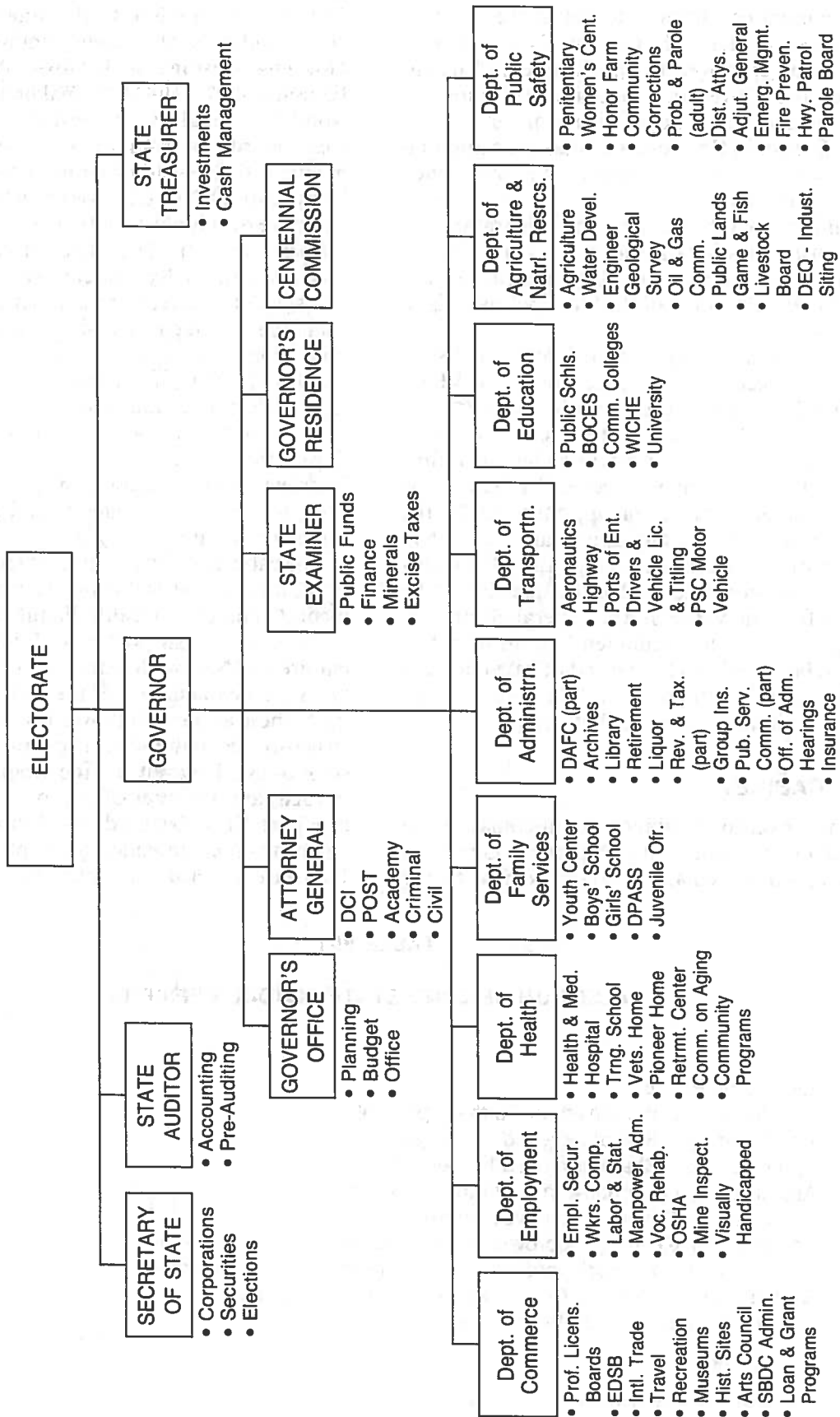
TABLE VI-1

SELECTION OF CHIEF STATE SCHOOL OFFICERS

| | <u>No. of States</u> |
|---|----------------------|
| Elected by Public | 16 |
| Appointed by a Board/with no further approval | 22 |
| Appointed by a Board/approved by Governor | 4 |
| Appointed by a Board/approved by Senate | 2 |
| Appointed by Governor/with no further approval | 1 |
| Appointed by Governor/approved by Senate | 2 |
| Appointed by Governor/approved by both Houses | 1 |
| Appointed by Governor/approved by Leg. Committee and Senate | 1 |
| Responsibility shared by Commissioner, Dept. of Education and President, State Board of Education | <u>1</u> |
| TOTAL | 50 |

Source: The Council of State Governments, *Book of the States, 1988-89 Edition*, 1988, pp. 54-56.

**FIGURE VI-5
PROPOSED ORGANIZATION FOR THE STATE OF WYOMING**



Department of Employment

There are a handful of agencies and programs in the state structure which provide services related to the employment function in Wyoming. Included in this group are Employment Security Commission; Department of Labor and Statistics; Occupational Safety and Health; Manpower Administration; Workers' Compensation Division of the State Treasurer's Office; Division of Vocational Rehabilitation from the Department of Health and Social Services; State Inspector of Mines; and Services for the Visually Handicapped from Education.

Department of Commerce

This agency would be created in an attempt to concentrate into one agency the multiple and diverse programs which encourage the State's economic development, prosperity and stabilization. Policy and funding decisions which must be made to promote Wyoming's economic health would be located in this agency, thereby eliminating the separate and independent commitments currently being made on funding and program emphasis.

This new structure consolidates: a) the operation of the State's cultural and recreational resources; b) the promotion of the State's multiple resources; c) outreach and technical assistance to communities and businesses; d) business permitting, licensing and registration; and e) financial support of the State's businesses and infrastructure (political subdivisions).

Included in this department would be the following agencies and programs: Travel Commission and information centers; State Parks, Museums, and Historical Sites (Recreation Commission and part of Archives, Museums and Historical Sites); Arts Council; International Trade Office; the administration of the Small Business Development Center network; Economic Development and Stabilization Board; professional licensing boards; infrastructure and business loan and grant program review and administration from the Department of Public Lands and the Farm Loan Board; and Business Permit Coordinator.

Department of Health

This department would consolidate all the State's public health, mental health, and aging efforts. Included are: Division of Health and Medical Services from the Department of Health

and Social Services; Commission on Aging; Homemaker Services from Public Assistance; Veterans' Home; Retirement Center; and Pioneer Home. (The latter two institutions might be considered for privatization.) In addition, the Division of Community Programs from the Department of Health and Social Services would be merged with the State Training School and the State Hospital to make up this department.

Department of Family Services

This department would consist of the Division of Public Assistance and Social Services (less the Homemaker Services Program) from the Department of Health and Social Services; the juvenile portion of Probation and Parole; and Children's Home, Boys' School, and Girls' School which are currently under the Board of Charities and Reform.

Department of Administration

All administrative functions of state government would be consolidated here. The major agency is DAFC, less the Budget Division; Revenue and Taxation, less Audit, Drivers and Vehicle Licensing, Ports of Entry; and other related programs: State Library; Archives, from Archives, Museums and Historical Sites; Group Insurance; Retirement; Liquor Commission; Public Service Commission, less motor vehicle responsibilities; Office of Administrative Hearings; and Insurance Department.

Department of Transportation

This new department consists primarily of the current Highway Department, less Highway Patrol. Also included is Aeronautics; Driver, Vehicle Licensing and Titling; and Ports of Entry from the Department of Revenue and Taxation, plus various other functions related to licensing, titling, prorate and compensatory fees, etc; and motor vehicle responsibilities from the Public Service Commission.

Department of Education

The existing Department of Education, under this proposal, would become answerable to the Governor and would be merged with all other education systems in the State. Included, in addition to public schools, is: BOCES; Community College Commission; WICHE; and the University of Wyoming.

Department of Agriculture and Natural Resources

This new department would be comprised of all of the State's current natural resource agencies. Included would be: Agriculture Department; Water Development Commission; Game and Fish; Geological Survey; Oil and Gas Commission; Livestock Board; Public Lands; State Engineer; and DEQ - Industrial Siting.

Department of Public Safety

Included in the Department of Public Safety is Public Defenders; Adult Probation Program from Probation and Parole; District Attorney Offices; Women's Center; Honor Farm; Penitentiary; Highway Patrol; Community Corrections; Emergency Management; Fire Protection; Adjutant General; and Parole Board.

IMPACT ON STATEWIDE ELECTED OFFICIALS

A major responsibility of each of the five elected officials has traditionally been their service to the people of Wyoming through their participation on various boards and commissions. The State Constitution provides the five elected officials **must** serve on only one board, the Board of Land Commissioners (Article 18, Section 3). Wyoming statutes provide these elected officials shall also serve together on five additional boards and commissions: Farm Loan Board, Capitol Building Commission, Board of Charities and Reform, Liquor Commission, and Board of Wills and Trusts. It should be noted the Constitution provides, in Article 7, Section 18, the charitable, reformatory, and penal institutions shall be under the general supervision of a state board of charities and reform. However, the Constitution does not prescribe what the membership on the board shall be. This membership is defined by statute. This means, of course, that a constitutional amendment would be required to remove the five elected officials from the Board of Land Commissioners and statutory amendments or repeals would be necessary to remove them from the remaining boards and commissions.

The Joint Legislative-Executive Study Committee believes the functions of each elected official's office are far too important to continue to divert their attention away from the office and toward board and commission activities. As an example, the State Treasurer is responsible for

a \$2.7 billion portfolio and roughly 13 percent of the State's income. Such an important function requires the attention of a full-time Treasurer. Additionally, the Secretary of State has a variety of important responsibilities associated with management of the office which administers laws pertaining to elections, securities, corporations, limited partnerships, trade names and trademarks, some Uniform Commercial Code financing statements, and notaries public. The State Registry of Rules of state agencies is maintained here. This office publishes the Wyoming Official Directory, State Constitution, and Election Code. The Secretary of State is the custodian of the Great Seal and also stores all legislative enactments and journals. This is a full-time job which should not be interrupted through requirements to serve on administrative or executive boards and commissions.

Finally, the State Auditor, who in reality is the comptroller of state government with responsibilities for statewide accounting, payroll processing, and pre-auditing of the State's bills prior to approving payment, has extremely heavy responsibilities in the area of financial management, reporting and control. These responsibilities should not be diluted nor diminished through outside service requirements. In fact, if the Legislature authorizes the new statewide accounting system, as requested by the State Auditor and recommended by the Joint Legislative-Executive Study Committee, it is likely an intensive, prolonged effort in design, implementation and training will be required, further demanding the State Auditor's attention.

It is expecting too much from the State's dedicated elected officials to manage the very important functions of their offices and at the same time be held responsible for the administration of the 11 state institutions, the Liquor Commission, and the Capitol Building Commission which they currently administer.

Clearly, input from the State's elected officials on all activities of state government is desirable, beneficial and necessary to the efficient operation and monitoring of state government activities. Therefore, by converting the role of the five elected officials from that of administrative and executive to primarily that of advice and counsel, with direct and clear lines of communication to the Governor and to the newly-formed departments as appropriate, the traditional channels of communication, from the State's citizens to the elected officials can be

maintained and enhanced. Recommendations to accomplish this are included in the discussions concerning the implementation schedule.

IMPACT ON BOARDS, COMMISSIONS AND COUNCILS

According to the *1988 Wyoming Official Directory* compiled by Secretary of State, Kathy Karpan, there are 130 different boards, commissions, councils and committees associated with the Executive Branch of state government. These entities contain a collective membership of 1,027 citizens from throughout the State. The primary function of the majority of these entities is to

provide input to the various departments of state government in the way of advice, counsel, expertise, policy formulation, etc. Not all of these entities are appointed by the Governor, although the vast majority of them are. In fact, membership to 106 of the 130 bodies is determined by Gubernatorial appointment. This represents 776 of the 1,027 members. A listing of these boards, commissions, councils and committees is contained in Table VI-2, which also shows the department affiliation, if any, the number of members, whether or not Senate confirmation is required, and the page number in the *1988 Wyoming Official Directory* where a description of each entity's function can be found.

TABLE VI-2
GUBERNATORIAL APPOINTMENTS
TO BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES

| | Affiliated Agency | No. of Members | Senate Confirm. Required? | Page Reference |
|--|----------------------|-------------------|---------------------------------|-------------------|
| Board of CPA's | Board of CPA's | 5 | No | 5 |
| Career Service Council | DAFC | 3 | No | 6 |
| Aeronautics Commission | Aeronautics | 7 | Yes | 7 |
| Aging Commission | DH&SS | 7 | Yes | 7 |
| St. Aging Advisory Council | DH&SS | 14 | No | 8 |
| Board of Agriculture | Agriculture Dept. | 5 | Yes | 8 |
| Board of Certif., Environmental Pesticide Control Act | Agriculture Dept. | 3 | No | 9 |
| Agriculture, Interstate Compact on Marketing Grain | Agriculture Dept. | 3 | No | 10 |
| Agriculture Mediation Board | Attorney General | 3 | No | 10 |
| Board of Architects | Brd. of Architects | 3 | No | 10 |
| Council on the Arts | Arts Council | 10 | No | 11 |
| Peace Officers Standards & Training Commission | Attorney General | 7 | No | 13 |
| Crime Victims Compensation Commission | Attorney General | 3 | No | 13 |
| Board of Barber Examiners | Barbers Board | 3 | Yes | 14 |
| Wyoming Lean Beef Committee | Agriculture Dept. | 11 | No | 14 |
| Beef Council | Agriculture Dept. | 5 | No | 15 |
| Centennial Commission | Governor | 10 | No | 16 |
| Board of Chiropractic Exmrs. | Chiropractic Brd. | 3 | No | 17 |
| Community College Commission | Comm. College Comm. | 7 | Yes | 21 |
| Wyoming Community Development Authority | N/A | 7 | Yes | 21 |
| Board of Control | Engineer | 4 | No | 22 |
| Board of Coroner Standards | N/A | 6 | No | 22 |
| Board of Cosmetology | Cosmetology Board | 3 | No | 23 |
| Data Processing Advisory Council | DAFC | 12 | No | 23 |

| | <u>Affiliated Agency</u> | <u>No. of Members</u> | <u>Senate Confirm. Required?</u> | <u>Page Reference</u> |
|--|--------------------------|-----------------------|----------------------------------|-----------------------|
| School District Organization Committee | Education Dept. | 10 | | 75 |
| Science Technology & Energy Authority | EDSB | 11 | Yes | 76 |
| Speech Pathology & Audiology Board | Speech Path Board | 5 | No | 77 |
| Travel Commission | Travel Commission | 7 | Yes | 78 |
| National Conference of Commissioners on Uniform State Laws | Governor | 3 | No | 79 |
| University of Wyoming Board of Trustees | University | 12 | Yes | 79 |
| Veterans' Affairs Commission | N/A | 5 | No | 83 |
| Board of Veterinary Medicine | Vet/Livestock Brd. | 5 | Yes | 83 |
| Council on Vocational Education | Education Dept. | 13 | No | 84 |
| Volunteer Firemens' Pension Fund Board | Retirement System | 6 | | |
| Water Development Commission | Water Dev. Comm. | 9 | Yes | 85 |
| Western Interstate Commission for Higher Education | University | 3 | No | 85 |
| Wheat Marketing Commission | Agriculture Dept. | 7 | No | 86 |
| Commission for Women | Labor Dept. | 27 | No | 86 |
| TOTAL | | 106 | | 776 |

Source: Secretary of State, 1988 Wyoming Official Directory, 1988.

It is interesting to note that of the 106 entities shown in Table VI-2, only two are full-time activities: the Board of Equalization (Tax Commission) and the Public Service Commission. Both these entities consist of three members, which are salaried state officials. Of the remaining 104 entities, 37 are designated as "state agencies" with some administrative and/or executive responsibilities. The remaining 67 entities are "advisory" type entities, some of which were created by statute, others by executive order, and some merely at the request of a department of state government. All entities, regardless of their function, have an opportunity to provide input to state government.

In addition to the 106 entities with membership appointed by the Governor, there are 24 boards, commissions, councils and committees serving various departments of state government. These are shown in Table VI-3. Eight of these entities are made up of three or more of the five statewide elected officials and in these cases, the board or commission has specific

administrative responsibilities. As suggested earlier, this Efficiency Study recommends these functions be changed from administrative to advisory. The remaining 16 entities serve various departments; their membership and appointment process varies and for the most part, they were created to provide advice and council to state officials.

In relation to the total 130 boards, commissions, councils and committees in state government, recommendations for a cabinet structure of government alter the function of only a minor number of these entities. The 37 boards, commissions and councils with appointment authority for the director of the agency or other personnel would be changed to provide that the Governor, or agency director where appropriate, makes the appointment. Most of these boards, commissions or councils would not be abolished; however, their composition and name may change, and their function would change from administrative to advisory.

The roles of the five elected officials in their

TABLE VI-3

**BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES
NOT REQUIRING GUBERNATORIAL APPOINTMENT**

| | <u>Affiliated Agency</u> | <u>No. of Members</u> | <u>Membership</u> | <u>Page Reference</u> |
|---|------------------------------|---------------------------|---------------------------------|---------------------------|
| Personnel Review Board | DAFC | 3 | varies | 6 |
| State Canvassing Board | Sec. of State | 4 | 4 elec. off. | 15 |
| Capitol Building Commission | DAFC | 5 | 5 elec. off. | 16 |
| Board of Charities & Reform | Institutions | 5 | 5 elec. off. | 16 |
| Deferred Compensation Board | Treasurer | 5 | appt. by Treas. | 24 |
| Board of Deposits | Treasurer | 3 | 3 elec. off. | 24 |
| Advisory Board on Drugs & Substance Control | Pharmacy Brd. | 3 | | 26 |
| Employee Suggestion Award | DAFC | 3 | Gov., Auditor, DAFC Director | 29 |
| Control Area Advisory Board | Engineer | 15 | elec. by property owners | 33 |
| Financial Advisory Board | Auditor | 11 | appt. by Auditor | 36 |
| Fire Service Training Advisory Committee | Fire Prev. | 9 | Fire Marshall | 38 |
| Investment Advisory Council | Treasurer | 5 | appt. by Treas. | 51 |
| Occupational Information Coord. Committee | Labor Dept. | 8 | | 53 |
| Child Labor Commission | Labor Dept. | 5 | | 53 |
| Land Commission | Public Lands | 5 | 5 elec. off. | 54 |
| Farm Loan Board | Public Lands | 5 | 5 elec. off. | 54 |
| Fire Advisory Board | Public Lands | 5 | elec. from counties | 54 |
| Forest Advisory Committee | Public Lands | 12 | | 54 |
| Liquor Commission | Liquor Comm. | 5 | 5 elec. off. | 56 |
| Mental Health Boards Assoc. | DH&SS | 3 | | 58 |
| Brd. of Mines Examining Brd. | Mine Inspec. | 3 | appt. from Brd. of Mines | 61 |
| Advisory Council to Health & Safety Commission | OSHA | 11 | | 63 |
| Board of Wills & Trusts | Governor | 5 | 5 elec. off. | 86 |
| Advisory Council to Commission for Women | Labor Dept. | 10 | appt. from Comm. for Women | 87 |
| TOTAL | 24 | 146 | | |

Source: Secretary of State, 1988 Wyoming Official Directory, 1988.

capacity when serving on boards, commissions and councils would change significantly. The elected officials would no longer appoint institutional superintendents or the director of the Liquor Commission. The Liquor Commission "agency" would be consolidated into the Department of Administration and the institutions would be moved into their respective functional

departments (Public Safety, Health, and Family Services). After these changes are effected, the responsibility for these programs would be vested in the respective agency director appointed by the Governor.

Most of the boards, etc. which the elected officials serve could remain intact with their functions altered to advisory, policy-setting only,

with the following exceptions. The Capitol Building Commission should be abolished and its functions assumed by the Department of Administration. The existing duties of the Farm Loan Board should remain basically intact. Discussed under the Department of Commerce in Chapter IX are the complexities of the interrelationship of farm loans and public lands. That chapter recommends the retention of the Farm Loan Board; it recommends changing their review authority for loans to include agriculture revolving loans and irrigation loans to individuals, and to exclude the review of loans and grants to political subdivisions. The Board of Land Commissioners is charged in the Constitution to oversee the use of the State's public lands. The leasing of public lands by the agricultural community which also obtains real estate loans from the State links public lands management to the Farm Loan Board function.

The biggest impact of conversion to a cabinet form of government involves the State Superintendent of Public Instruction. The State Superintendent would no longer be elected and would not be required to serve on these non-educational boards and commissions. The position in charge of administering public schools education would serve at the pleasure of the director of the new Department of Education.

IMPACT ON THE STATE'S PERSONNEL SYSTEM

The duties of the Personnel Division, administrator of the State's personnel system, are outlined in W.S. 9-2-1019 through W.S. 9-2-1023. These statutes provide for personnel appeals, a career service section, a Career Service Council, and duties and responsibilities of the Personnel Division. The duties of the Personnel Division are varied, but statutes generally provide responsibility for the following:

- a) Classification of all positions;
- b) Equitable compensation plan;
- c) Employer/employee benefit plans;
- d) Information roster on all employees;
- e) Register of applications with ratings;
- f) Recruitment programs;
- g) Staff development programs;
- h) Personnel standards, e.g., leave time, attendance, grievances, terminations, etc.

Clearly, a reorganization effort as outlined here will have an impact on personnel management in state government. However, the impact

will vary, lightening the effort in some areas and increasing the required efforts in others. The duties impacted the most are believed to be: creation of a separate classification and compensation plan for "at will" appointees; reclassification of positions; and staff development programs. A brief discussion of each follows.

Creation of a Separate Classification and Compensation Plan for Exempt Positions

Under the State's new organizational structure, the use of positions considered "exempt" from civil service requirements needs to be clearly identified. The State's Personnel Office currently recognizes approximately 75 positions to be subject to "at will" removal authority of their appointing body (a board, commission or council, or the Governor). The reorganization would establish approximately 80 "at will" positions and would include the Governor's immediate staff, agency directors, division administrators, and other positions such as the State Examiner, Attorney General, etc. The 1979 Intergovernmental Personnel Act allows exemptions from civil service protection for posts which determine and publicly advocate substantive program policy, provide legal counsel, or have a direct confidential working relationship with a key exempt official.¹ The positions proposed to be "at will" are in keeping with these allowances.

The State of Wyoming currently has one of the most conservative approaches to the use of exempt employment, with only top-line level managers identified. Table VI-4 shows the use of this tool throughout the 50 states.²

As can be seen, the most widely applied use of exempt employment permeates into the third layer of management, plus staff. The proposal for the use of this tool in Wyoming is second-line management (not staff), still a conservative approach.

Many people argue the pros and cons of the use of political appointees and exempt positions. Indeed, if the process is too widespread, havoc can result and programs and the public can potentially suffer. Political executives care about partisan policy objectives, immediate results, and response to short-term objectives. Career civil servants are by definition, bureaucrats. Their perspective is longer-term; their goals are often program related, and responsiveness is often defined in terms of statutory and institutional constraints.³ An inherent tension exists between

TABLE VI-4

STATE GOVERNMENT LEVELS HELD BY POLITICAL APPOINTEES,
EXEMPT MANAGERS, OR CAREER EXECUTIVE SERVICE

| | |
|-------------------------|--|
| Top-line only | Wyoming, Colorado, Nebraska, South Carolina |
| Top-line, plus staff | Alabama, Oklahoma, Rhode Island |
| Second-line | Arkansas, Connecticut, Hawaii, Idaho, Nevada, New Hampshire, North Dakota, Texas, Utah |
| Second-line, plus staff | Delaware, Missouri, Montana, New Mexico, West Virginia |
| Third-line | Maine, Maryland, Michigan |
| Third-line, plus staff | Georgia, Illinois, Indiana, Iowa, Kansas, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Vermont, Washington, Wisconsin |
| Fourth-line, plus staff | Arizona, Alaska, Florida, Louisiana, Minnesota, Mississippi, New Jersey, Tennessee, Oregon, Virginia |
| More than four levels | California, Kentucky, Massachusetts |

the predictability and stability of administrative theory and the democratic theory, which values openness and change. When these two theories are merged and the roles and functions of both political servants and career servants are blended, the resultant system can be dynamic and still preserve important traditional values.

In order to attract the type of individual needed to effectively manage the cabinet departments, special incentives may be necessary. First, one or two of these positions may, dependent upon market demand, need to draw more in salary than the Governor. This is not an unusual practice in other states, and currently occurs in Wyoming for a limited number of positions. Second, the State may need to provide more "perks" to these employees since their job tenure is tenuous. Additional benefits could include educational leave, the payment of moving expenses and severance pay, advanced managerial and administrative training programs, a vehicle, etc. The Personnel Division should prepare for the Governor's approval, a separate classification and compensation plan for these managers and specifically identify each position to be included in the plan. Furthermore, the Personnel Division should consult with the other elected officials to define which positions within their agencies should be included in this system.

Positions in the system should be classified to the extent necessary to provide the Governor and agency directors with broad salary guidelines. The division should further identify and make recommendations to the Governor on which

positions, if any, should require specific qualifications, e.g., the division administrator appointed to manage the State's public health system may need to be a medical doctor. These specific qualification requirements should be few, but eventually they should be included in statute.

Reclassification of Existing Positions

It was noted in Chapter IV that the State has between 950 and 1,100 supervisors out of a total workforce of some 7,000 employees, or a supervisor to non-supervisor ratio of approximately one to 6.5. Compared to American industry, with a supervisor to non-supervisor ratio of one to 10, and Japanese industry with a ratio of one to 100, this one to 6.5 ratio appears to be low. It is fully recognized these 1,100 supervisors in state government do not spend 100 percent of their time supervising. Clearly, their jobs require performance of many other duties and tasks. However, this low ratio does point to an area in state government management which should be more closely examined.

If there are too many supervisors in an organization, it does not necessarily follow that there are too many people on the payroll. What it does mean, though, is there are too many "layers" in the organizational structure. According to Tom Peters, "Good intentions and brilliant proposals will be dead-ended, delayed, sabotaged, massaged to death, or revised beyond recognition or usefulness by the overlaid structures at most large and all too many smaller firms."

When this reorganization plan is put into operation, as the new departments and divisions are formulated and personnel put into place with assigned duties and responsibilities, management should take a close look at the number of supervisors and the number of layers created within each division. Both must be kept to a minimum. Peters insists these layers should total no more than five. Recent studies in dozens of American firms indicate "less" is actually "more." For example, in a 1985 study of 41 large companies, conducted by management consultants A.T. Kearney, it was found that "winning" contrasted to "losing" companies (on the basis of long-term financial performance) had 3.9 fewer layers of management (7.2 versus 11.1) and 500 fewer central staff specialists per \$1 billion in sales.⁵

It will likely not be easy for the State to shift from its current structure which has many departments and divisions, which have evolved over many years with little attention being focused on efficient organizational structures, to streamlined organizational structures containing fewer layers of management and reduced numbers of supervisors. However, one of the benefits of this reorganization proposal is these negative trends which have been built into the state system over the years can now be reversed through increased emphasis on efficient department and division structures.

This proposal **does not** recommend the lay-off or firing of any managers and supervisors. No one needs to lose his job. In fact, the State has a problem because of too few employees. During the past three years, the State has had a turn-over rate of roughly 15 percent. This equates to approximately 1,050 vacated positions on the average each year. In 1987 alone, 383 people in ranges 40 and above terminated from state employment (out of a total of 2,883 positions). This is evidence the State needs to find a way to keep its employees on the payroll and if any "down-sizing" is desirable in the management ranks, it can and should be handled through attrition.

Implications of this on the classification program are obvious. As positions are classified, supervision responsibilities (of few subordinates) should be de-emphasized, resulting in a broader span of control at all levels in each department and division. Incentives for creating additional management layers and consequently additional supervisors over few subordinates should be

eliminated where possible. Five management layers (from top to bottom in each department) should be the goal, with seven management layers the maximum.

Staff Development Programs

In the survey of the State's managers and supervisors, 81.2 percent of those responding said certain types of management training should be mandatory, and they identified the training subjects they felt were the most important. The subjects most commonly identified were:

- a) Employee motivational techniques;
- b) Handling grievances/disciplining problem employees;
- c) Employee/employer relations;
- d) Employee performance evaluations;
- e) Reduction-in-force (RIF);
- f) Supervisory skill development;
- g) Management skill development;
- h) Personnel rules and regulations;
- i) Communication techniques;
- j) Wyoming Uniform Accounting/Budget systems;
- k) Computer applications and training;
- l) Time management.

With a reorganization plan, many of these training needs must be met to provide a smooth transition from the current structure to the proposed cabinet structure. Additionally, and at the top of this list, another subject should be added, that of reorganization itself, including the design, purpose and benefits of the reorganization effort. Every state employee, as well as each manager and supervisor, should be included in a training session so that they understand why the changes are being made, what the benefits of the new structure will be, what the implementation schedule is, and how the changes impact them and their jobs. Resistance to change is a normal human reaction. Most resistance can be overcome by education and training. Every state employee should be afforded this opportunity.

The Personnel Division currently has a training program staffed by three persons. Seminars offered to state employees are generally along the lines of records management, managerial communications, negotiation, coping with difficult people, etc. The State has not emphasized career development or managerial skills, nor has it provided adequate "technical" training on issues such as the State's personnel rules and

regulations, grievance procedures, etc. Budget and accounting training at one time were offered by their respective agencies, but even these basic skill courses have not been offered to employees for quite awhile. Training has not been funded directly by the Legislature; DAFC's training programs recover costs through billing agencies.

Wyoming is not alone in its failure to make a commitment to developing the management skills and expertise of its public employees. It is a malady which accompanies public service everywhere. In defining the differences between the public and private sectors, John B. Olsen and Douglas C. Eadie identified as two of only five differences, the lack of well planned and financed staff development programs in the public sector, and government's lag in the application of modern management principles and techniques.⁶ If we want more productivity and effectiveness from the public sector, its employees must be given the skills to be more productive and effective. The seriousness of the widespread lack of training currently obvious in state government is discussed in more detail in Chapter V under the section on managers and supervisors. The Committee recommends the State of Wyoming begin immediately to fund and provide its employees with a wide range of training and career development opportunities.

IMPACT ON THE STATE'S BUDGETING SYSTEM

Earlier comments focused on the Budget Division's role as an "arm of the Governor" and the desirability of transferring this unit to the Governor's Office under his direct supervision. This will become an increasingly important function in state government under the reorganization concept. The mechanics of merging departments, programs, personnel, funding and related elements can be cumbersome and confusing. The budget system ultimately must reflect these changes and the expertise of the Budget Division must be called upon to work with the new departments and affected divisions each year to set up new budget structures, employee (position) counts, funding sources and dispositions, and other administrative procedures.

Another function which the Budget Division should perform is that of assisting the Governor, department directors, and division administrators in structuring the new agencies. Emphasis must be placed on management efficiencies

when the new structures are designed. Program managers and other technical experts, though extremely knowledgeable about their areas of specialization, do not necessarily possess management expertise and would not necessarily have a grasp of principles of organization. Budget's role in this area would be to assure these principles are used in organizational development.

Discussed in Chapter V was the broad feeling of both Executive Branch managers, as well as legislators, that the State's current budgeting system is not effective. The State utilizes what is known as an "incremental" budgeting process. By definition, the process focuses attention on proposed line item spending by operating agencies, accepting as largely unquestioned the prior period's allocation.

The use of incremental budget is widespread among the states, and as more attention has been given to innovative and progressive planning in a no-growth or reduced-growth era in government services, the technique has become viewed as woefully inadequate.⁷ It is hostile toward innovation; critical policy issues cannot surface in its process; and it inherently builds in moderate but sure growth. It is still widely used, primarily because it is easy.

When the size and/or operations of government must be reduced, the absence of goals, priorities and strategies becomes glaring. At the same time, if goals, priorities and strategies are in place, but no mechanism exists to carry out such, they are meaningless. It is the budget which is the single most important policy and planning document available to managers and the Governor.⁸

Wyoming cannot effectively enter the 21st Century with 50-year old management tools. The State must develop, through an organized, formal, planning mechanism, its mission, goals and objectives, and a plan to reach such. Priorities in program funding must be set, for the State may need to soon make hard financial decisions on which programs will be funded at what levels. It is recommended the Budget Office develop a proposal for the Governor and the Legislature to establish a formal planning mechanism which will eventually include all programs and all agencies. The proposal should, to the degree feasible, include as many aspects as possible of the Legislature's proposed management audit program now under consideration. Finally, the Budget Office should explore alternative budgeting

procedures with the goal of eventually abandoning the incremental process. This could be initiated on a "pilot" agency basis, whereby the Legislature, the Governor, budget analysts, and agency directors could all be exposed to, and aid in the selection of, the most effective planning and budgeting tool.

THE IMPLEMENTATION SCHEDULE

In order to minimize the disruption to state government services, the Efficiency Study Committee recommends the reorganization plan proposed be implemented gradually over a three-year period. This phased in approach will provide the opportunity to evaluate each component of the proposal to assure it is designed and implemented in the most efficient manner. Additionally, an assessment should be made after each year of the reorganization implementation which measures the costs, benefits and other implications of each phase and a report written and submitted each session to the Legislature. In this way, adjustments can be made in a timely manner and the problems or inefficiencies can be eliminated.

The State Government Reorganization Act of 1989

The Committee proposes reorganization begin with passage of the "State Government Reorganization Act of 1989." This legislation will set the reorganization process in motion and provide for a reasonable transition from current statutes and structures to the cabinet type structure. Between legislative sessions, the new department directors, Attorney General, and Legislative Service Office should review existing statutes related to the boards, commissions, councils and agencies which were merged into the new department, and legislation to amend, repeal and, in general, "clean up" the statutes should be prepared and ready for submission.

Constitutional Amendments

Amendments should be prepared which will pave the way for full implementation of the cabinet structure. The deletion of reference to entities in the Constitution is not designed to necessarily abolish the existence of the entities. It is intended to provide the Governor and the Legislature with more flexibility to manage the struc-

ture of state government. The Committee believes many or most of these entities were prescribed in the State's Constitution to address problems or potential problems in existence 100 years ago. Changes in the needs of the State's citizens, ample case law, and other state and federal statutory provisions have precluded the need to enumerate particular offices and the appointment processes of such.

These proposals can be grouped into three categories: a) changes in election of a state officer, the Superintendent of Public Instruction; b) deletion of reference to specific individual job titles in the Constitution (statutory reference remains); and c) deletion of reference to specific boards, commissions or councils in the Constitution (statutory reference remains).

The first amendment should remove the Superintendent of Public Instruction from an elected position. All constitutional reference to the position and its duties should also be removed and instead, specified in statute.

Article 4, Section 11 Repeal reference to the Superintendent of Public Instruction.

Article 4, Section 12 Repeal reference to the Superintendent of Public Instruction.

Article 7, Section 14 Repeal reference to the duties of the Superintendent of Public Instruction.

Article 18, Section 3 Repeal reference to the Superintendent of Public Instruction.

The second amendment is designed to eliminate constitutional reference to specific job positions. All these positions will remain intact in statute.

Article 4, Section 14 Repeal reference to the State Examiner.

Article 8, Section 5 Repeal reference to the State Engineer.

Article 9, Section 1 Repeal reference to the State Inspector of Mines.

Article 9, Section 6 Repeal reference to the State Geologist.

The final amendment removes from the Constitution the enumeration of particular boards. As with the individual job positions above, statutory duties assigned to these boards remains intact.

Article 7, Section 18 Delete the last sentence which states the institutions are to be under the supervision of the Board of Charities and Reform.

Article 8, Section 2 Repeal reference to the Board of Control.

Article 15, Section 9 Repeal reference to the Board of Equalization.

Article 15, Section 10 Repeal reference to the duties of the Board of Equalization.

Article 18, Section 3 Repeal reference to the creation, composition and duties of the Board of Land Commissioners.

Constitutional amendments need to be approved by the Legislature in the 1989 or 1990 session in order to be voted on by the public in the next general election in 1990.

Departments to be Implemented in 1989

The Committee recommends the State begin the structural reorganization with the Department of Employment, Department of Commerce, and Office of Audit (State Examiner) in 1989. These departments are explained in Chapters VII, VIII and IX. Minor changes to the Governor's Office, DAFC, State Auditor's Office, Department of Revenue and Taxation, and Public Lands Office will also be necessary in 1989 to accommodate the Employment, Commerce, and Audit Departments.

Governor's Office/DAFC

Legislation moving the Budget Division from DAFC to the Governor's Office should be approved in 1989. This will provide the State with a mechanism to strengthen and enhance its management efficiencies. The Budget Division's emphasis should be broadened to incorporate management analysis, particularly in the area of organizational development and design, and the Governor should use the division as a tool to coordinate organizational development with the new department directors and division administrators.

State Auditor's Office

Legislation should be approved in 1989, moving the federal mineral audit program from the State Auditor's Office to the expanded State Examiner's Office in order to allow for enhanced coordination of mineral and royalty audits, and the elimination of duplication between severance tax, ad valorem tax, and royalty audit efforts.

Department of Revenue and Taxation

The impact on this agency in 1989 will be the removal and transfer of audit functions from this department to the State Examiner's Office.

Departments to be Implemented in 1990 and 1991

The Committee recommends the second and third phases of this reorganization plan be implemented in 1990 and 1991. Departments to be created in 1990 include:

- Department of Health
- Department of Family Services
- Department of Administration
- Department of Transportation

Departments recommended for implementation in 1991 include:

- Department of Education
- Department of Agriculture and Natural Resources
- Department of Public Safety

IN SUMMARY

The Joint Legislative-Executive Efficiency Study Committee recognized the process of reorganization of state government must be ongoing and permanent to enable the State to respond to future changes through its administrative structure. Creation of a Joint Legislative-Executive Council on Government Reorganization is recommended to oversee implementation of a three-year program which will result in the transition from the current administrative structure to a cabinet structure. The cabinet structure recommended consists of 10 departments, each directed by an appointee of the Governor. Departments recommended include the Attorney General's Office, and Departments of Employment, Commerce, Health, Family Services, Administration, Transportation, Education, Agriculture and Natural Resources, and Public Safety.

In addition to the cabinet level agencies, the Committee envisions an Audit Department consisting of the State Examiner's Office, as well as certain audit functions transferred from the State Auditor's Office, Public Lands, and the Department of Revenue and Taxation. The director of this agency would also be appointed by the Governor, and as with the cabinet departments, the appointee would require Senate confirmation.

The State Auditor, State Treasurer, and Secretary of State would continue to be elected by statewide vote and each would retain the current administrative responsibilities for the respec-

tive offices, exclusive of removal of the federal Mineral Royalty Audit Program from the State Auditor's Office, and the removal of Workers' Compensation from the State Treasurer's Office. The Superintendent of Public Instruction, under this proposal would be replaced, inasmuch as the responsibilities for public schools would be transferred to a cabinet level Department of Education, along with responsibilities for community colleges and the University of Wyoming.

The administrative structure recommended by the Committee embraces the principles of management and the standards of administrative reorganization. These principles and standards are designed to enhance efficiency and control through concentration of authority and responsibility with the Governor and the integration of programs and activities through functional departmentation. Thus, the administrative and executive responsibilities currently imposed on various boards, commissions and councils would be removed, leaving these entities comprised of dedicated part-time public servants, with more time for policy, advisory and review activities.

Duties and responsibilities of the statewide elected officials would also be lessened with respect to board or commission activities, freeing their time for devotion almost exclusively to the business affairs of their respective offices. Continuing advisory input from these elected officials could be maintained through conversion of current administrative boards and commissions to advisory entities.

The reorganization proposal will also impact

the State's budgeting and personnel systems to some extent. The Committee recommends the transfer of the State's Budget Division from the Department of Administration and Fiscal Control to the Governor's Office, and the expansion of the division's charge to include greater emphasis on management. Structural efficiencies to be developed at the department level should have the guiding hand of the Governor through his budget staff.

Personnel changes, particularly as they relate to department directors and division administrators, are also desirable to streamline the appointment and removal process of the State's top management staff. Such enhancements should be supplemented by substantial emphasis on staff development programs directed at and made available to management personnel throughout state government. Efficiency in state government can be attained only through the efforts of adequately trained and motivated personnel.

In order to minimize disruption to state government programs and insure services to the State's citizens are not interrupted or diminished, the Committee recommends a three-year phase-in of the reorganization plan, beginning in 1989 when the Departments of Employment, Audit, and Commerce are proposed. The Departments of Health, Family Services, Administration, and Transportation are recommended for implementation in 1990, with the Departments of Education, Agriculture and Natural Resources, and Public Safety following in 1991.

FOOTNOTES—CHAPTER VI

1. Deborah D. Roberts, "A New Breed of Public Executive: Top Level Exempt Managers in State Government," University of South Carolina, Bureau of Governmental Research and Service, May 1988, p. 23.
2. *Ibid.*, p. 22.
3. Patricia W. Ingraham and Carolyn Ban, "Politics and Merit: Can They Meet in a Public Service Model?," University of South Carolina, Bureau of Governmental Research and Service, May 1988, p. 14.
4. Tom Peters, *Thriving on Chaos*, Alfred A. Knopf, Inc., New York, 1987, p. 356.
5. *Ibid.*, p. 360.
6. John B. Olsen and Douglas C. Eadie, *The Game Plan, Governance With Foresight*, Council of State Governments, 1982, p. 103.
7. *Ibid.*, p. 94.
8. *Ibid.*, p. 92.

**The Final Report on
Accountability and Efficiency
in State Government**

**Joint Reorganization Council
1991**

David G. Ferrari
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DEPARTMENT OF EDUCATION

In 1989, the Joint Legislative-Executive Efficiency Study Committee, in its report entitled *A Study in State Government Efficiency*,¹ recommended formulation of a cabinet-level Department of Education encompassing all educational activities at the state level.

BENEFITS OF CABINET-LEVEL DEPARTMENT OF EDUCATION

Merging elementary and secondary education, community colleges, Western Interstate Commission for Higher Education (WICHE), and the University of Wyoming into a common department was thought to be a change that would yield several benefits to the people of Wyoming:

- (a) streamline the budget process by conducting a complete analysis of all educational funding requirements, enabling each education sector to be considered in conjunction with the others;
- (b) provide a more meaningful assessment of the effectiveness of funding at each level;
- (c) enhance the possibilities for development of a continuum of services in the educational sphere; and,
- (d) provide a smoother and more appropriate educational program for each student's progress as the transition is made from elementary through higher education.

The Wyoming Constitution provides in Article 4, Section 11 that the State Superintendent shall be chosen by the electorate. Article 7, Section 14 provides that the Superintendent shall be entrusted with the general supervision of Wyoming's public schools.

Recognizing that a cabinet-level department of education could not be created whereby an *elected* superintendent would serve on the Governor's Cabinet, the Committee submitted a proposed constitutional amendment to the 1989 Legislature which would pave the way for the Governor to appoint the proposed Department of Education Director. After passing the Senate, the proposed amendment encountered stiff opposition in the House, and ultimately the amendment failed.

Failure of the proposed constitutional amendment renders formulation of a Department of Education impractical in the current scheme of reorganization. An elected State Superintendent is accountable to the electorate, not to the Governor, and that official cannot be expected to sit on the Cabinet with appointees of the Governor. Nor can it be expected that the other educational sectors, i.e., University, community colleges, etc., can be sensibly merged in a Department with elementary and secondary education which answers to an elected official other than the Governor.

Clearly, the Governor's Cabinet can function more effectively with the input of the education officials. Without the perspective that the educational community could bring to the Cabinet, the opportunity to address certain issues which are dependent on, or interact with, one or more of the education sectors has been greatly impaired.

The Joint Reorganization Council believes every effort must be made to incorporate input to the Governor and his Cabinet from the education sectors. Consideration was given to reviving the constitutional amendment and, thus, the ultimate creation of the Department of Education. In conjunction with this, other alternatives were also pursued.

NATIONAL EDUCATION GOALS AND OBJECTIVES

In response to increasing concerns, nationwide, about the quality of education of the nation's public schools, the President and the nation's governors, early in 1990, unanimously defined a set of goals and objectives for the nation's schools. These goals and objectives were developed jointly by the National Governor's Association (NGA) Task Force on Education and the federal administration. They were endorsed by President Bush during the National Governor's Association's annual meeting held February 24-27, 1990, in Washington, D.C.

Developing programs designed to achieve these goals and objectives has wide implications for the states, particularly in those states which do not have an effective cabinet structure through which the Governors can manage and coordinate state government operations. Achievement of these goals and objectives by the year 2000 will not be possible unless a coordinated approach is taken at the state level. This is evidenced by the fact that the new agenda requires the involvement of educational professionals and non-educators alike, including parents, social service professionals, health professionals, nutrition experts, business leaders, employment officials, higher education policymakers, vocational education proponents, drug and alcohol abuse experts, and community organizations. All departments in state government will have to pull together in order for a state to meet these goals and objectives within a ten year time span. States which operate under an effective cabinet system, including education representation on the Cabinet, will be in the best position to show the best progress.

The goals and objectives outlined by the President and the NGA are designed to correct the shortcomings in educational performance in all of the states. Wyoming, according to some educational advocates, already is at or exceeds some of these performance standards in some areas. In other areas, however, nearly all professionals agree that progress is desirable and more needs to be done to prepare Wyoming's children for the world of work and social responsibility. Pursuit of these standards in Wyoming will, in the opinion of the Joint Reorganization Council, contribute to this end.

Discussion of the goals and objectives that follow appears in no particular order or hierarchical priority. All are part of the national agenda, and all will involve the participation of professionals from various fields in Wyoming.

GOAL ► *All children in America will start school ready to learn.*

OBJECTIVES:

► All disadvantaged and disabled children will have access to high quality and developmentally appropriate preschool programs that help prepare children for school.

► Every parent in America will be a child's first teacher and devote time each day helping his or her preschool children learn: parents will have access to the training and support they need.

► Children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies, and the number of low birthweight babies will be significantly reduced through enhanced prenatal health systems.

From a Wyoming state government standpoint, the successful attainment of this goal and related objectives will require coordinated efforts involving the Department of Education, the Department of Family Services, and the Department of Health. Programs within the Department of Family Services which will have a direct bearing include: Social Services, Children and Family Services, and Family Support Services.

The Department of Health also has several programs which will have a direct influence on the State's success in attaining this goal: Medical Assistance, Dental Services, Family Health Services, Nutrition Services, Nursing, and Division of Community Programs.

GOAL ► *The high school graduation rate will increase to at least 90 percent.*

OBJECTIVES:

► The nation must dramatically reduce its dropout rate and 75 percent of those students who do drop out will successfully complete a high school degree or its equivalent.

► The gap in high school graduates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

Wyoming currently ranks second in the country, along with North Dakota, with a graduation rate of 88.3 percent. Minnesota is the nation's leader, reflecting a graduation rate of 90.9 percent. The graduation rate improved dramatically in Wyoming

between 1982, when it was 72.4 percent, and 1988. This perhaps is a reflection of the out-migration of tens of thousands of the state's population during the period and the loss of a substantial number of jobs in the minerals industry, as opposed to any specific enhancements in the education programs. Maintaining the 90 percent graduation rate may prove to be a more difficult challenge in a growing or booming economy, when no-skill or low-skill jobs are available to individuals who are prone to drop out of high school. Nonetheless, this is an area which will involve the cooperative participation of state agencies such as the Education Department, the Department of Family Services, and the Department of Employment.

GOAL ► U.S. students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter, including English, mathematics, science, history, and geography, and every school . . . will ensure that all students . . . [are] prepared for citizenship, further learning, and productive employment

OBJECTIVES:

- The academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the population as a whole.
- The percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially.
- All students will be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility.
- The percentage of students who are competent in more than one language will substantially increase.
- All students will be knowledgeable about the diverse cultural heritage of this nation and about the world community.

This goal and related objectives can be attained by the educational professionals only with the help of the Department of Family Services at the state level. Lack of good citizenship, personal responsibility, and cultural awareness is more predominate

in welfare households than in non-AFDC environments. Reversal of this trend will require the direct involvement of the Social Services, Child and Family Services, and Family Support Services programs in the Department of Family Services. The Department of Commerce, through its arts, museums, and cultural programs can also contribute to the attainment of this goal.

GOAL ► U.S. students will be first in the world in mathematics and science achievement.

OBJECTIVES:

- Math and Science education will be strengthened throughout the system, especially in the early grades.
- The number of teachers with a substantive background in mathematics and science will increase by 50 percent.
- The number of U.S. graduate and undergraduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering, will increase significantly.

Attainment of this goal will require the joint efforts of the Department of Education, the Community College Commission, and the University of Wyoming. It is possible that this goal and related objectives can be achieved without the cabinet system involvement due to the fact that the State Superintendent is also an ex-officio member of both the Community College Commission and the University of Wyoming Board of Trustees.

GOAL ► Every adult American will be literate and will possess the skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

OBJECTIVES:

- Every major American business will be involved in strengthening the connection between school and work.
- All workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets, through public and private educational, vocational, technical, workplace, or other programs.
- The number of quality programs, including those at libraries, that are designed to serve more

effectively the needs of the growing number of part-time and mid-career students will increase substantially.

► The proportion of those qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs, will increase substantially.

► The proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

This is a very ambitious undertaking, and if the State of Wyoming is to attain a 100 percent adult literacy rate and the skills necessary for its citizens to compete, most cabinet-level departments of State government must contribute to the Department of Education's efforts. The Department of Employment, particularly through its job training programs will be an active participant, along with the Department of Family Services, primarily, AFDC and related programs. In addition, the Department of Commerce's professional licensing division will have input to educational training, as will the Community College Commission and the University of Wyoming.

GOAL ► *Every school will be free of violence and drugs and offer a disciplined environment conducive to learning.*

OBJECTIVES:

► Every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol.

► Parents, businesses, and community organizations will work together to ensure that schools are a safe haven for all children.

► Every school district will develop a comprehensive K-12 drug and alcohol prevention education program. Drug and alcohol curriculum should be taught as an integral part of health education. In addition, community-based teams should be organized to provide students and teachers with needed support.

This is another ambitious goal, achievement of which is absolutely essential to returning the school environment to one of order, discipline, and learning; the lack of accomplishment of which will prolong the spiraling health care and treatment

costs, escalating dependence on social services programs, and general deterioration of society. The Department of Education must work "hand-in-glove" with the Department of Health, Department of Family Services, and Department of Public Safety in order to show reasonable progress in achieving this goal by the year 2000.

Summary of National Education Goals and Objectives

Clearly, attainment of the goals and objectives outlined by the President and the NGA will require the coordinated, determined efforts of the public and private sectors in each of the states. Because the resources of the various state agencies will be required in order to achieve these results, it will take a concentrated effort on the part of state government. Can it be done without a cabinet system of government? The Joint Reorganization Council believes the answer is "yes, but it will be difficult." Can it be done more effectively and efficiently with a cabinet system of government? Again, in the opinion of the Joint Reorganization Council, the answer is "yes."

The cabinet system can be used effectively to coordinate the efforts of the various departments which must contribute to the accomplishment of the National education goals and objectives. Inasmuch as the Department of Education is the major participant in this ambitious agenda, some acceptable manner of bringing this agency into the cabinet umbrella must be developed.

We have discussed six major education goals which all states, including Wyoming, will be striving to achieve by the year 2000. The discussion of how the cabinet system can be used was also emphasized. In order to more clearly highlight the cabinet system's involvement in this educational process, Table II-1 summarizes each cabinet department's interaction with the Department of Education in pursuit of each goal.

WYOMING EDUCATION DEVELOPMENT COUNCIL

In 1989, the Fiftieth Wyoming Legislature, in Chapter 275, created an Education Policy Implementation Council, consisting of 15 members appointed by the governor from the following public and private sectors:²

- 1) Six members appointed from the private sector;

- 2) One member appointed to represent each of the following:
 - a) Adult Education,
 - b) Public Schools, and
 - c) The Wyoming School Board Association; and,
- 3) One member appointed from each of the following state agencies:
 - a) Department of Education,
 - b) State Council on Vocational Education,
 - c) Job Training Administrator,
 - d) Economic Development and Stabilization Board,
 - e) University of Wyoming, and
 - f) Wyoming Community College Commission.

- a) placing emphasis on acquiring competence in areas necessary to meet changing work force requirements such as critical thinking capabilities, adaptivity, literacy, computation skills, entrepreneurship skills, and interest in life-long learning;
- b) integrating and coordinating at least the last two years of high school with post-secondary programs;
- c) modifying existing vocational programs . . . to ensure adequate preparation for the modern work force;
- d) expanding the range of education options including:
 - 1) increasing business involvement in education;
 - 2) worker training and retraining;
 - 3) lifelong learning initiatives; and,
- e) funding for education which encourages a link between education and economic growth.

Purpose of Wyoming Education Development Council

The Council's charge was to examine the educational system in Wyoming and make recommendations to the Governor and the Legislature on how this system could be used to enhance the State's economy, as well as better prepare Wyoming's citizens to meet the needs of current and future employers in the State. The legislation defining the Council's responsibilities was quite specific, calling for recommendations in the following areas:³

Recommendations of Wyoming Education Development Council

In its January, 1990 Report to the Governor and Legislature,⁴ the Council identified two sets of recommendations: *major* recommendations in priority order, and *additional* recommendations which were not prioritized. The Council described its

TABLE II-1

**National Education Goals and Objectives:
Wyoming Education Agencies and Cabinet-level Departments
Which Must Contribute to Goal Attainment**

| Nat'l Education Goal | Education Agencies | | | Cabinet-level Departments | | | | |
|---|--------------------|-------------------------|------------------|---------------------------|----------|-----------------|--------|---------------|
| | Dept. of Education | Comm College Commission | Univ. of Wyoming | Employment | Commerce | Family Services | Health | Public Safety |
| 1. Children Start School Ready to Learn | Yes | — | — | — | — | Yes | Yes | — |
| 2. Graduation Rate At Least 90% | Yes | — | — | Yes | — | Yes | — | — |
| 3. Demonstrated Competency, Citizenship, etc. | Yes | — | — | — | Yes | Yes | — | — |
| 4. First in Math & Science | Yes | Yes | Yes | — | — | — | — | — |
| 5. 100% Adult Literacy | Yes | Yes | Yes | Yes | Yes | Yes | — | — |
| 6. Violence & Drug Free Schools | Yes | — | — | — | — | Yes | Yes | Yes |

State Education Performance Chart

The "State Education Performance Chart," prepared by the United States Department of Education presents state-by-state and national information for 1982 and 1989 on selected student performance outcomes, state resource input, and population characteristics. The data on average student scores for the years are based on the two most widely used college entrance examinations—the American College Testing Program Examination (ACT), and the Scholastic Aptitude Test (SAT). The test score reported for each state is the average test score for all students in the State who took that particular exam during the academic year. Whether an ACT or SAT score is reported for a state is determined by which test, ACT or SAT, is taken by the larger number of high school students in the State.

In Wyoming, the ACT test results are used, based on the fact that 59.8 percent of the high school students took this exam during the 1989 academic year. Wyoming is one of twenty-eight states in the country where a larger number of students in the State took the ACT, as opposed to the SAT exam. All of Wyoming's neighboring states are also ACT states, including: Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, and Utah. This, fortunately, provides a reasonable basis upon which these fairly similar states can be compared.

Opponents of using the Performance Chart for state-to-state comparison have argued that the percentage of test takers is a significant factor in inter-

preting and comparing state test scores. However, the U.S. Department of Education has taken the position that this argument is irrelevant:

The grouping of States by the predominant test taken reduces to insignificance the association between scores and percentages of students tested.¹⁶

Thus, grouping of these seven states is believed to be relevant and indicative of comparable student performance.

ACT Results

Table II-2 shows how the students from the seven states performed on the ACT exam, as well as the ranking nationally within the twenty-eight ACT states and the regional rankings of the seven neighboring states, including Wyoming. For comparison, the students of three states scored above Wyoming's students, one state's students scored the same, and students from two states scored below Wyoming students.

Advanced Placement Exam Results

Another indicator of a state's educational system is measured according to a state's students' performance on the Advanced Placement exam. High school graduates are deemed to be "qualified or better" if they score a "3 or above" on this exam. A comparison of Wyoming students' performance with that of the other six neighboring states is shown in Table II-3.

TABLE II-2

State Education Performance Chart:
Seven Neighboring States
1989

| State | Act Score | % of Graduates Taking Test | (28 States) National Rank | (7 States) Regional Rank |
|--------------|-----------|----------------------------|------------------------------|-----------------------------|
| Colorado | 19.6 | 59.7 | (5)* | (2)* |
| Idaho | 19.1 | 57.5 | (9) | (4) |
| Montana | 19.8 | 53.8 | (3) | (1) |
| Nebraska | 19.6 | 68.5 | (5)* | (2)* |
| South Dakota | 19.4 | 66.3 | (7)** | (3)** |
| Utah | 18.9 | 67.1 | (15) | (5) |
| Wyoming | 19.4 | 59.8 | (7)** | (3)** |

* Colorado and Nebraska tied for fifth out of twenty-eight states nationally and second out of seven regionally.

** South Dakota and Wyoming tied for seventh out of twenty-eight states nationally and third out of seven regionally.

Source: U.S. Department of Education, May 22, 1990.

The results of this comparison are less encouraging. Students from Wyoming ranked no better than fortieth in this national comparison and, less heartening, is the fact that students from only one of the neighboring states in the region, South Dakota, performed worse than students from Wyoming. Surprisingly, students from Utah brought that state, a number one ranking on the Advanced Placement Exam, not only in the region, but also on a national scale.

Resource Input

The U.S. Department of Education, in its State Education Performance Chart, also presented state-by-state comparisons of what it terms resource

input. These are resources which are dedicated to education shown in several ways. The most common resource input are average teacher salaries, pupil/teacher ratios, and current expenditures per pupil. A comparison of the seven regional states is shown in Table II-4.

Table II-4 reflects that the average teacher salary in Wyoming of \$27,685 is now only the 26th highest of all of the states. This ranking reflects a sharp drop from earlier years when the average salary in Wyoming was among the highest in the country. As an example, in 1982, the State ranked ninth nationally, with an average teacher salary of \$21,249. At that time, the State was ranked first in the seven state region. Colorado was ranked a

TABLE II-3
Percent of High School Graduates
Scoring 3 or Above on the Advanced Placement Exam
and Rankings of the Neighboring States
1989

| State | % Scoring 3 or Above | State's National Rank | State's Regional Rank | % of Total Schools with Advanced Placement Programs |
|--------------|-------------------------|-----------------------------|-----------------------------|---|
| Colorado | 13.4 | (6) | (2) | 40.4 |
| Idaho | 4.9 | (33) | (3) | 28.1 |
| Montana | 3.7 | (36) | (4) | 16.8 |
| Nebraska | 3.2 | (39) | (5) | 13.3 |
| South Dakota | .5 | (51) | (7) | 5.8 |
| Utah | 27.0 | (1) | (1) | 67.6 |
| Wyoming | 2.9 | (40) | (6) | 28.6 |

Source: U.S. Department of Education, May 22, 1990.

TABLE II-4
State Education Performance Chart:
Selected 1988 and 1989 Resource Input
of Seven Neighboring States

| | AVERAGE TEACHER SALARY | | | PUPIL TEACHER RATIO | | | CURRENT EXPENDITURES PER PUPIL | | |
|--------------|------------------------|------------------|------------------|---------------------|------------------|------------------|--------------------------------|------------------|------------------|
| | Est. 1989 | National Rank | Regional Rank | 1989 | National Rank | Regional Rank | 1988 | National Rank | Regional Rank |
| Colorado | \$29,558 | (17) | (1) | 17.8 | (34)T | (5) | \$4,462 | (16) | (2) |
| Idaho | 22,860 | (44) | (6) | 20.6 | (48) | (6) | 2,667 | (49) | (6) |
| Montana | 24,414 | (41) | (3) | 15.8 | (16)T | (4) | 4,246 | (21) | (3) |
| Nebraska | 24,203 | (42) | (4) | 15.0 | (10) | (2) | 3,943 | (28) | (4) |
| South Dakota | 20,480 | (51) | (7) | 15.4 | (13)T | (3) | 3,249 | (42) | (5) |
| Utah | 23,023 | (43) | (5) | 24.5 | (51) | (7) | 2,454 | (51) | (7) |
| Wyoming | 27,685 | (26) | (2) | 14.6 | (7)T | (1) | 5,051 | (10) | (1) |

T - indicates a tie with one or more other states.

Source: U.S. Department of Education, May 2, 1990.

distant second at \$19,577. Since then, Colorado has taken over the number one position, with an average salary of \$29,558, reflecting the fact that during the past seven years, Colorado's average teacher salary has increased by 51 percent, or roughly 7.3 percent annual average, while Wyoming's average teacher salaries increased by 30.3 percent, an average yearly increase of only 4.3 percent.

Table II-4 also reflects the fact that the pupil/teacher ratio in Wyoming of 14.6 ranks the State seventh lowest in the country and lowest in the region for this resource input. In 1982, Wyoming's pupil/teacher ratio was 15.0, ranking the State number one in the country.

Current expenditures per student in Wyoming were \$5,051 in 1988, or tenth highest nationally for that year. The State's ranking for this resource input has also slipped, as in 1982, the State ranked number five in the country with a per pupil outlay of \$3,417.

Population Characteristics

Other state characteristics which the U.S. Department of Education considers important include graduation rates, minority enrollments, and percentage of children living in poverty in each of the states.

Table II-5 reflects the fact that Wyoming leads the region in terms of its percentage of high school students who go on to graduate, and the State ranks second nationally in this category. The State has the lowest percentage of children, aged 5 to 17 who live in poverty households in the country and ranks

thirty-ninth nationally in the percentage of its total enrollment which is minority.

Correlation Among Indicators

Some people claim that no comparison of student performance among the states can be drawn because there are too many variables that skew the outcome. This argument no doubt has some merit. However, according to the U.S. Department of Education, there are certain relationships among student performance, resource input, and population characteristics.¹⁷

There is an *inverse* relationship to ACT test scores and the poverty rate of the school age population (-.82). There is also an *inverse* relationship to ACT test scores and the percentage of minority enrollment (-.65). Thus, the lower the poverty rate, the higher the test scores, and, the lower the minority rate, the higher the test scores. These two factors in Wyoming, thus, should have influenced higher student performance on the ACT exam.

The U.S. Department of Education¹⁸ has cited an inverse relationship to graduation rates and the poverty rate of school age children (-.57) and the percentage of minority enrollment (-.66). In this case, Wyoming's graduation rate is very high, which is to be expected.

One observation made by the U.S. Department of Education which runs contrary to observations made by some education professionals in Wyoming is:

Factors with little correlation to student test score performance or graduation rates include:

TABLE II-5

State Education Performance Chart: Selected Population Characteristics of Seven Neighboring States

| | GRADUATION RATE | | | PERCENT POVERTY AGES 5 TO 17 | | | MINORITY PERCENT OF ENROLLMENT | | |
|--------------|-----------------|----------|----------|---------------------------------|----------|----------|-----------------------------------|----------|----------|
| | Est. 1989 | National | Regional | 1980 | National | Regional | 1987 | National | Regional |
| | | Rank | Rank | | Rank | Rank | | Rank | Rank |
| Colorado | 74.7 | (24) | (7) | 10.8 | (39)T | (5) | 21.0 | (26)T | (1) |
| Idaho | 75.4 | (22) | (6) | 13.4 | (26) | (2) | 7.0 | (43)T | (3)T |
| Montana | 87.3 | (4) | (2) | 12.7 | (30) | (3) | 7.0 | (43)T | (3)T |
| Nebraska | 85.4 | (6) | (3) | 11.6 | (37) | (4) | 9.0 | (39)T | (2)T |
| South Dakota | 79.6 | (10)T | (4) | 19.4 | (11) | (1) | 9.0 | (39)T | (2)T |
| Utah | 79.4 | (12) | (5) | 9.8 | (46) | (6) | 6.0 | (45)T | (4) |
| Wyoming | 88.3 | (2)T | (1) | 7.5 | (51) | (7) | 9.0 | (39)T | (2)T |

T - indicates a tie with one or more other states.

Source: U.S. Department of Education.

pupil-staff ratio, percent handicapped enrollment, and the percent of students taking a particular test.¹⁹

A further observation offered by the U.S. Department of Education that did not seem to hold true in Wyoming was:

Test scores and graduation rates are strongly and positively associated with each other. Graduation rates correlate .67 with ACT scores.²⁰

This would perhaps indicate that the average ACT scores for Wyoming students should have been higher, as reflected in the higher graduation rate. The question that comes immediately to mind relates to the impact that Wyoming's population loss might have had in distorting the 88.3 percent graduation rate. The out migration of some 50,000 people between 1986 and 1989, the period between which the graduation rate was calculated, if factored incorrectly into the calculation, may have incorrectly overstated the graduation rate. The Joint Reorganization Council urges the State Superintendent to look into this possibility to make sure the citizens of Wyoming have not unknowingly adopted a false sense of security in this regard.

Summary of State Education Performance—A Comparison

Results of assessment efforts conducted on a national scale reflect that Wyoming students perform better than the national average on the ACT exam (19.4 vs 18.6) and considerably below the national average on the Advanced Placement Exam (2.9 vs 8.6). Out of the seven neighboring states, Wyoming ranks 3rd, along with South Dakota, in terms of ACT results and 6th regionally in terms of Advanced Placement Exam.

Resource input and population characteristics, identified by the U.S. Department of Education, as having a correlation among indicators include percentage of minority enrollment and percentage of poverty students in the total enrollment. Another direct relationship cited was high test scores and high graduation rates; a relationship not found in Wyoming.

GRANT THORNTON MANUFACTURING CLIMATES STUDY

In August, 1990, Grant Thornton, Accountants and Management Consultants, released its Eleventh Annual *Grant Thornton Manufacturing Climates*

Study. This study considered a number of demographics in each state, rated them, and then ranked the fifty states in terms of the State's desirability as a manufacturing environment. One of the elements considered in the report for each state was the education system.²¹

This index measures the availability and quality of education within a state.

Among the factors used to compute this index are the average salaries for teachers as a ratio of average pay of all workers; the student-teacher ratio (K-12); the high school graduation rate; and state expenditures for public (K-12) and higher education.

The national average index is 1.0. The greater its index value, the better a state's rank.

Wyoming ranked number one in the nation in this particular study, as reflected in Table II-6.

TABLE II-6

Grant Thornton Manufacturing Climates Study

| | Factor Value | National Rank | Regional Rank |
|----------------|--------------|---------------|---------------|
| Colorado | 1.030 | (21) | (4) |
| Idaho | 0.763 | (44) | (6) |
| Montana | 1.246 | (10) | (3) |
| Nebraska | 1.248 | (9) | (2) |
| South Dakota | 0.974 | (25) | (5) |
| Utah | 0.744 | (45) | (7) |
| Wyoming | 1.569 | (1) | (1) |

Source: Grant Thornton, *Eleventh Annual Manufacturing Climates Study*, August 1990.

The treatment afforded Wyoming's quality of education by Grant Thornton is far more generous than that given by the U.S. Department of Education. This appears to be due to the heavy emphasis Grant Thornton placed on spending as opposed to other factors. The graduation rate was the only performance indicator factored into the index. For example, a comparison of Table II-6 and Table II-4 indicates that the regional ranking of current expenditures per pupil compiled from information gathered by the U.S. Department of Education is nearly identical to the regional ranking resulting from the Grant Thornton compilation. The Grant Thornton report would indicate that the most important factor influencing a state's quality of education is the amount of money spent per student.

THE CORPORATION FOR ENTERPRISE DEVELOPMENT: THE 1990 DEVELOPMENT REPORT CARD FOR THE STATES

The Corporation for Enterprise Development, in conjunction with Mt. Auburn Associates, released its report, *The 1990 Development Report Card for the States* in April, 1990.²² The Report Card is organized into four graded indexes; one of which, State Policy, encompasses various subindexes related to the quality of education. Each state received a grade based on where it placed compared to the other states. The top ten states were given "As;" the second ten, "Bs;" "Cs" for the middle fifteen states; "Ds" for the next ten; and "Fs" for the last five states.

The State Policy Index includes assessments of several areas: tax and regulatory environment, workforce development, technology and innovation, international marketing, developmental finance, local economic development assistance, and infrastructure and amenities. The work force development subindex is the one reflecting the state's educational system.

Education was evaluated in terms of a number of individual initiatives under two broad composite measures: Education Support and Education Reform. Education Support measures the financial commitment a state makes to education. This includes such measures as: per pupil expenditure (K-12), per pupil expenditure for higher education, average teacher salary, beginning teacher salary, and change in teacher salaries between the 1980-81 and the 1988-89 school years. In the national comparison, Wyoming ranked 1, 2, 10, 7, and 47, respectively, in these categories. This, of course, is similar to the high marks given the State by the Grant Thornton assessment.

Education Reform initiatives fell within three categories: improving school accountability, strengthening teachers, and improving student performance. These initiatives were described by the Report as:²³

School Accountability Policies

► **Comprehensive School Performance Indicators:** examines whether a state has established comprehensive indicators for measuring school performance, including data about students, school resources and instructional conditions.

► **School Incentives:** examines whether a state has established a system of rewards and sanctions tied to school performance levels.

Treating schools as units and rewarding incremental improvements helps ensure that improvements and rewards visit even the most disadvantaged schools and districts.

Teacher Policies

► **Alternative Certification:** notes whether alternative routes to certification have been established to help alleviate teacher shortages in such key areas as math and science and to bring nontraditionally-trained (but talented) teachers into the profession.

► **Teacher Incentives:** identifies whether bonuses, career ladders and other incentives exist to reward and retain the best teachers.

► **Beginning Teacher Monitoring:** recognizes programs to support and encourage new teachers.

Student Policies

► **Early Childhood Education Programs:** pre-school programs to improve the school-readiness of children from disadvantaged families.

► **High School Math and Science Requirements.**

► **High School Competency Test Requirement.**

The Report did not rank the states relative to education reform initiatives, but did identify which of the 50 states were actively pursuing each of the initiatives. Wyoming was one of 17 states with no school incentives. Wyoming was one of 23 states without alternative certification; one of 30 states with no teacher incentives; and one of 22 states with no teacher mentorship programs. Finally, Wyoming was one of 18 states with no preschool program, and was one of 26 states with no high school competency test requirements. In short, Wyoming was reported as having no educational reform initiatives.

Over all, the State received an "F" grade for the work force development index, largely influenced by its education system.

AMERICAN ASSOCIATION OF PARENTS AND CHILDREN

Recently, the American Association of Parents and Children, located in Herndon, Virginia, ranked the states relative to its assessment of the quality of education in each state. According to newspaper accounts, only two states, Connecticut and Wyoming, received an "A" grade from this associa-

tion. Attempts to determine what factors were taken into consideration when the rankings were compiled have been fruitless. Daily telephone calls were placed to the American Association of Parents and Children for five consecutive weeks without success. The telephone simply rings four to five times, and then a busy signal is heard.

EDUCATION REFORM AND CHILDREN-AT-RISK

There are many factors that can hamper a child's ability to be successful in school and remain there through graduation. Education reform, to be effective, must focus on these factors if the State is to improve its education system and help the child to succeed. Factors which jeopardize a child's educational progress include alcohol and drug abuse, being a teen parent, deficiency in the English language, homelessness, lack of life goals, loss of hope for the future, low self-esteem, poor health, poor nutrition, and poverty.

"Children-at-risk"²⁴ is a widely used term to describe children victimized by a variety of these health, social, educational and economic factors which place "at risk" their school success and high school completion. Most of the children who are affected by these problems attend public schools and are expected to be attentive, complete assignments, learn in a classroom setting, earn credits needed toward high school graduation, and eventually enter the world of work. Some succeed, but others need intervention and assistance. Because this needed intervention is specialized in nature, i.e., may be of a health, social, or economic specialty, the need for *collaborative* programming is evident.

Wisconsin's Efforts

The State of Wisconsin was one of the first states to recognize the need to target children-at-risk as being critical to the success of either education reform or welfare reform. A Children-at-Risk statute was passed by the Wisconsin Legislature in 1985 which defined "children-at-risk" and required every school board to annually identify such children in the district and develop a plan to meet their needs.

In these plans, school boards must set procedures for identifying at-risk students and detail how plans will address needs through curriculum modifications, alternative programs, remedial instruction, parental involvement, pupil support services and other related programs.²⁵

In addition to these plans, each school district was required to identify a Children-at-Risk Coordinator in the district to monitor and ensure that all modifications in programming were appropriate and effective. A major goal in Wisconsin was the linkage of services at both the state and local levels. At the state level, this included involvement from the Department of Public Instruction, the Department of Industry, Labor and Human Relations, Department of Health and Social Services, the University System, and the post-secondary educational systems.²⁶

According to Richard H. Delone, most state governments have the means to address the problem of serving at-risk youth. He proclaimed: "State government has greater potential than any other level of government to initiate and carry through the *coordinated policy and programming strategies* that are required."²⁷ Delone further indicated that state efforts are tied to two national reform movements: *educational excellence movement* and *welfare reform*. As he pointed out:

Frustrated by the inability of current policies—including work requirements and "welfare" programs—to keep large numbers of recipients off the welfare rolls, officials in many states have begun to target education, employment and other services to young welfare recipients.²⁸

Delone indicated that programming for at-risk youth in most communities today is "anything but integrated, sequential and systematic."²⁹ According to Mr. Delone:

Indeed the fragmented nature of service delivery as it now exists is close to a design for failure because single services delivered in an uncoordinated manner cannot address the multiplicity of problems the youth at-risk faces. If a student needs glasses, has a drinking problem or comes from a pathological family, the best education program in the world will not be enough. Similarly, if a dropout lacks the basic academic skills to succeed in a training program, the guarantee of a good job at the end of the program will not matter.³⁰

Finally, Delone observed that before state government can "convene" local governments to develop coordinated planning and service delivery, it must first demonstrate the capacity for coordination itself. "State-level agencies must show practical evidence that they are leading the way in the coordination of services."³¹

Education Commission of the States (ECS)

The need for a collaborative effort in addressing the needs for children-at-risk was identified by the Education Commission of the States (ECS) when they hosted several national forums for youth at-risk, wrote and distributed working papers and issue statements, and compiled a 50-state database on the subject. What resulted was the development of five strategies which ECS claims "could have a substantial impact on successful education for those students who are most at risk. . . ." ³² The ECS defined two of the five strategies as follows: ³³

Interagency collaboration concerns the relationship among schools, other youth-serving agencies, governments and communities acting to resolve common problems—in this case, the academic and personal needs of our children. Coordination of resources and services available to the child and the child's family will be the foundation of comprehensive services to meet the needs of the at-risk youngster.

Early intervention strategies focus largely on child care, early childhood education and training new parents to help their children learn. Research shows that children who enter school with inadequate health care, little educational exposure and emotional/social problems are likely to fall behind and stay behind.

Wyoming Public Schools (K-12)

The public elementary and secondary schools of this state are administered in accordance with the provisions of Title 21 of Wyoming Statutes. W.S. 21-2-104 creates the State Department of Education under the supervision of the State Superintendent of Public Instruction, and W.S. 21-2-202 outlines the duties of the State Superintendent.

The general supervision of the public schools is entrusted to the State Superintendent, and the duties are carried out through the Department of Education. In addition to the statutory duties outlined for the State Superintendent, Wyoming Statute W.S. 21-2-304 also specifies the general duties of the State Board of Education.

The State Board is composed of nine (9) members appointed by the Governor. The State Superintendent is a *ex officio* member of the Board without the right to vote. Thus, the Governor's input to the administration of public schools is initially through his appointment authority of the State Board. The Governor also can influence elementary and sec-

dary education through initiatives developed in cooperation with the State Superintendent and the Legislature. However, statutory and constitutional authority for public school education is clearly vested in the State Board and the State Superintendent.

As cited earlier in this report, the recent interest in educational reform expressed by the National Governor's Association, President Bush, and the Wyoming Education Development Council influenced the Joint Reorganization Council to examine this State's efforts to improve public education. In conjunction with this examination, it was seemingly appropriate to determine how the cabinet system could help.

W.S. 21-2-304 (b)(i)(c) provides that the Board of Education shall: "prescribe minimum standards [which] shall relate to and include the evaluation and accreditation of the public schools."

In 1989, the Wyoming Legislature amended W.S. 21-2-102 to add subsection (a)(xiv), which gave the State Superintendent the authority to "collect student educational assessment data from school districts, community colleges, and the University of Wyoming."

School Accreditation. In conjunction with this authority, the State Board recently adopted School Accreditation standards with which the public schools must comply. The Board defined *accreditation*, *at-risk students*, *Common Core of Knowledge*, *Common Core of Skills*, and other terms, as well as outlined student, district, and school performance requirements. This "Outcomes Program" is the State Board's initiative to improve education by outlining general knowledge and skills performance standards which students must meet.

The School Accreditation Rules and Regulations define *accreditation* as: ³⁴

A process by which each school district and each school within the district assesses itself and is monitored by the state in order to identify strengths, plan and implement improvement, assure legal compliance and assure the determined performance standards.

These Rules and Regulations also defined *at-risk children* as: ³⁵

School age individuals who are likely to experience economic, social, and academic failure because of social or family conditions or at-risk behavior.

The School Accreditation Standards define a *Common Core of Knowledge* and a *Common Core of*

Skills as levels of performance which “all public school students shall meet at the level set by the school and district.”³⁶ Sections 7 and 8 of Chapter VI of the Rules specify the common cores of knowledge and skills as follows:³⁷

Section 7. Common Core of Knowledge. All public school students shall meet the student performance standards at the level set by the school and district in the following areas of knowledge:

- (a) Language Arts
- (b) Social Studies
- (c) Mathematics
- (d) Science
- (e) Fine Arts and Performing Arts
- (f) Physical Education
- (g) Health and Safety
- (h) Humanities
- (i) Career Options
- (j) Foreign Cultures including Language
- (k) Applied Technology

Section 8. Common Core of Skills. All public school students shall meet student performance standards at the level set by the school and district in the following skills:

- (a) Problem Solving
- (b) Interpersonal Communications
- (c) Keyboarding and Computer Applications
- (d) Critical Thinking
- (e) Creativity
- (f) Life Skills

In order to begin implementing the School Accreditation program, the Department of Education outlined a three-phase time-line. The phases and dates are:

Phase I: September, 1990 to September, 1991

1. Districts develop local structures for including teachers, parents and others in setting and developing a district mission statement and district-wide goals.
2. Districts begin gathering baseline data on district and school demographics, including economic, social, and educational status and trends.
3. Districts establish mission and set district-wide goals.

Phase II - September, 1991 to September, 1992

1. Districts complete baseline data.
2. Districts develop student performance standards addressing specific district goals.
3. Districts establish procedures for measuring levels of student success.
4. Individual schools begin establishing student performance standards and measurements.

Phase III - September, 1992 to September, 1994

1. Schools complete setting of student performance standards and begin measurements of student success in meeting expectations.
2. Districts evaluate district-wide student performance.
3. Districts issue first performance based report card to community.
4. Districts analyze results building by building to determine whether goals, performance standards or other factors need to be changed.
5. Districts design staff development programs based on emerging needs identified in student performance measures.
6. Districts begin process again.

A review of the rules and regulations, phases and time-lines, indicate that the expected student performance will be defined by each local school district and school within the district, under the broad parameters set forth by the State Board of Education.

Children-at-Risk. The Department of Education has also made efforts to focus on children-at-risk. In the Fall of 1987, the Department, in conjunction with the Mountain Bell Foundation, prepared and distributed a booklet to every household in Wyoming. The publication, entitled *Children At Risk, Roadblocks to Achieving Potential*, identified seven “roadblocks” to achieving success in school. These included: dropping out, alcohol and drug use/abuse, teen pregnancy, suicide, illiteracy, violations of law and institutionalization, and violence.

The brochure highlighted the problems of troubled youth in the preface when it declared:³⁸

Half of Wyoming’s children could be at risk:

Of being deprived of a chance to succeed in this society, economically, socially, and educationally

Of dropping out of school

Of alcohol or substance addiction

Of violence, neglect, or abuse
Of becoming pregnant
Of illiteracy.

In discussing the problem of children dropping out of school, the booklet cited several relevant statistics. "Over 70 percent of the people in correctional facilities are persons who dropped out; the majority of families receiving public assistance are headed by people who dropped out."³⁹ The report went on to say:

Students most at risk of dropping out include those from minority groups, those reading below grade level, those from families with economic problems, and those whose fathers dropped out.⁴⁰

In discussing solutions to the dropout problem, the Department suggested working with the families, offering alternative schools and alternative programs and changing compulsory attendance laws to require students to stay in school through completion of a high school diploma or their 18th year.

These suggestions clearly reflect a strategy to involve outside parties in the solution of the problem and to implement changes to the status quo. One organization or entity in Wyoming most involved with at-risk children is the Division of Public Assistance and Social Services of the recently created Department of Family Services. This agency should be a primary player in solving the dropout problem, by focusing some of its efforts in this area. This may be the most effective means of addressing this problem.

Statistics regarding the use of alcohol and drugs were reported in the children-at-risk brochure, and solutions to this problem were also suggested. Usage of alcohol and drugs was described as follows:⁴¹

Drug use among teenagers is 10 times more prevalent than suspected by parents. Sixty-one percent of high school seniors have used illicit drugs, according to national surveys. Marijuana has been tried by 55 percent of high school seniors, 40 percent used drugs in addition to marijuana, 17 percent tried cocaine at some time and 6.7 percent used cocaine in the past 30 days. For teenagers alcohol is the drug of choice and the number one drug problem. According to a 1985 national survey, 92 percent of high school seniors have used alcohol at some time. Sixty-six percent of high school seniors have used alcohol in the last 30 days and five percent used alcohol daily.

State government operates several programs designed to address the problems of alcohol and drug use. As an example, the Division of Community Programs within the Department of Health provides counseling, education and prevention programs in all 23 counties in the State. The resources and expertise of this program, as well as that available in the Division of Medical Service, should be drawn upon to address these issues. Children from these households are likely more at risk than children from normal households.

Wyoming has the seventh highest pregnancy rate among 15-19 year olds. . . . The dropout rate for mothers under the age of 15 is 70 percent, 38 percent for mothers age 17-18 and 10 percent for those whose first teen pregnancy occurred at age 19. . . . Half of the families that receive welfare aid were started by teen mothers.⁴²

The Department of Education suggested several approaches to address the problem of teen pregnancy, including additional day care, counseling, skill training, and job placement. Additional education about sexuality, parenting, health, reproduction, and sexually-transmitted diseases was also recommended. Many of these efforts could be supported by personnel from state government, including employment experts, health care professionals, and social services providers.

One out of five teenagers will come into contact with law enforcement officers each year. In Wyoming, 25 percent of these will either be jailed for a period of time or be placed in one of the state's correctional facilities or an out-of-state institution. A 1986 study of 149 troubled youth in Wyoming showed 72 percent had been in foster homes, group homes or crisis centers; 53 percent had been in private, in-state residential treatment centers; 32 percent had been in one of Wyoming's public treatment centers. Of the 149, a third were placed out-of-state and another third were placed in the Wyoming State Hospital or a private psychiatric hospital.⁴³

Making children aware of discipline, the courts, and penal system in Wyoming was one of the suggestions advanced by the State Department. Another was to support rigorous standards for educational programs in residential institutions. Funding for group homes and other community-based programs was encouraged as well as promotion of citizenship, rights and responsibilities in the State's

elementary schools. State correctional, public safety, family services, and other officials could be called upon to collaborate on this problem.

The State Department of Education suggested several approaches to addressing the problems of children-at-risk. However, similar to the Department's efforts involving the setting of student performance standards, children-at-risk initiatives also appear to be voluntary rather than mandated programs. Encouraging greater involvement of parents, teachers, businesses, and community leaders is a worthy objective. However, voluntary efforts are likely not to be enough. A more aggressive approach needs to be defined at the state level which incorporates all of the expertise available. Programs need to be tailored which focus specifically on the problems of children-at-risk, and the State needs to take a leadership role in carrying out these programs. Such an effort cannot be successfully launched by a single department of state government. It must be a collaborative effort of the several departments of state government, coordinated by the Department of Education, with involvement from parents, teachers, businesses, and community entities. The cabinet system of government is essential in addressing these issues.

The Department of Education and the State Board of Education should be commended for bringing these issues to the forefront. But they need help. State law currently restricts the State's education program to children between the ages of 5 and 21. Preschool programs cannot be funded with state or county funds. According to the Assistant Superintendent for Certification, Accreditation and Program Services,⁴⁴ the Department is in favor of preschool programs but the Legislature is not. Fears of too much state interference with family and home life, as well as financial problems, were cited as reasons for the Legislature's resistance to provide authority to the Department in this area.

This is not to suggest that nothing is being done in Wyoming to address children-at-risk and preschool programs. According to the Assistant Superintendent, each school district may have its own set of policies and procedures to address at-risk children. The emphasis may be different in each district. Additionally, two school districts in the State conduct preschool programs, Pinedale and Jackson. These are privately funded.

Summary Education Reform and Children At-Risk

This section of the report identifies the relationship as recognized by various national officials, the

Education Commission of the States, and various state government experts, between children-at-risk and educational success. Factors creating obstacles to children's pursuit of educational achievement were cited, and the need for a collaboration among various local and state educators and officials and government entities was highlighted.

The major emphasis of this section was to assess what Wyoming is doing in the way of student assessment and children-at-risk, which are two issues in the forefront of educational reform in many other states. Input from the Department of Education was gathered relative to these issues.

Evidence was found reflecting the Board of Education and the State Department of Education's efforts to address both children-at-risk and student performance. In 1987, a brochure describing children-at-risk and the barriers to achieving their potential was distributed to every household in Wyoming. Then, in 1990, the State Board of Education adopted School Accreditation Standards outlining common cores of knowledge and skills which every school district in the State must address in defining levels of student performance. Both initiatives encourage local schools to develop programs to address these issues. This is in contrast to the actions of several other states which have assumed these initiatives as state rather than local responsibilities and have passed legislation to address them.

WYOMING COMMUNITY COLLEGE COMMISSION

At the same time that the Joint Reorganization Council was examining educational issues in Wyoming, the Community College Commission was undergoing management audit services performed by MGT of America, Inc., a national research and consulting firm headquartered in Olympia, Washington. These services were to include assessment of, among other things, governance, accountability, and efficiency issues. At the outset of this study, the Joint Reorganization Council met with representatives of MGT and agreed the two efforts should be undertaken in harmony. The JRC's report focused primarily on two areas: the cabinet system and K-12 education, and the coordination and governance role of boards and regents. As the printing deadline arrived, data from the MGT management audit services was not available.

W.S. 21-18-201 created the Wyoming Community College Commission, providing for seven members to be appointed by the Governor. The powers and duties of the Commission are specified

in W.S. 21-18-202, which include the power to appoint a director, promulgate and adopt rules and regulations, review and approve programs, establish and implement management information systems, encourage the effective utilization of resources, administer state aid to the colleges, define audit requirements, insure uniform accounting procedures, and implement a standardized tuition structure.

W.S. 21-18-202 (a)(vi) states that the commission shall: "Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government. . . ."

According to the Director,⁴⁵ the current structure of the Commission "is good for local boards." He indicated that, in the future, more accountability is needed and statewide policy is desirable. "You won't get this with a cabinet system," he said.

Mr. Meznek suggested that the community colleges are part of the higher education system, and they don't want to regress—their whole history has been to move away from K-12. The University of Wyoming does not want to be merged with K-12 and neither do the colleges, according to Meznek. "The cabinet system is not where things are happening in higher education."

The Director argued that the solution is to strengthen the Community College office. He cited two ways of doing this: 1) by acquiring a Management Information System to provide rapid information, and 2) developing a broader policy platform for the community college sector in the Legislature. "We need time and support," Mr. Meznek said. Maintenance of the Commission is important to represent statewide interests and should not be placed under the university system.

He indicated the Community College Commission needs to get more involved with the Education Committee of the Legislature, and there were several things that need to be accomplished: 1) annual data on the "state of the colleges" needs to be developed; 2) policies and standards need to be developed; and, 3) audit standards need to be adopted to verify FTE.

During the last legislative session, the Director suggested to the Joint Appropriations Committee a change in membership on the Community College Commission. He recommended the President of the University of Wyoming be included and that the State Superintendent of Public Instruction be removed. He suggested that the best way to facilitate interaction between K-12 and higher education was to establish an Intersegmental Coordinating

Body, similar to that established in California by the California Higher Education Commission.

UNIVERSITY OF WYOMING

The current configuration of education in Wyoming, public schools (K-12), community colleges, and University, makes sense, according to the University of Wyoming President, Terry Roark.⁴⁶ There are no strong similarities between the three sectors—the linkage is stronger between community colleges and the University. The President said that education should be a smooth progression, not a stair step; and the colleges need to be cohesive, not split up.

Problems of credit transfers from community colleges to the University "may be nonexistent," President Roark explained. He has asked the community college presidents if there is a problem and has been informed that there isn't. No examples or cases have been provided to him in this regard.

The University and community colleges already have a common course numbering system, and during the past two years a single college prep program has been developed and is being advanced by the seven colleges and the University. The University also offers at least one B.A. program on each community college campus. The program is usually in the social sciences field.

President Roark indicated he feels the Wyoming elementary and secondary schools are doing a good job preparing students. Some of the problems are "deeper home problems" which cannot be addressed by the school system, he said. Mandated state level performance requirements for high school graduates might enhance a student's preparation, but as long as the University has no entrance requirements for incoming Wyoming freshmen, it is difficult to avoid offering remedial courses in math and English.

The President concurs with the Community College Commission's efforts to expand its membership to include the University President in its membership. He cautioned, however, that this expansion should allow for the President "or his designee" to attend Commission meetings, as there are occasions when the President could not personally attend.

President Roark indicated that an Office of Education Accountability is not needed in Wyoming, because there are so few officials at the state level involved in the educational system. The University has good access to the Governor, either directly or through the State's Budget Analyst or Governor's

aide. Another liaison between the Governor and the University is not necessary.

The President was asked if he would be in favor of the President of the University having a seat on the Governor's Cabinet. He indicated that this might be a good thing, because the exchanging of information would be healthy for both the University and the other departments of state government.

DEPARTMENTS OF EDUCATION IN OTHER STATES

Wyoming is one of sixteen states which elects its Chief State School Officer. Eleven of these states also operate under a cabinet system of government. Authority for creation of the cabinet system varies among the eleven states, as does the number of departments included in the Cabinet. These states are shown in Table II-7.

In order to assess in these states the functioning of an elected State Superintendent and a cabinet system, each of the other ten states was contacted. What follows is a brief description of each.

Arizona

The Governor's Cabinet in Arizona meets every Tuesday. Education is partially represented on the Cabinet inasmuch as the Executive Director of the Board of Regents, representing all Arizona universities, sits on the Cabinet, as does the Governor's Education Liaison, Mike McCormick. Elementary and secondary education, under the State Superintendent's authority, is not represented, nor are community colleges or trade schools.

According to Mr. McCormick,⁴⁷ elementary and secondary education should be represented on the Cabinet. Coordination between education and the Arizona Department of Children is badly needed.

Attempts to bring education officials together with those agencies where coordination is needed have not been very successful. As an example, he has tried to set up monthly meetings with the State Superintendent, Department of Corrections, Department of Children, and Employment Security Commission, but because the department heads generally don't "show up," these efforts have not met with much success.

The Governor's Education Liaison serves as an advisor to the Governor on all education matters. However, the position is not statutory and has no legal or formal authority. In spite of this, the Governor, through the position, has been able to get some improvements made in various education programs.

According to Molly Broad, Executive Director of the Board of Regents,⁴⁸ educational policy or reform is mainly accomplished through the legislative process rather than through input to the Governor's Cabinet. The situation with the elected State Superintendent is difficult due to politics. Because the community colleges are not participants in the Governor's Cabinet, problems between the universities and junior colleges are not addressed at that level.

California

In California, the educational program is split into four areas. An elected non-partisan State Superintendent has responsibilities for elementary and secondary education (K-12). There are 107 community colleges in 70 different districts which come under the jurisdiction of the Community Colleges Board of Governors, membership in which comes from the local boards. The California state university system consists of 20 California state university campuses, and these are governed by the Board of Trustees. Finally, the University of California

TABLE II-7

States with Elected State Superintendents and Cabinet System

| Cabinet Created by Statute or Constitution (C) | # of Depts* | Cabinet Created by Governor's Authority | # of Depts* |
|---|----------------|--|----------------|
| Florida (C) | 7 | Arizona | 15 |
| Kentucky | 13 | California | 11 |
| Oklahoma | 11 | Montana | 16 |
| Wisconsin | 9 | North Carolina | 10 |
| Wyoming | 13 | Oregon | 21 |
| | | Washington | 26 |

* including the Governor

Source: The Council of State Governments, *The Book of the States*, 1988-89 Edition, p. 43.

consists of nine campuses, and this system is run by the Board of Regents. This system focuses on research and primarily graduate degrees. In fact, one-third of the enrollment are graduate students.

The Governor of California employs an Education Advisor and two education analysts, one for K-12 and another for higher education. The Education Advisor, Ms. Erica Hoffman,⁴⁹ indicated that California needs a cabinet-level position to coordinate all education issues and social issues. The Governor attempts to implement programs and reform through the Legislature; and over the years there have been some "hard feelings" among the education sectors, primarily over budget matters and interpretation of law. There "tends to be more linkage between colleges and universities than between K-12 and higher education" in California, according to Ms. Hoffman.⁵⁰

California recognizes the need for coordination between elementary and secondary education and its Department of Human Services. As an example, legislation was recently introduced that "if a child is not attending school, the family's welfare grant would be sanctioned."⁵¹ The legislation failed due to a massive welfare lobby.

According to Mr. John Pimenpel, Governor's Analyst for Higher Education,⁵² the four education sectors do not always work together. However, in 1989, a bill was passed to provide an organized system for uniform transfer of credits and a uniform system of curriculum development. This was accomplished through creation of an Intersegmental Coordinating Council that determined which courses would transfer among the higher education institutions.

Florida

Florida's cabinet system is quite unique compared to the other systems in place in the various states. The top seven elected officials sit on the Cabinet and also serve as the State Board of Education, as well as comprise the membership on eleven other boards and commissions. Each of the elected officials have their own individual agencies to administer as well, but education is brought to the forefront of all issues by virtue of the elected officials comprising the State Board of Education.

The Cabinet is able to address the problems of coordination between social, welfare and education programs. The Board has established indicators of excellence and has developed certain standards which all local school districts must meet. Education issues are brought to the Cabinet bi-weekly. The education budget is prepared by the Education

Department and submitted to the Cabinet which must approve it before it goes to the Legislature.

According to Mr. David Rodriguez, Education Cabinet Aide,⁵³ an Articulation-Coordinating Committee was established to institute equity in the courses offered across the State so that credits won't be lost as students move from one institution to another. This group also works with K-12 to direct programs so they tie into postsecondary—the K-12 curriculum is designed to "mesh" with higher education.

The Board of Regents has line authority over all universities in the system, and the Board of Community Colleges has authority over community colleges. However, both come under the auspices of the State Board of Education. Thus, there is a good linkage between all education sectors—K-12 through higher education.

Kentucky

Kentucky adopted the cabinet form of government in 1974 and at that time also proposed a constitutional amendment which would abolish the elected position of Superintendent of Public Instruction. The plan was to have an appointed cabinet-level Commissioner of Education whose responsibilities would encompass all sectors of education in Kentucky, including K-12, community colleges, and universities. The constitutional amendment failed, but the cabinet system was adopted nonetheless.

In 1982, another attempt was made to abolish the elected status of the State Superintendent; but, again, the voters rejected the idea. Then, in 1986, the proposal was again submitted to the voters, only to be rejected for a third time.

Because of the inability to do away with the State Superintendent's position, the State has created a cabinet-level Secretary of Education post. This position is appointed by the Governor and serves on the Cabinet representing all education sectors, including K-12, community colleges, and the universities. Both the community colleges and the universities in Kentucky are governed by the Kentucky Higher Education Council, so coordination of these two sectors has not been a problem. In fact, the Council makes budget recommendations on all institutions, even though each has a Board of Trustees. Additionally, the Council has the responsibility for developing a master plan for higher education and can set the missions of each institution, change the missions, etc. However, input to the Cabinet is through the Secretary of Education.

The Secretary of Education currently has administrative linkage only to the Department of Education, which is administered by the elected State Superintendent. This relationship has never worked very effectively in Kentucky, because the situation results in two elected officers, the Governor and the State Superintendent, both making pronouncements on education. Both regard themselves as having a mandate from the people to do something about education. The Secretary of Education is viewed as the Governor's official education representative, so, as a natural consequence, this person is sought out by the press and others anytime the State's position on an education issue is wanted. The position expressed by the Governor often is not in harmony with the position expressed by the elected State Superintendent.

Recently, the Governor of Kentucky, as a result of the renewed interest in education expressed nationally by all governors through the National Governor's Association, wanted to totally structure the educational system. This was strongly resented by the State Superintendent, who didn't think there was much wrong with the current system. According to Dr. Jack Foster, Kentucky Secretary of Education,⁵⁴ the Governor's Office "carries much more weight than the State Superintendent's office; and there are no major educational issues that the public doesn't want to get the Governor's views on." The policies of the Governor's Office get translated through the Cabinet secretaries and are given a very special view by the press. The Secretary of Education is able, in the cabinet structure, to coordinate effectively between welfare and education and other systems—he can coordinate through the Higher Education Council. This, in spite of the fact that the Cabinet Secretary of Education does not run the school system.⁵⁵

Because of the need to obtain K-12 input to the Cabinet, previous Governors in Kentucky have occasionally appointed the elected State Superintendent to the Cabinet. However, because of natural political differences, this arrangement has been very unsatisfactory, as differing views on education policy have evolved from the two elected officials. Last year, the Kentucky General Assembly solved the problem with passage of the Education Reform Act. Since, constitutionally, the elected State Superintendent position cannot be abolished, the Legislature reduced the salary to \$3,000 per year and transferred all the State Superintendent's statutory duties to the newly created Commissioner of Education, which is effective January 1, 1991:

In order to redirect the focus of the state education agency, the Education Reform Act provides for the abolition of all State Department of Education jobs at the close of business December 31, 1990 and removes the department from the state merit system. The intent is to enable the new Commissioner of Education to redesign and restaff the department. The Commissioner may rehire current employees of the department.⁵⁶

The reorganized department will provide services including assistance with curriculum design, school administration and finance, research and planning. It also will monitor the management of school districts. Regional service centers are to be established in 1992 with a primary focus on professional development of school district employees.⁵⁷

Montana

Montana also has an elected State Superintendent and a cabinet system of government. The current Superintendent and the Governor are of different political parties. In order to obtain educational input for the Cabinet, the Governor has appointed within his office an Education Liaison or Senior Policy Aide to work with the Cabinet on education policy and issues. This aide works with the Department of Education whenever possible; but, according to the current incumbent,⁵⁸ Ms. Marilyn Miller, she works more closely with members of the Cabinet than with the State Superintendent.

The Governor's education policy is developed by the Education Liaison, working with the Cabinet, and efforts are made to include the views of the State Superintendent. However, if the Governor is unable to include the State Superintendent in policy development, he proceeds without it.

The Education Liaison indicated that the cabinet structure works well in Montana, because it gives all departments an opportunity to work together on state problems and to provide input as policy is formulated. In Montana, issues which have come to the forefront include alternative certification and annual reporting. Ms. Miller indicated that the State is also working on implementation of national standards recently adopted by the National Governor's Association. Even though Montana students ranked third nationally on both the ACT and the SAT, the Governor feels the educational system in Montana needs to be strengthened and improved.⁵⁹

Other issues being addressed by the Governor's Cabinet which require solid educational input

include the problems associated with disintegrating families, drug abuse, alcohol abuse, and other youth troubles which need to be addressed through education policy.

North Carolina

As was the case in Montana, in North Carolina the elected State Superintendent is of one political party and the Governor is of another. This occasionally "causes problems" in North Carolina, as the two elected officers tend to blame each other when problems arise in education.⁶⁰

Dr. George Kahdy is the Education Liaison in the Governor's Office, and the Governor also employs two senior education advisors: one for elementary and secondary education, the second for higher education, including community colleges. These advisors and the Liaison participate in Cabinet meetings but do not possess the same "status" as the department directors.

The Governor's policy initiatives in education are developed by his staff with input available from the Department of Public Education, which is administered by the State Superintendent working with the State Board of Education. All ideas go to the General Assembly, and the Governor does not have veto power. The structure in North Carolina does not lend itself well to new initiatives as evidenced by the fact that "nothing significant has been effected by the Governor's Office after four years of experimentation with differential pay."⁶¹

The Education Liaison personally has a good working relationship with the State Superintendent, which apparently was not the case with Dr. Kahdy's predecessor. The Governor has recently established a commission in an attempt to get more literacy in the work force. This commission is composed of businessmen and women throughout the State and is chaired by four co-chairmen, one of which is the elected State Superintendent. The other three co-chairmen include the Labor Department Director, the Director of Commerce, and a community college president.

The correlation between welfare and lack of education is widely recognized in North Carolina; and, in order to address this issue, the Governor last year recommended programs directed at children, ages three to four, who are at risk. These programs were recommended by the Governor's education specialists, not the welfare officials; but the Legislature failed to go along with the Governor's initiatives. The programs were patterned somewhat after the Head Start Program and were focused toward work-

ing mothers who wanted to get their children into Head Start. Roughly 64 percent of the mothers in North Carolina work outside of the home.

Oklahoma

The elected State Superintendent and the Governor of Oklahoma are of the same political party, which, according to the State Superintendent, has enabled good communications and coordination.⁶² The Superintendent is not a member of the Governor's Cabinet but does attend meetings upon invitation.

The State Superintendent is a voting member of the State Board of Education, which is responsible for presenting the budget request for all public elementary and secondary schools to the Legislature. According to Mr. Hoeltzel, this request "is never the same as the Governor's."⁶³

The Oklahoma Legislature is "very aware of the educational problems and resultant social impacts." Oklahoma is sixth in the nation in teen pregnancy, prisons are filled with illiterates and high school dropouts, and these social problems are driving educational reform in Oklahoma. This, in spite of the fact that the Oklahoma children's test scores, ACT and SAT, weren't that bad.⁶⁴

As part of the reform package, every high school will have to have the curriculum available for every high school student to get into the university. The Regents are concerned with remediation at the post-secondary level, because they feel they are spending too much money teaching remedial classes. They are also in the process of raising the entrance standards. In response to many of these problems, the State Superintendent sees more state control of public schools in the future. The State is already empowered to adopt all standards and can take over a school district for operating below standards or conducting its business in a fiscally irresponsible manner.

Ms. Sandy Garrett, Cabinet Secretary of Education in Oklahoma,⁶⁵ is responsible for coordination of various educational programs, i.e., public schools, higher education, Vocational Technical Education, Arts, Historical, Educational TV, and Library. The Governor's Cabinet, according to Ms. Garrett, is composed of nine secretaries, some of which are department directors; others are coordinators or liaison staff.

Ms. Susan Hannah, Assistant to the Secretary of Education,⁶⁶ explained that the Education Secretary's role is to provide Cabinet input for all education sectors, including higher education and public

schools. The position involves one of coordination among the various education programs and is responsible for advising the Governor and keeping him informed on all education matters.

The Governor's Cabinet meets monthly to discuss State issues and outline State policy. The education entities within the Cabinet of the Education Secretary meet every quarter. These fourteen entities get together at the request of the Secretary. This system is used to enhance coordination and communications among the several programs.

Oregon

The cabinet system operating in Oregon is not established by state statute or constitution, but rather has been established under the authority of the Governor. The Cabinet consists of some 21 departments and meets at the discretion of the Governor.

The State Superintendent is an elected non-partisan official in Oregon which has responsibilities for public education, K-12, and community colleges. The Superintendent works with a seven member state board of education, which is appointed by the Governor. Universities and state colleges are governed by a State Board of Higher Education.

According to Dr. John W. Erickson, State Superintendent,⁶⁷ most education reform or policy development in Oregon comes from the Governor. However, a lot also evolves from a cooperative effort of the Governor and the State Superintendent.

Although the State Superintendent is a non-partisan official, those elected to the position tend to be quite political, which can result in difficult coordination and communications between the Governor's and the State Superintendent's positions on education. The Governor employs an advisor within his office to coordinate the two efforts, however.⁶⁸ And, this position is also responsible for attending the Governor's Cabinet meetings.

The State of Oregon also has a position called, Director of Education Policy and Planning, which is appointed by the Governor and must be confirmed by the Senate. Through this office, the Governor has been able to initiate several packages of reform. Policy development and decision making involves a combination of agency heads, including the State Superintendent. According to Mr. Roger Basset, Director of Education Policy and Planning,⁶⁹ the Governor has been able to work closely with the incumbent State Superintendent because the incumbent was appointed by the Governor to fill out the term of the elected State Superintendent who resigned before the end of his term.

Mr. Basset described two recent strategies formulated in Oregon.⁷⁰ One, which he referred to as Higher Level, focused on children and the importance of providing a continuum of care from prenatal to adulthood. The second, a work force strategy, focused on developing Oregon's workforce as an attractive asset for economic development. Both of these efforts were based on a coordinated agenda which included participation at the Department Director level of several departments, including Employment, Higher Education, Adult and Family Services, Community Colleges, Economic Development Board and Public Schools (State Superintendent). This coordinated effort evolved from the cabinet system participants.

Washington

Input to the Governor's Cabinet in Washington is provided primarily through the Governor's policy staff, employed in his immediate office. The State Superintendent is an elected position which works primarily with the State Board of Education. The State Board is an elected body, chosen by local school officials. Washington tried to do away with this method of selecting Board members but was unsuccessful.

The State Department of Education, which is administered by the State Superintendent, is primarily involved in teacher certification and local school construction issues. The department also allocates funds to local school districts, which, according to a member of the Governor's policy staff, involves providing a regulatory function; "they don't provide leadership."⁷¹

The Governor appoints a Higher Education Coordinating Council which has influence over higher education, including community colleges. Coordination of higher education in Washington, however, is handled primarily through the budget process. The Governor tries to implement policy by working with both elementary and secondary education (K-12) and higher education through his Office of Budget and Policy. Policy assistants are assigned in the areas of Education, Health, and Social Services in an effort to force these areas to work in harmony. There is "lots of jealousy and politics"⁷² in the education profession in Washington which tends to obstruct attempts to coordinate the various programs. In fact, "cooperation was terrible until the new State Superintendent came in last year."⁷³ "No one is accountable; it's a terrible set up. The public wants to hold the Governor accountable and he's not, because he has no resources in education."⁷⁴

In spite of the structural difficulties identified by Washington officials, the state has been able to focus on various problems in an effort to minimize or reduce social ills. For example, the state has developed programs to address school dropouts and children-at-risk by hiring tutors and social workers in the schools.

Wisconsin

Wisconsin's Governor's office indicated it is "very difficult to make any changes in education, partially because the organizational structure is an impediment to educational reform."⁷⁵ Coordination there was described as being "good, depending on the issue."

Attempts have been made to address remedial problems at the postsecondary level by directing additional resources to schools with remedial needs, described as being located primarily in Madison and Milwaukee. Wisconsin also has a children-at-risk program and an assessment system to see if what they are doing is working.

Most reform efforts evolve from the Governor's office and are coordinated by the Advisor to the Governor, who works out of the Governor's office. In addition to this position, Wisconsin also has a Board of Regents, a Vocational Education Board, and an elected State Superintendent.

The Governor's Cabinet consists of nine departments and meetings are generally held on a monthly basis. The Education Advisor is not a member of the Cabinet but does provide advice and input to the Governor for Cabinet deliberations. According to the Deputy State Superintendent of Public Instruction,⁷⁶ the Governor on occasion extends an invitation to the State Superintendent to attend Cabinet meetings. The Governor also contacts the State Superintendent for input relative to programs or to collaborate on educational issues.

The State Superintendent takes the position that he is the "state's education leader;"⁷⁷ however, on occasion the Governor's support for a program is solicited. If both the Governor and the State Superintendent can support a program, there is a good chance of obtaining legislation or public support for it. The State Superintendent described the relationship as a "pretty good spirit of cooperation."⁷⁸

The State Superintendent and Department of Social Services has been able to collaborate on focusing efforts toward children from AFDC families—families must see to it that their children attend school or face sanctions from AFDC. The State has very extensive at-risk programs which officials believe are effective.

Coordination of K-12 and postsecondary education occurs through the State Superintendent's seat on the Board of Regents. The Cabinet, on the other hand, has not been particularly effective in this regard, largely because there is no Cabinet secretary for education.

Summary of Other States

From the foregoing discussion, it is clear that in the other ten states reviewed, educational input to the Cabinet is not particularly effective, given the organizational impediments associated with an elected State Superintendent. Policy development, reform and other education issues are the responsibility of both the Governor and the State Superintendent. Cooperation between the two elected officials appears to be better if both are from the same political party. However, even under this condition, differences, resentments, and opposing views are not uncommon, making it difficult for the state to chart new courses of action. Coordination of services, particularly elementary and secondary education, community college, university, and social services is hampered in those states without a cabinet-level department of education.

Only three of the ten states reviewed have had any measure of success in incorporating education into the cabinet system. Arizona has created a position in the Governor's office, Education Liaison, which sits on the Cabinet along with the Executive Director of the Board of Regents. Participation of these two in Cabinet meetings does bring, at least partially, an educational perspective to the Governor's management program. However, the Education Liaison position is not statutory and has no formal authority. Thus, elementary and secondary education is not strongly represented in Cabinet proceedings.

In Oklahoma, a Cabinet Secretary of Education has been given the responsibility for coordination of various education programs. This position has no formal authority over the various education sectors, but does provide an education perspective to the Governor's management program. Oklahoma officials indicate that this approach seems to work well there.

Kentucky has taken the most dramatic steps to correct the structural problems that result from having an elected State Superintendent responsible for public schools and an elected Governor who is also responsible for the quality of education in the state. A Commissioner of Education position was created, and all of the State Superintendent's statutory duties

were transferred to the Commissioner. The salary for the elected Superintendent was reduced to \$3000 per year in an attempt to discourage anyone from running for the position in the future.

The lack of Cabinet involvement of education officials in the ten states reviewed is summarized in Table II-8. This table reflects the fact that only three of the ten states have a cabinet-level education official. The remaining seven states have either an education liaison or at least one education advisor to the Governor. However, these advisors do not participate directly in the Cabinet proceedings. In only one of the ten states, Arizona, does the higher education representative have a seat on the Cabinet.

BOARD OF REGENTS

In the interests of enhanced unity and coordination of higher education in Wyoming, the Joint Reorganization Council considered various alternatives to the governing structure of the State's higher education system. Several states were surveyed in an effort to ascertain the efficiencies of a board of regents setup. It was generally determined that there are two types of boards of regents: a governing board and a coordinating board.

A governing board of regents has far more authority than a coordinating board of regents. The extent of each's power is typically defined by statute in the specific state. However, the major distinction appears to be that governing boards have

complete and total management authority over the institutions under their purview, including the power to hire and fire personnel in each of the institutions. Although coordinating boards possess the authority to develop plans, review and approve programs, budgets and salaries, and can establish tuition rates and make other decisions relative to the operations of the institutions, they rarely have the authority to hire and fire presidents or other institutional staff. This difference is clear in the states examined.

Colorado Commission on Higher Education

The Colorado public higher education system includes 13 colleges, 15 community/junior colleges, and 7 area vocational-technical schools. The Commission is a nine-member lay board, appointed by the Governor and confirmed by the Senate, that acts as a central policy and coordinating board for public higher education in Colorado.⁷⁹ The mission of the Commission is to implement the directives of the General Assembly and promote and preserve quality, access, accountability, diversity, and efficiency within Colorado public higher education. The Commission works in consultation with governing boards of the higher education institutions in the development and implementation of legislative directives and statewide higher education policy. The governing boards involved include: the Board of Trustees of the University of Northern Colorado; the elected Board of Regents of the University of

TABLE II-8

Participation of Education Officials in Governor's Cabinet:
Ten States with Elected State Superintendent and the Cabinet
Form of Government

| | PARTICIPATE DIRECTLY ON CABINET? | | | Separate Cabinet-level Education Official | Education Liaison or Advisor to The Governor ¹ |
|----------------|----------------------------------|-----------------------|-------------------------|--|--|
| | University | Community Colleges | State Superintendent | | |
| Arizona | Yes | No | No | Yes | |
| California | No | No | No | No | Advisor |
| Florida | No | No | No | No | Aide |
| Kentucky | No | No | No | Yes | |
| Montana | No | No | No | No | Aide |
| North Carolina | No | No | No | No | Liaison |
| Oklahoma | No | No | No | Yes | |
| Oregon | No | No | No | No | Advisor |
| Washington | No | No | No | No | Aide |
| Wisconsin | No | No | No | No | Advisor |

1. Does not participate directly on Cabinet, but advises the Governor on education issues and may attend Cabinet meetings.

Source: Telephone interviews with the states, May-September 1990.

Colorado, which has campuses in Boulder, Colorado Springs and Denver; the State Board of Agriculture, which is responsible for Colorado State University, Fort Lewis College, and the University of Southern Colorado; the State Board of Community Colleges and Occupational Education, which supervises 15 community/junior and local district colleges and 7 area vocational-technical schools; the Trustees of the Colorado School of Mines; the Trustees of the four state colleges in Colorado; and the Board of Directors of the Auraria Higher Education Center.

Responsibilities of the Colorado Commission on Higher Education include:⁸⁰

- ▶ Develop long-range plans for an evolving state system of higher education.
- ▶ Review and approve degree programs.
- ▶ Establish the distribution formula for higher education funding; recommend statewide funding levels to the legislature.
- ▶ Approve institutional capital construction requests; recommend capital construction priorities to the legislature.
- ▶ Develop policies for institutional and facility master plans.
- ▶ Administer statewide student financial assistance programs through policy development, program evaluation, and allocation of funds.
- ▶ Develop and administer a statewide off-campus (extended studies), community service, and continuing education program.
- ▶ Determine institutional roles and missions.
- ▶ Establish statewide enrollment policies and admissions standards.
- ▶ Conduct special studies as appropriate or directed, regarding statewide education policy, finance or effective coordination.

Iowa Board of Regents

The Iowa Board of Regents is a nine-member board appointed by the Governor for six year terms of which three terms expire every two years. One of the nine members must be a student or have been a student at the time of his appointment. This board is a governing board with total authority over Iowa's senior institutions, which include the University of Iowa, Iowa State University, and the University of Northern Iowa. It also has jurisdiction over the Iowa School for the Deaf and Iowa School for the Blind.⁸¹

Until 1984, the community colleges in Iowa were governed by the Community College Board. The state was divided into 15 regional districts; each district had a college within its boundaries, and each district had representation on the Board. However, in 1984, oversight for the colleges was placed under the State Board of Education.

Interaction between the Board of Regents, community colleges, and elementary and secondary education (K-12) has been limited primarily to participation on the Student Financial Aid Board by the Director of Education (K-12) and the Executive Director of the Board of Regents. Last session (1990), the Iowa Legislature created a Postsecondary Education Strategies Planning Council for the purpose of enhancing coordination and planning for the regents, colleges, and private schools. This council, as of November, 1990, had not been activated.⁸²

Prior to creation of this Planning Council, the state had an Iowa Coordinating Council for Postsecondary Education which was strictly a voluntary, lateral coordination effort, which served as a valuable communications vehicle for the three postsecondary sectors (colleges, regents and private schools) to meet six or seven times annually to discuss programs, legislation and other issues.⁸³

The Iowa Board of Regents performs many of the same functions as the Colorado Commission on Higher Education. In addition, though, they appoint the president and the vice president of each institution, set their salaries, and review the salaries of all personnel in all of the institutions. They review audits, invest the funds, review tenure, fringe benefits, faculty workloads, and hire consultants. They play a major role in academic affairs, including setting goals and objectives for strategic planning, and having total budget authority, including submittal of the budget for all institutions to the Governor and Legislature.

South Dakota Board of Regents

The South Dakota Board of Regents is a nine-member board appointed by the Governor and confirmed by the Senate. One of the members must be a student with full voting rights who serves a two-year term. The Regents is a governing board with oversight over eight institutions in the state. Six of these are universities, including: University of South Dakota, South Dakota State University, Northern State University, Black Hills State University, Dakota State University, and the South Dakota School of Mines. In addition, the School for the

Deaf and the School for the Handicapped are supervised by the Board.⁸⁴

The vocational-technical schools are supervised by the Department of Education and Cultural Affairs, as are the elementary and secondary schools. The Secretary of the Department of Education and Cultural Affairs is a member of the Governor's Cabinet, and, thus, elementary and secondary education is represented, as well as vocational-technical schools. The Executive Director of the Board of Regents does attend Cabinet meetings but is not a member of the Governor's Cabinet.

The South Dakota Board of Regents has functions similar to those discussed under the Iowa Board. They hire and fire the presidents of each institution, approve or reject programs, and set tuition rates, based on what the Legislature indicates is needed in tuition income. All institutional budgets are approved by the Regents before being submitted to the Governor and Legislature.

Kansas Board of Regents

The Kansas Board of Regents is also comprised of nine members appointed by the Governor and confirmed by the Senate. The terms are for four years, and there is no student member. The Board has responsibilities for four-year universities with multiple campus locations and one two-year technical college.⁸⁵

There are 19 public community colleges in Kansas, which are under the total control of the State Department of Education. The State Board of Education is an elected board which appoints the state superintendent.

The duties and responsibilities of the Kansas Board of Regents are similar to those identified in Iowa and South Dakota. The Board appoints the presidents of each of the six institutions and approves all programs. The Regents set tuition rates at each institution, hire and fire personnel, and review and make recommendations on all budget requests.

Education is not represented on the Governor's Cabinet, although the Executive Officer of the Board of Regents has attended Cabinet meetings from time to time.

Utah Board of Regents

The Utah Board of Regents is also a governing board with oversight over 9 universities and colleges and 5 community colleges. It is a 16-member board appointed by the Governor and confirmed

by the Senate. One member is a student regent, serving a one-year term. All others serve six-year terms, and no more than eight can be from the same political party. The student regent has full voting rights, with the exception of voting for the chairman.⁸⁶

The Regents appoint the presidents of each institution. Budget requests are submitted to the Board for its recommendation to the Governor and Legislature, and the Regents have responsibilities for approving every program on each campus, as well as every program being dropped. There is a program review process whereby every department and school is reviewed every seven years at the universities and every five years in every college.⁸⁷

The Regents appoint a Commissioner of Higher Education who serves as the Board's Chief Executive Officer. The Commissioner represents higher education on the Governor's Cabinet, which meets monthly.

Florida Board of Regents

The Florida Board of Regents operates nine universities in the state. There are 13 members on the Board, who are appointed by the Governor for six-year terms. One member is a student regent who serves for only one year.

The Board of Regents is the policy-making body with responsibilities for hiring the presidents. The Board also appoints the Chancellor, who serves at the Board's pleasure.⁸⁸

The Regents receive a single appropriation from the Legislature for all nine universities which they must allocate to the universities. They approve all programs and all degrees, as well as all construction activities. One of the Regents' missions is to strengthen the elementary and secondary education system in Florida.⁸⁹

The elected State Superintendent of Public Instruction is also one of the Regents, so coordination and integration of K-12 and higher education is facilitated in this manner. Community colleges in Florida are not a part of the Regents' system.

Wyoming Board of Regents

Senator Prevedel has suggested legislation creating a Board of Regents in Wyoming which will be appointed by the Governor and confirmed by the Senate. This legislation also provides:

- 1) for the abolishment of the Wyoming Community College Commission, but maintenance of

each community college district board of trustees and the University of Wyoming Board of Trustees;

- 2) that the Board of Regents include the State Superintendent of Public Instruction and be a central policy and coordinating body for postsecondary education;
- 3) for establishment of a process under which the Board of Regents provides annual statewide funding recommendations to the Governor and Legislature relative to all postsecondary education programs at the community colleges and the University; and,
- 4) for initiation of statewide planning, programming and coordination of all postsecondary education programs, in conjunction with a program coordinating council comprised of representatives of both postsecondary and public education.

The legislation contains several other provisions not directly related to structure or duties and responsibilities of the Regents. It does provide, however, that the positions, personnel, property, and appropriated funds available to the Community College Commission be considered for transfer to the newly created Board of Regents. It also specifies that the executive director of the Board of Regents shall be a member of the Governor's Cabinet and shall serve at the pleasure of the Governor.

Summary of Board of Regents

This section of the report has taken a brief look at a Board of Regents setup that several states have adopted to oversee their postsecondary education systems. Also included was a concise summary of a Board of Regents bill for Wyoming to be introduced during the 1991 Legislative Session.

The differences between a coordinating and a governing board of regents were highlighted and the functions performed by the Regents in six states (Colorado, Iowa, South Dakota, Kansas, Utah, and Florida) were identified. It was noted that all but Colorado have operated with governing boards, whose duties include, but are not limited to: hiring and firing personnel, approving programs, developing plans, reviewing and recommending budget requests, setting tuition rates, and performing other management duties and responsibilities.

STRUCTURING FOR EDUCATIONAL INPUT

It appears clear that input from the three education sectors in Wyoming (public schools, community colleges, and the University of Wyoming) to the Governor's Cabinet is desirable and, in fact, necessary if the State is to be in a position to progress. *Educational excellence* and *welfare reform* are initiatives which cannot succeed without the direct involvement of experts and professionals from several fields, including health care, social services, employment, public safety, and education.

The current constitutional provision that a State Superintendent be elected in Wyoming and responsible for the general supervision of public schools makes it difficult for the Governor to obtain input to the Cabinet and, conversely, for education to obtain input from it. Both the Governor and the State Superintendent are elected by and accountable to the citizens of Wyoming for educational performance. Working in concert on this very important issue is certainly possible, but, unfortunately, is not assured due to a structural inefficiency. Thus, some alternative for enhancing coordination and communications among educators and other professionals is desirable.

An examination of approaches pursued by other states with both an elected State Superintendent and a cabinet form of government revealed that the problem of dual leadership is difficult to resolve. Most have attempted to bridge the differences between the Governor and the State Superintendent by creating an Education Liaison or Advisor in the Governor's office. This education aide to the Governor typically has no formal authority, is not statutorily created and, consequently, often is not terribly effective in forcing coordination with the Cabinet or among education sectors.

Some states have overcome this weakness by statutorily creating another office or educational official to oversee various aspects of the educational system. As an example, Oklahoma, this year passed a sweeping education reform bill which included provisions to establish an "Office of Accountability" and detailed several duties for the Office to perform. The office would be answerable to the Secretary of Education (a cabinet-level position with few responsibilities due to the fact that the State Superintendent oversees public schools, as in Wyoming). Among the duties prescribed for the Office of Accountability were:⁹⁰

- a) monitor the efforts of the public school districts to comply with the provisions of the education reform bill;

- b) Identify districts not making satisfactory progress with the Act and recommend corrective actions;
- c) Review and make periodic public comment on the progress and effectiveness of the State Board of Education, the State Department of Education, the Office of the State Superintendent of Public Instruction, and the public schools in Oklahoma, concerning the implementation of the education reform act;
- d) analyze the revenues for all systems of education and the expenditure of common education revenue, giving close attention to expenditures for administrative expenses relating to the common schools;
- e) make reports to the public concerning education reform matters, and;
- f) submit recommendations regarding funding for education or statutory changes . . . whenever appropriate.

As part of this education reform act, Oklahoma also recognized the influence that early childhood education programs can have on welfare families and encouraged parents or guardians to see to it that their children received such programs. Section 37 of this Act addressed this issue as follows:⁹¹

- a) The Department of Human Services shall encourage parents or guardians receiving Aid to Families with Dependent Children to enroll their children in early childhood education programs, if available, in kindergarten programs, or in schooling deemed appropriate by school authorities. The Department shall allow said parents or guardians who attend all parent-teacher conferences requested by teachers or other officials, or who participate in parent education programs offered by a school district to apply an equivalent amount of time toward any work experience or job training requirements.
- b) If waiver of federal regulations is required to effect the requirements of subsection A of this section, the Department of Human Services shall promptly request such waiver.

In Kentucky, similar, but more profound, action was taken by the 1990 Kentucky Legislature. The Kentucky Education Reform Act of 1990 created an "Office of Educational Accountability." This unit, unlike Oklahoma's, is answerable to the Legislative Research Commission "as an independent arm of the Legislature." However, despite this

difference, the functions to be performed by the accountability office in Kentucky were similar to those to be performed in Oklahoma.

The purpose of the office is to monitor the education system and implementation of the Education Reform Act; review the state's system of school finance; verify the accuracy of school district and state performance; investigate any unresolved allegations of wrongdoing at the state, regional or district level; and report its findings to the Legislature.⁹²

It was noted earlier that the Kentucky Legislature, in its education reform legislation, also created a Commissioner of Education and transferred all of the State Superintendent's authority to the Commissioner, effective January 1, 1991. The Commissioner will provide input to the Cabinet and the Governor. Thus, the act of creating an Office of Accountability answerable to the Legislature rather than to the Governor should not impact the Governor or his Cabinet, one way or the other.

Kentucky legislators also recognized the linkage necessary between welfare programs and education reform:⁹³

Every school district is to provide a developmentally appropriate half-day preschool education program for all 4-year-old children-at-risk of educational failure. A "developmentally appropriate" program focuses on the physical, intellectual, social, and emotional development of young children. Initially, the program will concentrate on economically disadvantaged children, but other 4-year old children are to be served to the extent placements are available. School districts have two years in which to comply with this mandate.

Development of *family resource centers* and *youth services centers* was also an integral part of Kentucky's education reform program. This portion of the act was described as follows:⁹⁴

An ambitious program is planned to create over a 5-year period a network of *family resource centers* across the Commonwealth at or near each elementary school in which 20 percent or more of the student body are eligible for free school meals. A similar network of *youth services centers* are to be located at or near schools serving youth over 12 years of age meeting the same criteria for free school meals.

The *family resource centers* will promote identification and coordination of existing resources available to eligible families such as preschool child care, child care for school age children before and after school and during the summer months, and needed family support, child development and health services.

The *youth services centers* are to focus on coordination of existing services available to adolescents such as health and social services, employment counseling and placement, drug and alcohol abuse counseling, and family crisis and mental health counseling.

In Oregon, the Education Policy and Planning Office provides input to the Governor and the Cabinet as previously described in an earlier section of this report. Although no specific education reform legislation was enacted in Oregon, this office performs as a monitoring entity for the Governor and does advance recommendations for improving the quality of education in Oregon.

In Wyoming, the current government structure provides no mechanism for bridging the Cabinet and public elementary and secondary education, community colleges, and the University. However, one option the Joint Reorganization Council considered for enhancing this structure was creation of a Board of Regents to oversee all public postsecondary education programs. Some states have gone to this type of system with some success. Clearly, several different alternatives can be considered and based on the experiences of the other states reviewed, four common approaches have been implemented:

- 1) Create an Education Advisor or Liaison within the Governor's Office;
- 2) Create an Office of Education Policy or Accountability to work with the Cabinet and the various education sectors;
- 3) Create a Cabinet-level Commissioner or Director of Education; transfer the State Superintendent's statutory responsibilities to this Commissioner; and, reduce the State Superintendent's salary, effective January 1, 1995, to discourage anyone from seeking the elective office, once the four-year term of the State Superintendent elected November 6, 1990, expires; or
- 4) Create a Board of Regents to oversee all public postsecondary education and represent education on the Governor's Cabinet.

Education Advisor or Liaison in Governor's Office

The Governor currently employs advisors or aides to provide advice and input, develop policy, and coordinate with various agencies and programs in specialized fields. This appears to work fairly well in Wyoming and certainly, relative to education, is an option which could be considered. As noted earlier, seven of the ten states reviewed follow this practice.

The main drawback of this approach is that the position typically has no formal statutory authority and, in these other states, therefore, has had limited success in influencing greater coordination among the education sectors. An education liaison and advisor lacks the authority to review the activities of the various education sectors and has little voice in policy development or education reform other than through advise and influence with the Governor. This does little to reconcile differing educational initiatives supported by both the Governor and the State Superintendent.

Input to the Cabinet can be effectively provided by a Governor's liaison or advisor as all Cabinet members can be briefed on a regular basis relative to the latest developments in a state's education system. However, conversely, the flow of information from the Cabinet to the State Superintendent or higher education policymakers is strictly a function of how receptive these individuals are to the liaison's communications. It must be recognized that the top educators in a state may not pay much attention to an aide or liaison who possesses no authority or has no specific statutory duties or legal basis. Most of the states surveyed found this to be the case. This does not necessarily mean that the same problem would exist in Wyoming under this type of set up.

Office of Educational Accountability

Establishing responsibility for policy development and/or educational accountability within the Governor's office in Wyoming is an option which Wyoming policymakers may wish to consider. Care must be exercised, however, to assure that there is no duplication between this office and functions performed by the State Board of Education, Community College Commission, or University of Wyoming Board of Trustees. Each entity is responsible for policy at its respective level and the Governor is an ex officio member of the Community College Commission and the University Board of Trustees. He is not, however, a member of the

of Education. *Accountability* responsibilities are not well defined in Wyoming at any level. And, until recent reform measures were passed, most other states had not defined responsibility for accountability either. The sweeping educational reform packages reviewed during the course of this study reflect an emphasis on accountability.

The current State Superintendent has expressed concerns about governance issues relative to a new board or council being created by the Legislature. In response to this suggestion, which was advanced by the Wyoming Education Development Council, Mrs. Simons said:⁹⁵

I do not, however, agree that the Legislature make provisions for a board or council . . . to develop and implement either the core curriculum or a system of accountability. This recommendation raises governance issues that I do not believe the Council fully explored.

Mrs. Simons continued by saying:

The Governance issues arise from the fact that there is an existing system in Wyoming for making and implementing public school policy. It consists of the Governor, the State Superintendent of Public Instruction, the Legislature, the State Board of Education, and school district boards of trustees.⁹⁶

The governance issue raised, then, is what new function is envisioned for an appropriate constituted board or council? What authority would such a council have? Would its authority override the authority of elected and appointed officials? Would it be staffed, funded, and housed like other agencies of state government? Is the creation of a new agency consistent with the goals of government reorganization? Most importantly, would a new agency advance or delete the progress of education?⁹⁷

The concerns raised by the State Superintendent certainly are, in the opinion of the Joint Reorganization Council, important issues that must be addressed. The questions presented must be answered specifically in the legislation if the State establishes an accountability office or board.

In order to address these questions, legislation containing the following, or similar language, is suggested:

Section 1. There is hereby created the Office of Educational Accountability. Said office shall be under the direction of the Governor.

Section 2. The Governor shall:

1. Appoint an Education Liaison to oversee the office of Education Accountability.

Section 3. The Education Liaison shall:

1. Serve as the representative on the Governor's Cabinet for public elementary and secondary education, community colleges, and the University of Wyoming;
2. Work with the State Board of Education, Community College Commission, and University of Wyoming Board of Trustees to develop a system of accountability which will measure the quality of educational programs in Wyoming;
3. Monitor the efforts of the public school districts to assess their progress in attaining the quality of education defined by the Education Liaison under the provisions of this act;
4. Identify education units not making satisfactory progress toward meeting the standards of educational quality as provided by this act and recommend appropriate corrective action to the State Board of Education, the Community College Commission, and the University Board of Trustees;
5. Analyze the projected revenues available and the expenditures projected or required for public schools, community colleges and the University of Wyoming and submit recommendations regarding education funding to the Governor and the co-chairmen of the Joint Appropriations Committee as appropriate and timely relative to the budget process;
6. Review and make periodic comment on the progress and effectiveness of the system of public education of this state; and,
7. Make reports to the public concerning these matters as appropriate.

Section 4. The Education Liaison may employ personnel necessary to comply with the provision of this act, as approved by the Governor and authorized by the Legislature. Funding to support the costs of the Office of Educational Accountability shall be provided on the basis of one-third from the school foundation program funds; one-third from the total General Fund appropriation for Community Colleges; and one-third from the total General Fund appropriation for the University of Wyoming.

Section 5. All agencies and institutions of state government, community colleges, school

districts and other entities of the state which receive funds from the State Treasury shall cooperate with the Education Liaison in providing data, material, advice, or recommendations as deemed necessary and requested for compliance with the provisions of this act.

Section 6. The Wyoming Education Development Council, authorized by House Enrolled Act No. 89, 1989 Wyoming Legislature shall work with the Education Liaison for the purposes of compliance to the provision of this Act.

Section 7. This act is repealed effective July 1, 1994.

Cabinet-level Director of Education

The third alternative suggested which would provide a collaborative approach to educational reform in Wyoming is the creation of another education "chief" in the State. This approach would require approximately four years before it could be fully operational as it would be implemented following expiration of the elected State Superintendent's term of office in January, 1995.

The statutory authority presently vested in the elected Superintendent of Public Instruction could be transferred to an appointed Director of Education effective January 1, 1995. Upon expiration of the term of the State Superintendent elected on November 6, 1990, the salary of the elected official could be reduced to a nominal amount, in order to discourage anyone from seeking the post. (In Kentucky, the salary was established at \$3000 annually). In the meantime, the State could again seek a constitutional amendment abolishing the State Superintendent position. If the Legislature is unable to obtain approval for the amendment by the end of 1994, then the position would continue at a nominal salary and with no authority. It is likely that the position would never be occupied.

In creating the Director of Education position, effective January 1, 1995, duties and responsibilities as outlined previously for the Office of Education Accountability could be transferred and assigned to the Director of Education. Then, in 1995, the Director would also assume all of the statutory duties of the State Superintendent as well. This would enable the State to begin focusing on the quality of education and accountability issues suggested by the Wyoming Education Development Council as well as provide a four-year phase-in period for the Director to assume the State Superintendent's statutory duties. It would also provide for

the completion of the Governor's cabinet system including the State's education sectors.

Board of Regents

The fourth alternative suggested involves the creation of a Board of Regents to oversee the State's community colleges and the University of Wyoming. Local community college boards of trustees, as well as the University Board of Trustees, would be retained to administer the respective entities and the Board of Regents would serve as a central policy and coordinating body.

Membership on the Board of Regents would include the State Superintendent of Public Instruction, thus incorporating public schools (K-12) in the Regents' overall makeup. However, responsibilities for administering public elementary and secondary education would be retained by the local school board of trustees, the State Board of Education, and the State Superintendent.

The Board of Regents could, in addition to being either a coordinating or governing body for higher education institutions, greatly influence public elementary and secondary education programs through defining entrance requirements for incoming freshmen.

Participation on the Governor's Cabinet could also be a function of a representative of the Board of Regents, thus filling the gap that currently exists.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The Joint Reorganization Council, in this Chapter, examined various educational issues and structural considerations in an attempt to define a method of incorporating input from the three education sectors in Wyoming to the Governor's Cabinet.

Summary

The National education goals and objectives adopted by President Bush and the National Governor's Association in February, 1990 were examined. The necessary involvement of various cabinet-level departments in Wyoming was assessed. It was found that, in addition to the Department of Education, five of the eight new departments created under reorganization would need to collaborate in education reform efforts for the State to attain the newly defined six national goals. The departments of Employment, Commerce, Family Services, Health and Public Safety each has a contribution to make.

The work of the Wyoming Education Development Council, created by the 1989 Wyoming Legislature, was also considered in this report. The primary recommendations advanced by this body, as well as many of the secondary recommendations, have implications for the cabinet system. Similar to the national goals and objectives, these State initiatives will require a great deal of input from various cabinet-level departments if the State is to come any where close to attaining the level of quality in its education system that was suggested by the Wyoming Education Development Council.

A brief look was also taken at the performance of Wyoming students on the American College Testing Program Exam (ACT) and the Advanced Placement Exam. This portion of the study also examined various resource input as identified by the U.S. Department of Education as well as certain population characteristics which were identified as having a positive relationship with student performance.

Education reforms focusing on children-at-risk were also briefly touched upon; and the need for states to direct the efforts of social service, health, employment, and youth services experts toward early childhood influence was noted.

The other ten states which have both a cabinet system of government and an elected State Superintendent of Public Instruction were reviewed and the attempts made in those states to incorporate education in the overall management scheme, were examined. It was learned that only three of the states have a cabinet-level education position while the Governors in the remaining seven states rely on an aide or liaison to work with the Cabinet and the various education officials. Spokesmen from all of these seven states indicated dissatisfaction with this arrangement, primarily because of the lack of statutory or formal authority associated with an advisor's position.

The three states with a cabinet-level position for education are Arizona, Kentucky, and Oklahoma. In Arizona, a representative of higher education is also a Cabinet member along with the official with elementary and secondary education responsibilities. Kentucky and Oklahoma have both passed sweeping education reform legislation in 1990 and an important part of this legislation was the establishment of an Office of Education Accountability.

In Kentucky, the Office of Education Accountability was established, answerable to the Legislative Research Committee rather than to the Education Commissioner, which was established to assume the statutory duties of the abolished elected

State Superintendent of Public Instruction. In Oklahoma, the Office of Accountability works with a newly created Education Oversight Board, established to oversee implementation of the education reform act. The Secretary of Education is the cabinet-level education officer; however, the State Superintendent is the official responsible for elementary and secondary education in Oklahoma.

This report briefly examined the operation of boards of regents in other states and considered a bill creating such a board which was suggested for introduction during the 1991 Legislative Session. Functions of both coordinating and governing boards of regents were identified, and the potential for input to the Governor's Cabinet through this vehicle was discussed.

Finally, the Joint Reorganizational Council examined various alternatives for structuring the State's education sectors for gaining input to the cabinet system. Four alternatives, as identified in other states, were considered: 1) creating an education liaison or aid to the Governor, 2) creating an office of Educational Accountability; 3) creating a Director of Education which would replace the elected State Superintendent of Public Instruction on January 1, 1995; and, 4) creating a Wyoming Board of Regents.

Conclusions

Based upon the research conducted in this study, the Joint Reorganization Council was able to reach a number of conclusions regarding education and the cabinet system of government being constructed in Wyoming.

First, it is desirable to incorporate input from the three education sectors into the Governor's overall management strategy. This can be done most effectively through the cabinet system.

Second, the education reform initiatives that are being formulated in other states, in response to the national education goals and objectives, are worthwhile pursuits and should be engineered in this state as well. These reforms should also address the objectives as outlined by the Wyoming Education Development Council and the problems associated with "children-at-risk." Clearly, this level of educational reform will require a total cabinet-level effort and commitment.

Third, although students from Wyoming schools have performed slightly higher than the national average on the ACT, their overall performance on the Advanced Placement Exam is disappointing. This is particularly worrisome relative to the

extremely low percentage of minority and the few children from poverty households among Wyoming's student population compared to the other 49 states. If Wyoming is striving to become recognized nationally as the "Education State," substantial progress is desirable on all national assessment tests and rankings.

Finally, the Joint Reorganization Council recognizes that the community colleges are an integral part of the State's postsecondary education program and enhanced unity and coordination of the State's seven community colleges, the University of Wyoming, and the elementary and secondary schools is desirable. This enhancement could be achieved through creation of a Board of Regents, if it is given overall planning, coordination, and higher education budget authority and has representation among its membership that includes the State Superintendent of Public Instruction.

Several alternatives are available to the State for enhancing its educational system. The Joint Reorganization Council believes that ultimately a Department of Education should be created as a cabinet department, and it should encompass all education sectors in Wyoming, including K-12, community colleges, and the University of Wyoming. This will enable greater coordination of services which could be more directly focused on children-at-risk. Improved assessment and accountability in public schools could also be a priority, and a single education agency at the state level could improve unity and coordination among the higher education entities. However, with the recent election of a new State Superintendent, the Council believes that creation of this department should be delayed until the term of the new State Superintendent expires, which will be at the end of calendar year 1994. The new incumbent must be given every opportunity, during the interim, to work with the Governor, Legislators and education professionals throughout the State to enhance the elementary and secondary education program. This enhancement should be accomplished in conjunction with implementation of the recommendations advanced by the Joint Reorganization Council.

Recommendations

The following recommendations are offered by the Joint Reorganization Council and are believed to be the most efficient means to begin preparations for creation of a Department of Education which can be operational by January 1, 1995. During the next four years, these recommendations are

designed to: a) enable the new State Superintendent to serve out the term and fulfill her current responsibilities as an elected official; b) enable the State to focus on assessment, accountability, and children-at-risk education reform; c) provide a mechanism to bring together all higher education entities in the State; and, d) provide a four-year transition period for Wyoming to move from its current fragmented education system to one which is an integrated system within itself as well as a system integrated with the other components of State government.

- I. It is the consensus of the JRC that K-12 assessment, accountability, and children-at-risk issues are important, and they should continue to be addressed through the State Department of Education, working in concert with the Family Services and the Health departments. Creation of a separate Office of Educational Accountability is not recommended, but the present efforts of the State Department of Education should be continued and perhaps be given increased emphasis.
- II. There should be created a Wyoming Board of Regents effective July 1, 1991, and the Governor should appoint an Executive Director to prepare a Plan for the establishment and operation of the Board of Regents. The appointment should be subject to consent of the Senate, and the Executive Director should serve on the Governor's cabinet to represent higher education in the State.
- III. The Plan establishing the Board of Regents should:
 - (a) abolish the Community College Commission and transfer its positions, personnel, property, and funds to the Board of Regents;
 - (b) maintain each Community College District Board of Trustees and the University of Wyoming Board of Trustees;
 - (c) establish the Board of Regents as a central policy and coordinating body for State postsecondary education;
 - (d) establish a process by which the Board of Regents provides annual and long-term statewide funding recommendations for postsecondary programs; and,
 - (e) provide a mechanism to initiate statewide planning for postsecondary education programs.

IV. The Legislature should consider a constitutional amendment during either the 1991 or 1992 Legislative sessions to abolish the elected status of the State Superintendent to be effective on January 1, 1995, and this amendment should be placed before the voters for approval on the November, 1992 General Election Ballot.

V. Upon approval of the constitutional amendment, a cabinet-level Department of Education should be created effective January 1, 1995 to encompass all public education sectors in Wyoming.

CHAPTER II FOOTNOTES

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Appendix B

Comparable States

Identifying “comparable states” is a tricky business. Which factors are most important? And how much variation is acceptable across such states? Members of the Wyoming Joint Education Interim Committee requested the identification of states that could be considered to be reasonably comparable to Wyoming for purposes of comparison of educational performance.

Below is a chart that contains several factors of relevance to Wyoming and includes those states that are most comparable based on these factors.

- The density of the population and the percent of residents living in very rural areas are of interest because schools in rural areas tend to have a much more difficult time than their peers in recruiting and retaining highly qualified teachers and administrators.
- Poverty correlates with educational challenge, and the federal free or reduced price lunch (FRL) eligibility criteria is an accepted proxy for child poverty.
- Parental educational levels also correlate broadly with student academic success.
- Overall child well-being in the state, as ranked by an index that uses 16 indicators in four domains: (1) economic well-being, (2) education, (3) health, and (4) family and community, provides another indicator of the comparability of populations of children. (Source: The KIDS COUNT Data Book, 2014 by The Annie E. Casey Foundation)

Average per pupil funding: Educational expenditures do not correlate well with educational performance or improvement, after other factors such as those above are taken into consideration. However, Wyoming’s high investment in education is noteworthy and raises questions as to why performance is not stronger.

Comparisons based on student mobility were also requested. Unfortunately, such data is not collected or reported in a uniform way across states, making such comparisons inappropriate.

| State | Population Density 2010: People per Square Mile (State Rank) | Percent of Population Rural | Percent FRL Eligible Students (2011-12)* | Adult Education Levels (percent of persons age 25 or more, 2008-2012)* | | State Rank for Overall Child Well-Being (2014)^ | Average Per Pupil Expenditure, Adjusted for Cost of Living (2012)# |
|--------------|--|-----------------------------|--|--|-----------------------------|---|--|
| | | | | High School graduate or higher | Bachelor's degree or higher | | |
| Wyoming | 5.8 (51) | 35.24% | 37.10% | 92.1% | 24.3% | 19 | \$ 16,594.00 |
| Montana | 6.8 (50) | 44.11% | 40.30% | 91.9% | 28.5% | 31 | \$ 10,634.00 |
| South Dakota | 10.7 (48) | 43.35% | 38.60% | 90.1% | 26.0% | 17 | \$ 8,488.00 |
| Nebraska | 23.8 (45) | 26.87% | 43.80% | 90.4% | 28.1% | 10 | \$ 12,486.00 |

Population Density Sources: US Census

Urban and Rural Populations: <http://www.census.gov/geo/reference/urban-rural.html>

Population Density 1910-2010: <http://www.census.gov/2010census/data/apportionment-dens-text.php>

* Source: http://nces.ed.gov/programs/digest/d13/tables/dt13_204.10.asp

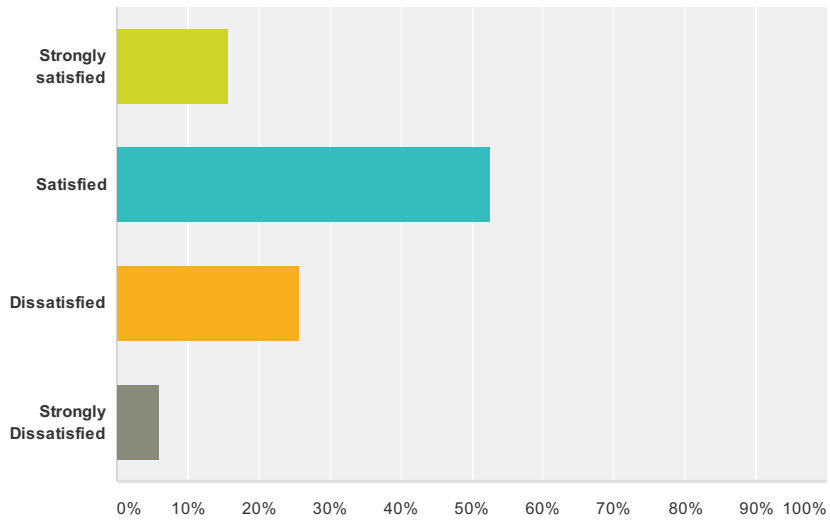
^US Census <http://quickfacts.census.gov/qfd>

^Kids Count 2014 Data Book: State Trends in Child Well-Being

#Leaders & Laggards, US Chamber of Commerce, 2014

Q1 Are you satisfied with the quality of education that Wyoming students are receiving?

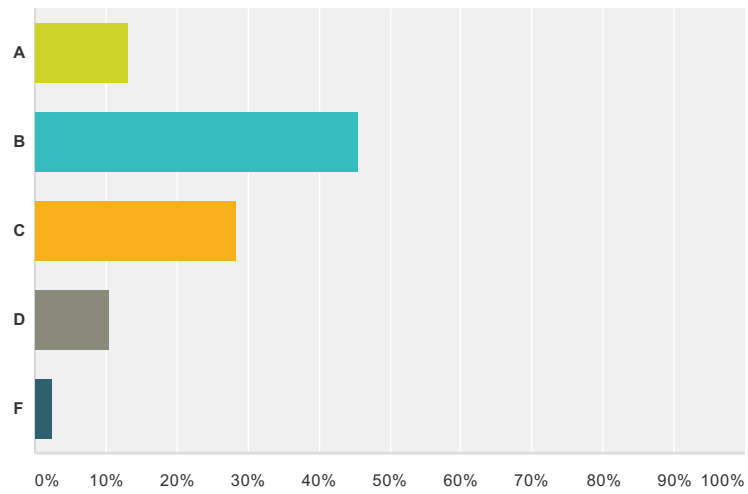
Answered: 947 Skipped: 10



| Answer Choices | Responses | Count |
|-----------------------|-----------|------------|
| Strongly satisfied | 15.73% | 149 |
| Satisfied | 52.59% | 498 |
| Dissatisfied | 25.66% | 243 |
| Strongly Dissatisfied | 6.02% | 57 |
| Total | | 947 |

Q2 What grade would you give to our statewide system of K-12 education?

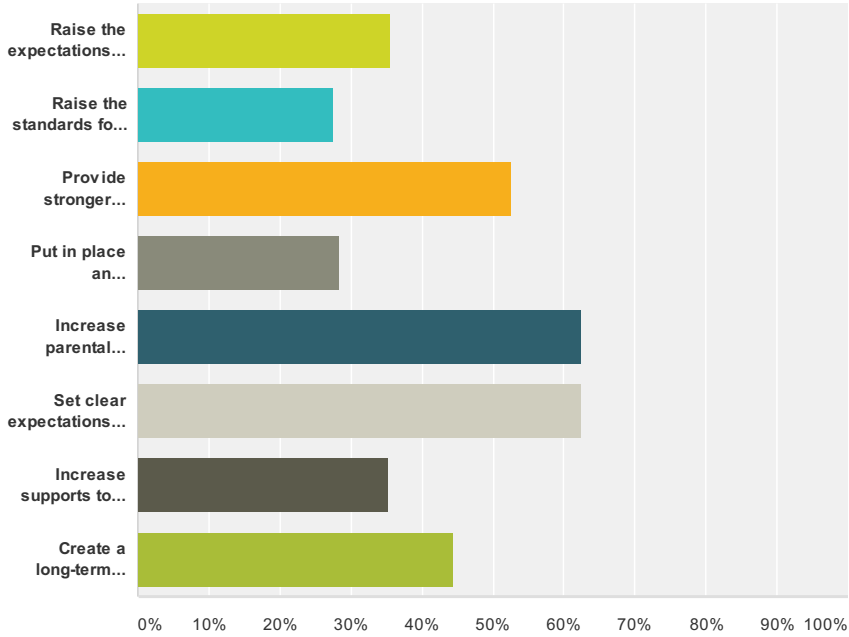
Answered: 948 Skipped: 9



| Answer Choices | Responses | |
|----------------|-----------|------------|
| A | 13.19% | 125 |
| B | 45.57% | 432 |
| C | 28.38% | 269 |
| D | 10.34% | 98 |
| F | 2.53% | 24 |
| Total | | 948 |

Q3 What are the most important things Wyoming should do to improve the educational system? (check all that are high priorities)

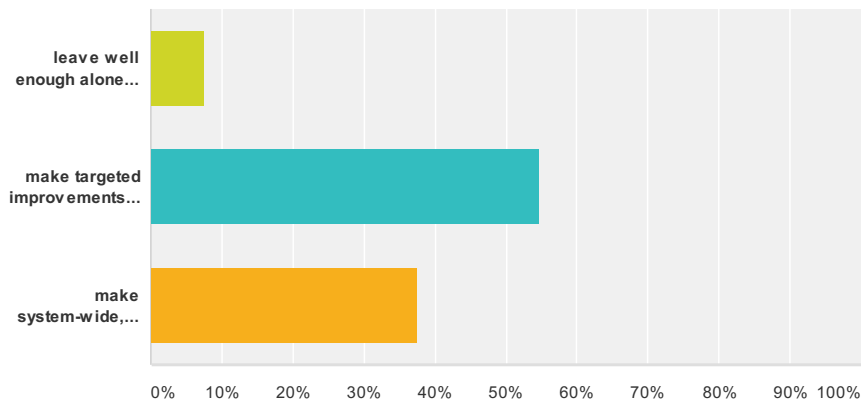
Answered: 921 Skipped: 36



| Answer Choices | Responses |
|--|---------------|
| Raise the expectations (standards) for students | 35.40% 326 |
| Raise the standards for educators | 27.47% 253 |
| Provide stronger leadership at the state level, with a clear vision for our schools | 52.55% 484 |
| Put in place an accountability system that defines responsibilities and how the state entities, districts, schools, and educators will be held accountable for doing those jobs well | 28.45% 262 |
| Increase parental involvement and parental expectations for their children | 62.32% 574 |
| Set clear expectations at the state level and then given schools and districts greater authority and flexibility to decide how to meet those expectations | 62.32% 574 |
| Increase supports to very rural schools and struggling schools | 35.18% 324 |
| Create a long-term improvement plan and stay the course for at least 5 years | 44.52% 410 |
| Total Respondents: 921 | |

Q4 How would you complete this sentence? "State leadership in Wyoming should..."

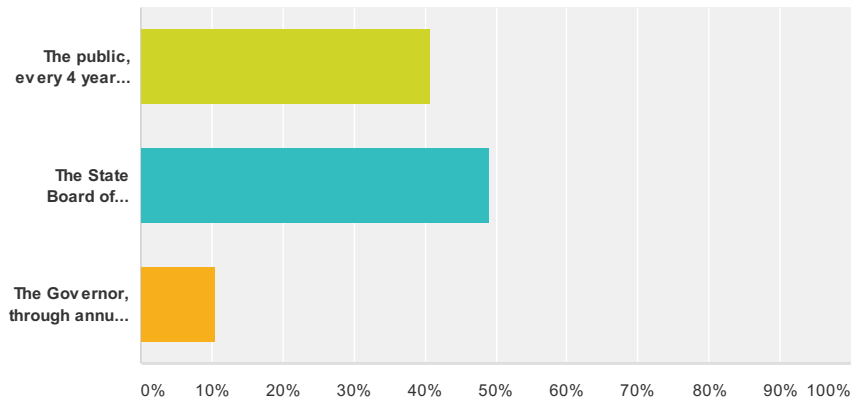
Answered: 927 Skipped: 30



| Answer Choices | Responses |
|--|------------|
| leave well enough alone – the system is working just fine. | 7.55% 70 |
| make targeted improvements, but leave most of the system as it is. | 54.80% 508 |
| make system-wide, significant improvements a top priority. | 37.65% 349 |
| Total | 927 |

Q5 Ideally, who do you think should hold the State Superintendent accountable for quality leadership of Wyoming's public school system, and how often?

Answered: 935 Skipped: 22



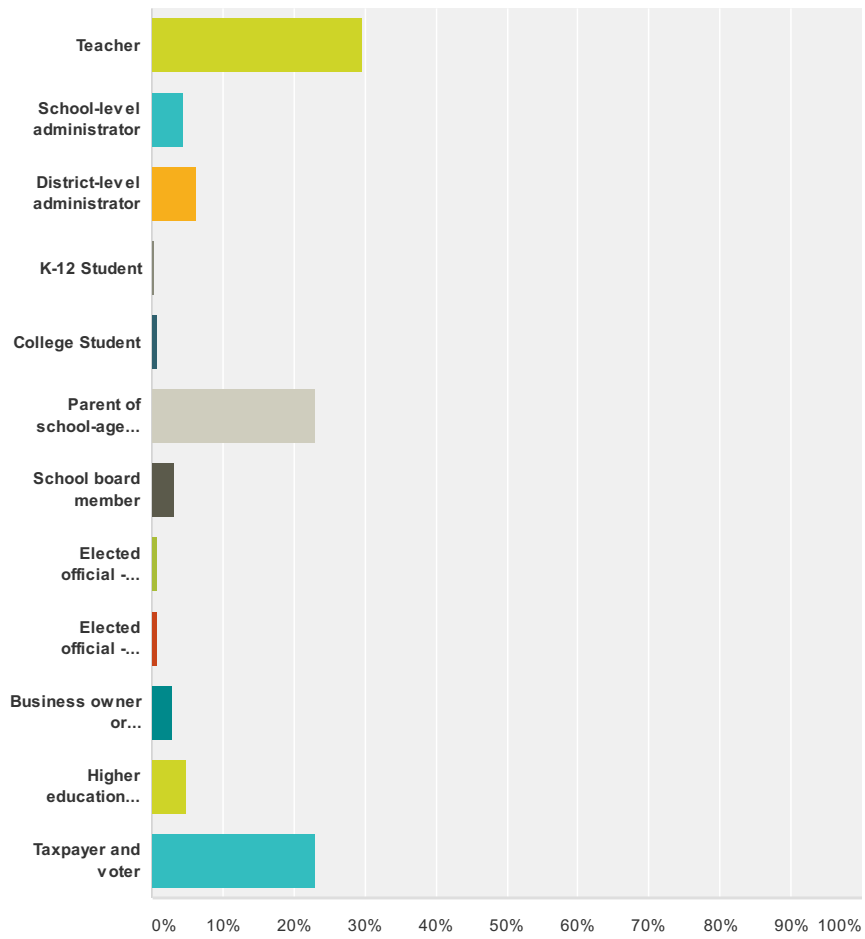
| Answer Choices | Responses |
|---|------------|
| The public, every 4 years through elections (current structure) | 40.64% 380 |
| The State Board of Education, through annual performance reviews and possible contract extensions (revised structure) | 48.98% 458 |
| The Governor, through annual performance reviews and possible continued appointment (revised structure) | 10.37% 97 |
| Total | 935 |

Q6 Other comments regarding educational governance:

Answered: 343 Skipped: 614

Q7 What is your primary role in the current K-12 education system?

Answered: 895 Skipped: 62



| Answer Choices | Responses |
|---|------------|
| Teacher | 29.72% 266 |
| School-level administrator | 4.36% 39 |
| District-level administrator | 6.26% 56 |
| K-12 Student | 0.34% 3 |
| College Student | 0.78% 7 |
| Parent of school-age child(ren) | 22.91% 205 |
| School board member | 3.13% 28 |
| Elected official - local level | 0.89% 8 |
| Elected official - state level | 0.78% 7 |
| Business owner or representative | 3.02% 27 |
| Higher education faculty member or representative | 4.80% 43 |
| Taxpayer and voter | 23.02% 206 |
| Total | 895 |

Appendix D.

**Presentation to the Wyoming Joint Education Interim Committee Hearing,
September 9, 2014**

Governance Study

State of Wyoming
Joint Interim Education Committee

September 10, 2014

CROSS & JOFTUS



Presentation Outline

- Introductions
- Purposes of the Study and of this Hearing
- Online Survey Results
- Interview Results
- Major Areas of Agreement
Across the Survey and Interviews

CROSS & JOFTUS



Introductions of Presenters

- Dave Nelson, Legislative Service Office
- Christopher Cross, Chairman, Cross & Joftus
- Nancy Doorey, Senior Associate, Cross & Joftus



CROSS & JOFTUS

Introduction to the Study

- Charge: A review of state-level governance and administration of Wyoming public education
- Engagement of Wyoming education stakeholder groups and citizens
 - In-depth interviews of major stakeholder groups
 - Online survey for all citizens
- Purposes of this Hearing



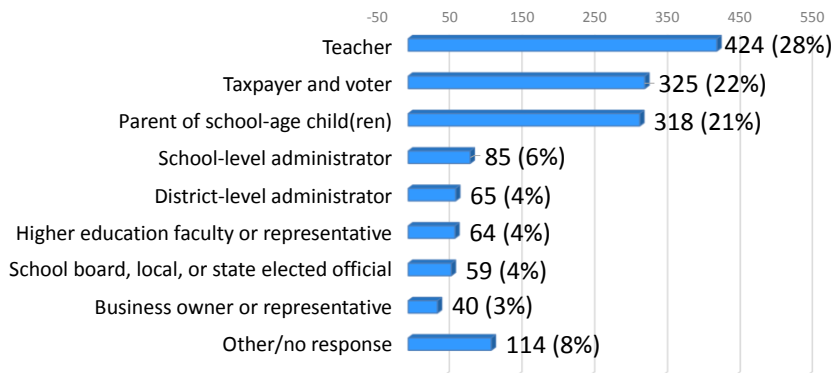
CROSS & JOFTUS

ONLINE SURVEY RESULTS



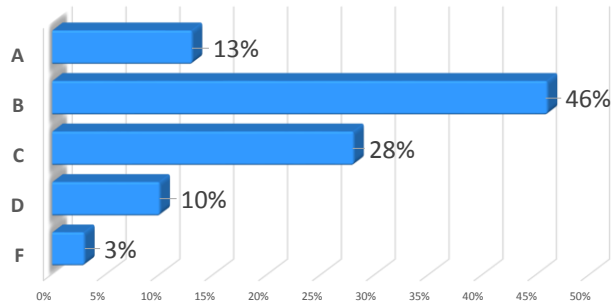
CROSS & JOFTUS

Survey Respondents: 1,494 Wyoming Citizens



CROSS & JOFTUS

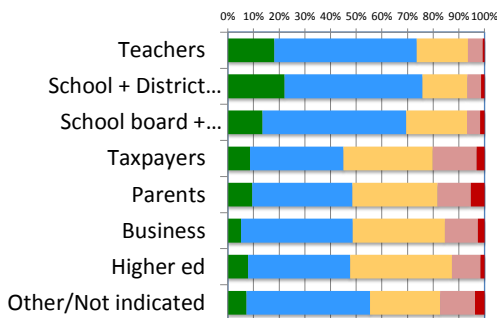
What grade would you give to our statewide system of K-12 education?



CROSS & JOFTUS

What grade would you give to our statewide system of K-12 education?

Responses by Stakeholder Group

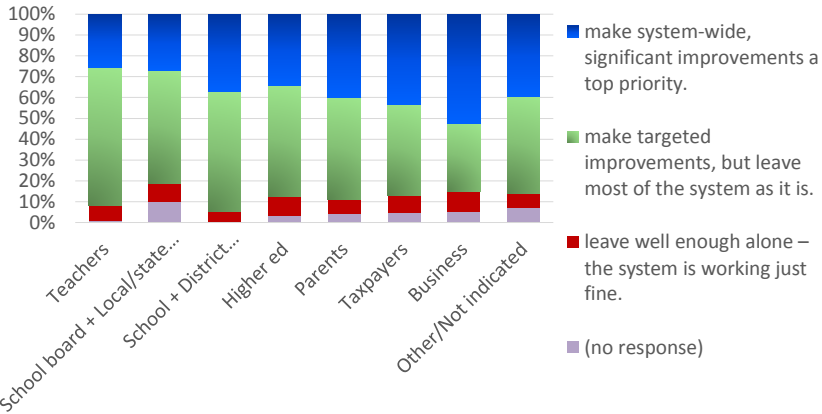


- The employees of the system had the highest percentage of A's and B's
- Roughly half of parents, business representatives and higher education leaders gave the system an A or B, and the other half a C, D, or F



CROSS & JOFTUS

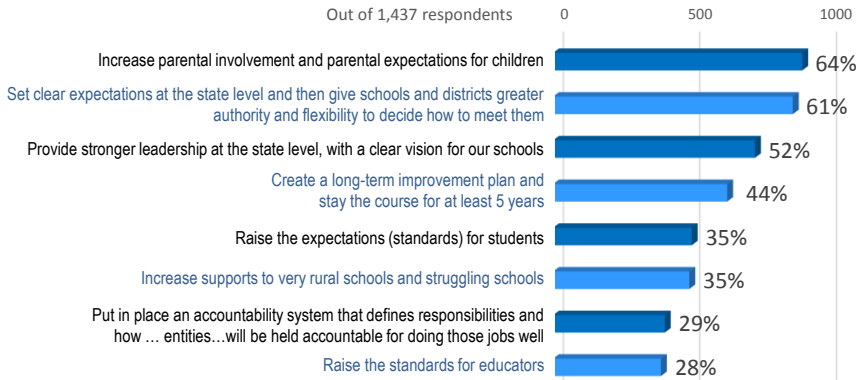
How would you complete this sentence? "State leadership in Wyoming should..."



CROSS & JOFTUS

What are the most important things Wyoming should do to improve the educational system?

Check all that are high priorities



CROSS & JOFTUS

Priorities for improvement: Strong agreement across stakeholder groups

| | Teachers | School + District Administrator | Local + state elects | Taxpayers | Parents | Business | Higher ed | Other/Not indicated |
|---|--------------|---------------------------------|----------------------|--------------|--------------|--------------|--------------|---------------------|
| 1. Increase parental involvement and parental expectations for children | #2 for group | | #2 for group | #1 for group | #1 for group | #1 for group | #1 for group | #1 for group |
| 2. Set clear expectations at the state level and then give schools and districts greater authority and flexibility ... | #1 for group | #2 for group | #1 for group | #2 for group | #2 for group | #3 for group | #2 for group | #3 for group |
| 3. Provide stronger leadership at the state level, with a clear vision for our schools | #3 for group | #1 for group | | | #3 for group | #1 for group | | #2 for group |
| 4. Create a long-term improvement plan and stay the course for at least 5 years | | #3 for group | #3 for group | #3 for group | | | | |



Observations

These 4 items received 23 of the 24 "top 3 priorities" across all stakeholder groups*

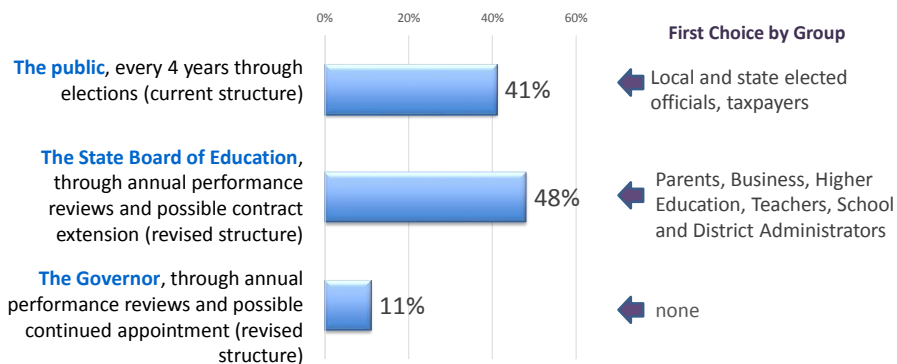
The first is a communication/ education issue for the State Superintendent

The other 3 reflect a leadership issue across State education governance entities

* Prioritized by frequency of selection. Higher education's 3rd priority not included here.

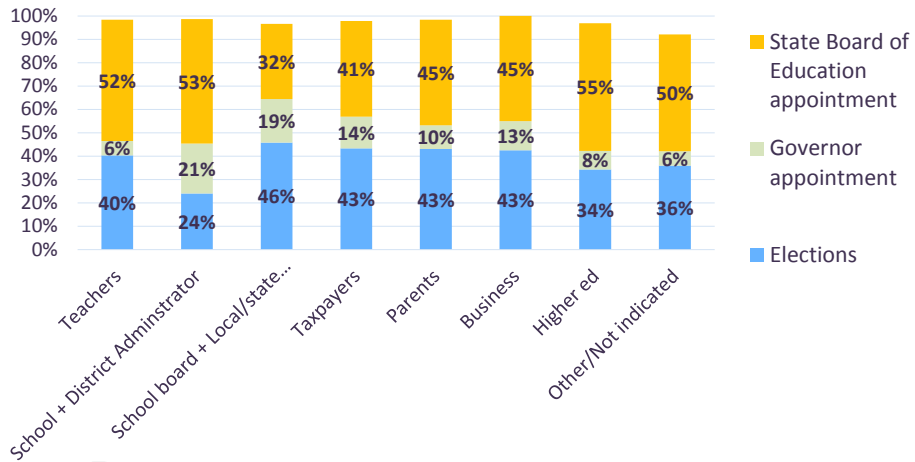
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Ideally, who do you think should hold the State Superintendent accountable for quality leadership of Wyoming's public school system, and how often?



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Chief Selection by Stakeholder Group



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MAJOR THEMES FROM INTERVIEWS



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Interviews: Stakeholder Groups Represented

31 in-depth interviews conducted

Public Education and Educator Organizations

- Wyoming Association of School Administrators and Regional Leadership
- Wyoming Curriculum & Instruction Leaders
- Wyoming Department of Education, current and former leadership
- Wyoming Education Association
- Wyoming Professional Teaching Standards Board
- Wyoming School Boards Association
- Wyoming School Facilities Department
- Wyoming State Board of Education

Higher Education

- University of Wyoming, President's Office
- University of Wyoming, College of Education
- Wyoming Community College

Stakeholder and Community Groups

- The Elbogen Foundation
- Wyoming Advisory Panel for Students with Disabilities
- Wyoming Association for Gifted Children
- Wyoming Association of Public Charter Schools
- Wyoming Business Alliance
- Wyoming League of Women Voters
- Wyoming Liberty Group



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Context Setting:

A Quick and Partial Snapshot of Wyoming K-12 Performance



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NAEP 2007 and 2013, Grades 4 and 8

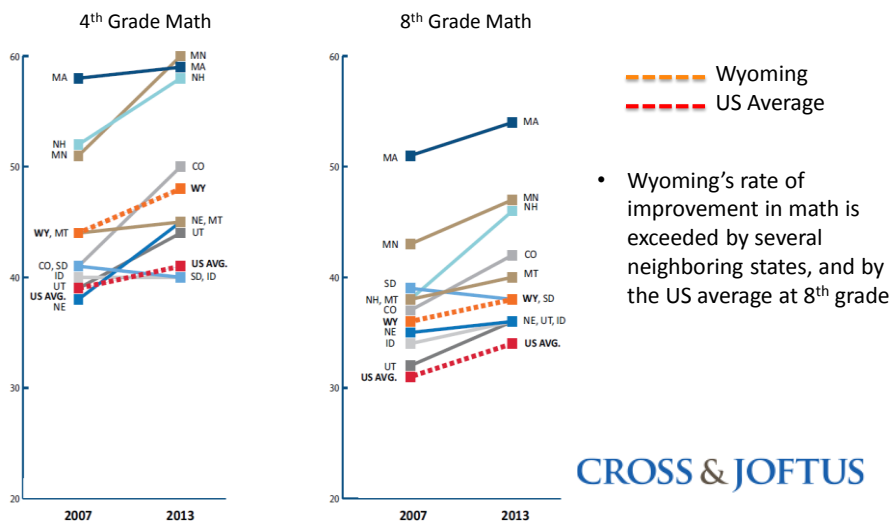
Rank of states, based on percent meeting or exceeding the Proficient score on NAEP

| 2013 | Contiguous States | | | | | | | | Highest-performing States | | |
|-----------------------|-------------------|----|----|----|----|----|----|----|---------------------------|----|----|
| | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
| Mathematics 4th Grade | 48 | 41 | 45 | 40 | 50 | 45 | 40 | 44 | 59 | 58 | 60 |
| Mathematics 8th Grade | 38 | 34 | 40 | 38 | 42 | 36 | 36 | 36 | 54 | 46 | 47 |
| Reading 4th Grade | 37 | 34 | 35 | 32 | 41 | 37 | 33 | 36 | 48 | 45 | 41 |
| Reading 8th Grade | 38 | 34 | 40 | 36 | 40 | 37 | 38 | 39 | 48 | 44 | 40 |

| 2007 | Contiguous States | | | | | | | | Highest-performing States | | |
|-----------------------|-------------------|----|----|----|----|----|----|----|---------------------------|----|----|
| | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
| Mathematics 4th Grade | 44 | 39 | 44 | 41 | 41 | 38 | 40 | 39 | 58 | 52 | 51 |
| Mathematics 8th Grade | 36 | 31 | 38 | 39 | 37 | 35 | 34 | 32 | 51 | 38 | 43 |
| Reading 4th Grade | 36 | 32 | 39 | 34 | 36 | 35 | 35 | 34 | 49 | 41 | 37 |
| Reading 8th Grade | 33 | 29 | 39 | 37 | 35 | 35 | 32 | 30 | 43 | 37 | 37 |

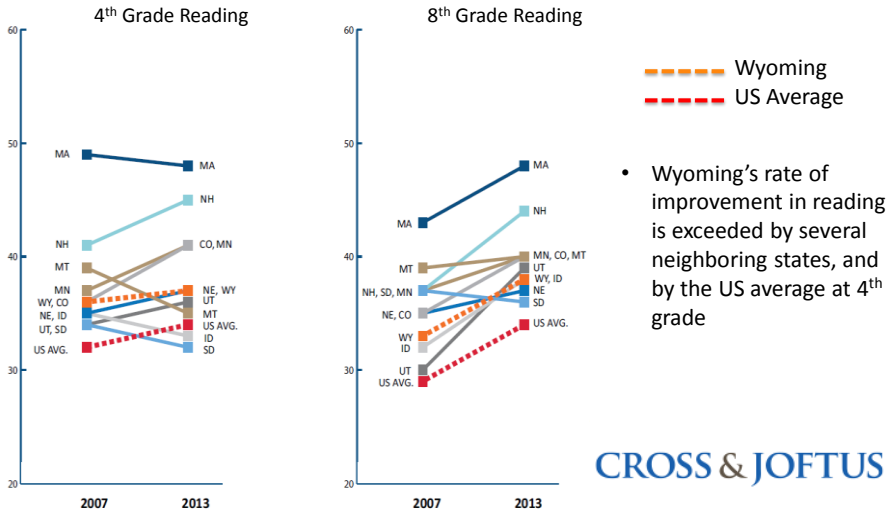
NAEP continued: Rate of Improvement

Rank of states, based on percent meeting or exceeding Proficient score on NAEP



NAEP continued: Rate of Improvement

Rank of states, based on percent meeting or exceeding Proficient score on NAEP



Cause for Celebration....

Rank of states, based on average score on NAEP

| Reading 2013 | Reading: 4th Grade | | | Reading: 8th Grade | | |
|--------------|--------------------|--------------|--------------|--------------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 13 | 4 | 34 | 13 | 1 | 32 |

| Math 2013 | Math: 4th Grade | | | Math: 8th Grade | | |
|-----------|-----------------|--------------|--------------|-----------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 8 | 3 | 34 | 18 | 5 | 35 |



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Cause for Celebration....

Rank of states, based on average score on NAEP

| Reading 2013 | Reading: 4th Grade | | | Reading: 8th Grade | | |
|--------------|--------------------|--------------|--------------|--------------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 13 | 4 | 34 | 13 | 1 | 32 |

| Math 2013 | Math: 4th Grade | | | Math: 8th Grade | | |
|-----------|-----------------|--------------|--------------|-----------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 8 | 3 | 34 | 18 | 5 | 35 |

- Wyoming's low income students perform in the top 5 when compared to their peers in all states



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Cause for Celebration.... And Inquiry

Rank of states, based on average score on NAEP

| Reading 2013 | Reading: 4th Grade | | | Reading: 8th Grade | | |
|--------------|--------------------|--------------|--------------|--------------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 13 | 4 | 34 | 13 | 1 | 32 |

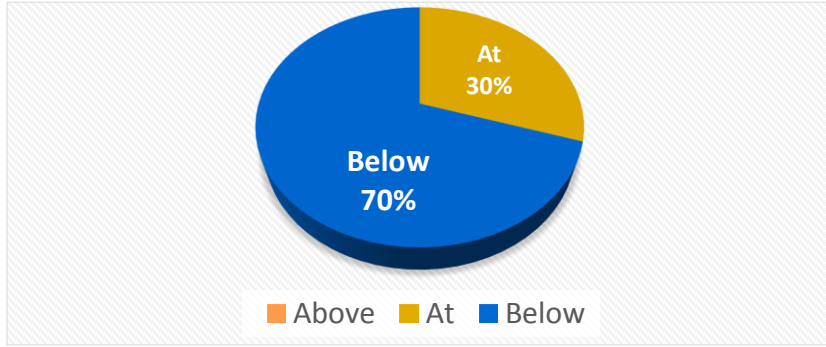
| Math 2013 | Math: 4th Grade | | | Math: 8th Grade | | |
|-----------|-----------------|--------------|--------------|-----------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 8 | 3 | 34 | 18 | 5 | 35 |

- Wyoming's students who do NOT qualify for FRL rank between 32nd and 35th in the country on these assessments – a cause for inquiry, not firm conclusions



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Is the Wyoming educational system currently performing ABOVE, AT, OR BELOW your expectations?

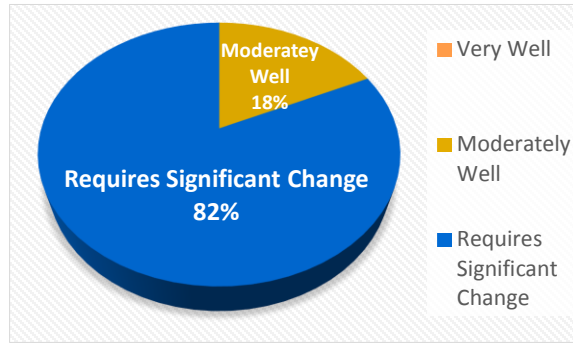


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Primary Roles Identified by Interviewees of State Governance Entities

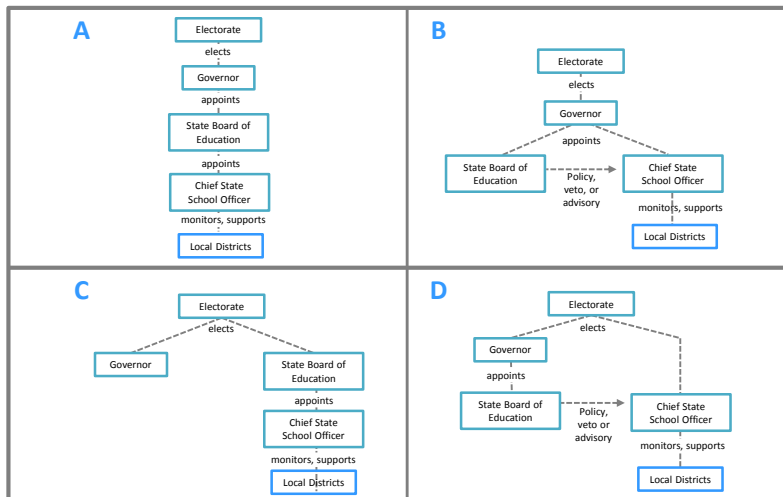
| State Entity | Primary Roles | Needs to Avoid |
|--|--|--|
| Legislature | Funding, overall expectations, system parameters, essential metrics | Micro-management, frequent changes in direction, lack of shared state vision |
| State Board of Education | Policies, standards, assessments, and accountability system metrics | Lack of shared state vision |
| State Superintendent | Vision, plan, implementation, advocacy, coordination across state entities | Lack of shared state vision, frequent changes in direction, hiring unproven leaders within WDE |
| Wyoming Department of Education | Support, clearinghouse for expertise, cross-district collaboration, monitoring | Over-emphasis on compliance, isolation from schools and classrooms |
| Governor | Advocacy, “bully pulpit” | Lack of shared state vision |

The Current Governance Structure:
 How well does it support clear lines of responsibility and accountability?



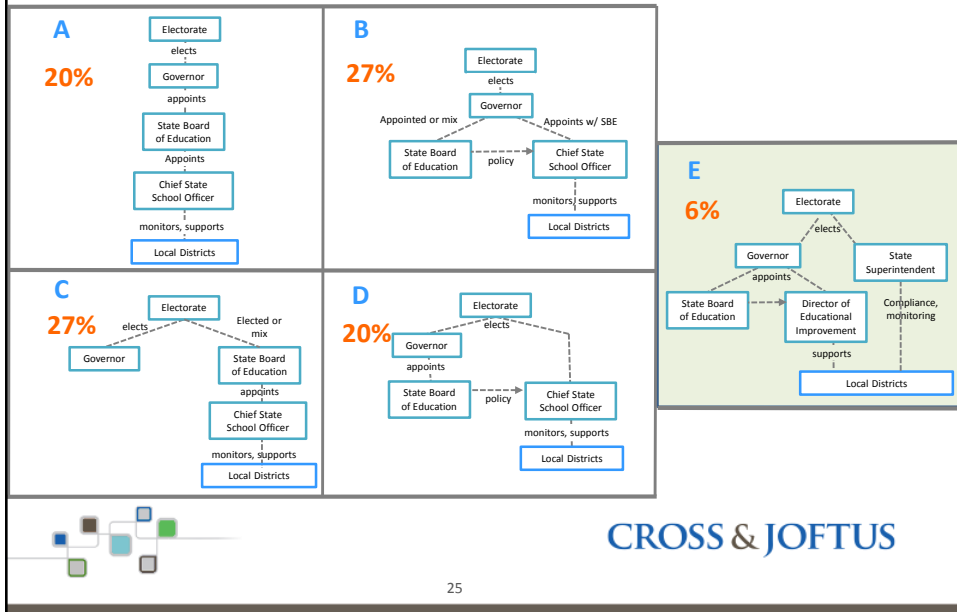
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Sample State Governance Models



Based on models developed by ECS
 CROSS & JOFTUS

Wyoming Support for State Governance Models



The Chief State School Officer (CCSO): Areas of Agreement

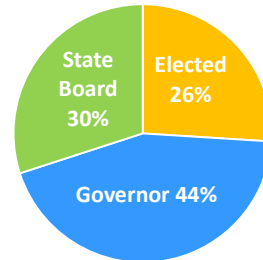
- The **primary role** of the CSSO is to:
 - **forge agreement on a vision** for Wyoming’s educational system, and
 - **put in place a strong plan** for reaching that vision
- 64% think the CSSO should be a member of the Governor’s cabinet

The Chief State School Officer, continued

- Selection:

- **26% want to maintain the elected CSSO**
- **74% prefer an appointed CSSO**

- By Governor: 44% of all respondents
- By State Board: 30% of all respondents
- Majority want, in either case, for there to be a process through which both entities and Legislative leadership agree to support the selection



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The Chief State School Officer, continued

- The **qualifications for candidates should be increased*** (86%) but little agreement on the specifics

- College degree 43%
 - Advanced degree 10%
 - Proven track record as a leader in education 19%
 - Both a degree and a track record 24%
- } Overlap of "advanced" responses

* Current requirements: at least twenty-five (25) years of age, a citizen of the United States, qualified as an elector in the state of Wyoming.



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The Chief State School Officer, continued

- The **large salary differential** between district superintendents and the State Superintendent/ CSSO **needs to be addressed** in order to help draw proven educational leaders into the candidate pool.



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The State Board of Education: Areas of Very Strong Agreement

- The State Board should be **charged with policy setting and adoption of standards, assessments, accountability system and metrics** (90%)
- The State Board **needs either additional staff or budget** to ensure that they can fulfill their assigned responsibilities well (97%)
- The **Chair of the Board should be elected** from among the members (90%)



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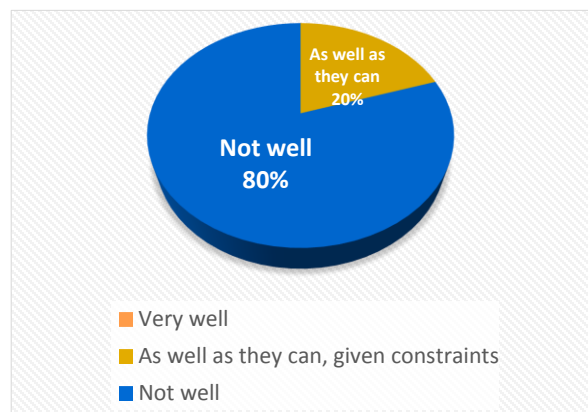
The State Board of Education: Areas of Very Strong Agreement, continued

- The **provisions for representation** on the Board should be maintained (90%)
- The members should be **either appointed by the Governor or there should be a mix of appointed members and members who are elected by geographic region** with non-partisan ballots (90%)
- New Board member **training should be required** (81%)



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The Wyoming Department of Education: How well does it currently provide supports to schools and districts for educational improvement?



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WDE: Areas of Very Strong Agreement

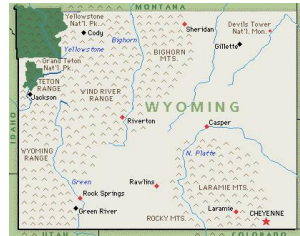
- WDE needs to see their **primary mission** as:
 - **building district capacity to improve student learning**,
 - supporting **expansion of best practices**, and
 - providing **accurate, timely responses to inquiries**
- **Compliance monitoring**, while necessary, **needs to be streamlined** as much as possible so the majority of time and effort from the WDE and within District offices can be focused on student learning



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WDE: Areas of Very Strong Agreement

- Educators with proven track records should be hired and assigned as **Regional Support Coordinators** to:
 - get to know the strengths and needs of their assigned districts and schools well, and
 - coordinate supports and information sharing with the WDE, other districts, and other providers, as appropriate
- **Salaries for a small number of key WDE positions need to be increased** so that people with strong expertise and track records can be recruited



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The Professional Teaching Standards Board

- Strong majority agreed that it has improved recently and structure is working well
 - 90% support current process of alternating assignments by Governor and State Superintendent
 - 60% support the independence of the PTSB (as opposed to placing it under the WDE or State Board)
 - **Mechanism needed to ensure licensure/recertification requirements and new teacher accountability system are aligned**



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Noteworthy Theme: Role of the Legislature

Primary role concern: Well-meaning but prone to **“going outside their lane”** and **changing direction too often**

- Example 1: prohibition of item types other than multiple choice on state tests – perceived to limit the value of the assessments and have negative impacts on instruction
- Example 2: Charging the State Board to establish Standards, but then debating/over-ruling them



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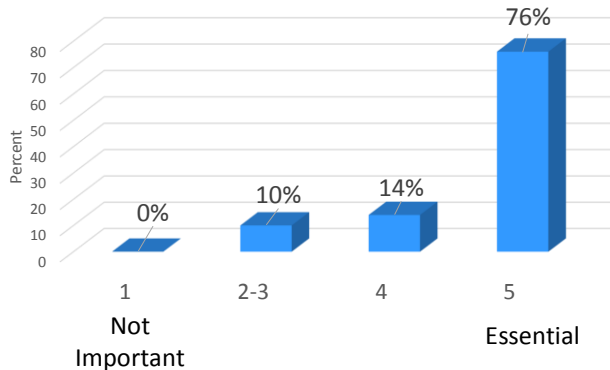
Noteworthy Theme: Role of the Legislature, continued

- Recommended role (from cross section of interviewees):
 - **Define the high level goals** to be achieved by the system, **the resources** to be provided, the **system parameters**, and the **essential performance metrics** to be reported
 - **Stay the course** for sufficient time to achieve results (at least 5 years)
 - **Leave room for creative leadership and local customization**



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How important is this effort by the Legislature to improve educational governance?



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MAJOR AREAS OF AGREEMENT ACROSS THE SURVEY AND INTERVIEWS



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Major Areas of Agreement Across the Survey and Interviews

1. The last several years have led to a sense of state-level discord and chaos. The public wants state leadership to:
 - a) set **clear, shared expectations**,
 - b) develop a **long-term plan** for reaching them, and
 - c) **give districts time** (5+ years) **and local authority** to determine how best to accomplish them.



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Major Areas of Agreement Across the Survey and Interviews, continued

2. Greater clarity is needed concerning the roles and responsibilities of the state governance entities. Consensus views:
 - **Legislature:** Funding, high level expectations, system parameters, essential metrics
 - **State Board:** Policies, standards, assessments, and accountability metrics
 - **State Superintendent:** Consensus-building on vision and long-term plan, implementation, advocacy, coordination
 - **Department of Education:** Support, best practices clearinghouse, collaboration, compliance monitoring
 - **Governor:** Advocacy, “bully pulpit”

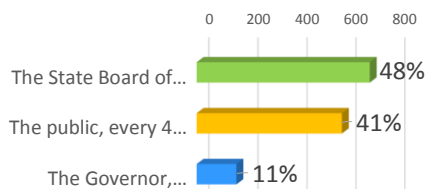


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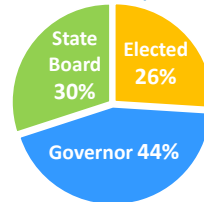
Major Areas of Agreement Across the Survey and Interviews, continued

3. Approximately 60% of survey respondents and 75% of interviewees from major stakeholder groups believe a **shift to an appointed Superintendent** would be beneficial, with the large majority of those surveyed preferring appointment by the State Board of Education and majority of those interviewed preferring appointment by the Governor

Online Survey



Interviews of Stakeholder Group Leaders



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Major Areas of Agreement Across the Survey and Interviews, continued

4. Statewide efforts are needed to **increase parental engagement and awareness** of the skills and knowledge needed today by the end of high school.



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Final Report: Preliminary Parameters

- a) Review previous works on state education governance structures that have been commissioned by the Wyoming legislature.
- b) Summarize the current structure and its strengths and challenges.
- c) Examine the structures that exist in other states and address their strengths and challenges.
- d) Conduct interviews with various Wyoming stakeholders to gain a broad understanding of key stakeholders' views of the merits and challenges of the existing structure as well as input on alternative structures and allocations of duties.
- e) Prepare one or more options for the governance of Wyoming state-level K-12 education and the allocation of powers and duties within each for legislative consideration.



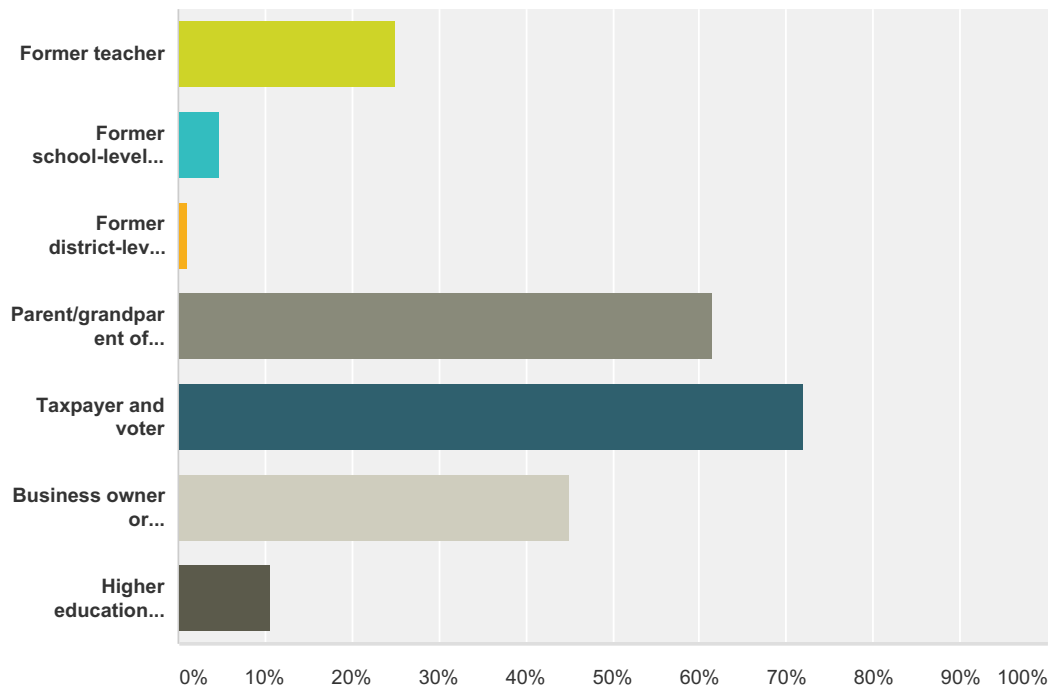
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Appendix E.

Wyoming School Boards Association Survey and Results, October, 2014

Q1 Which of the following describes you? (check all that apply)

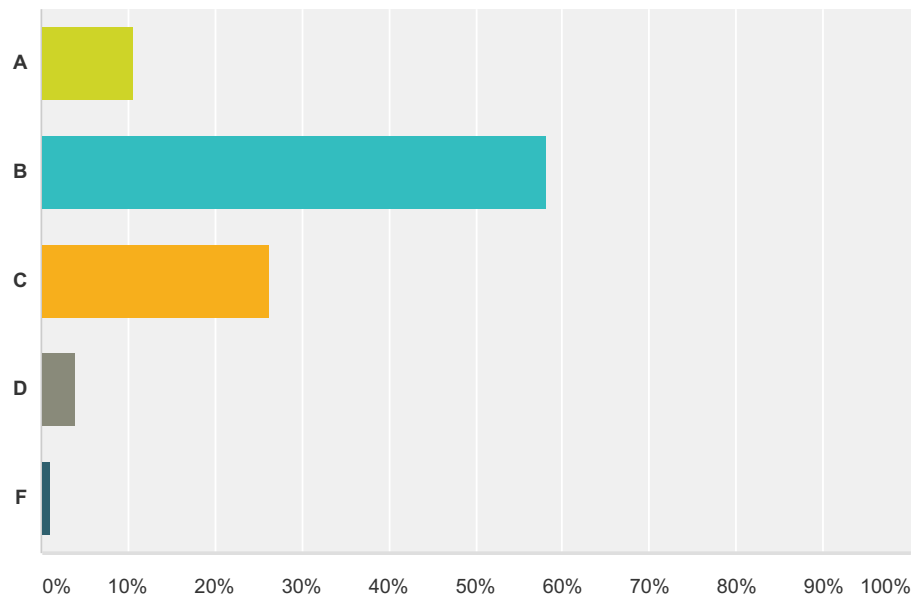
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|---|-----------|
| Former teacher | 25.00% 26 |
| Former school-level administrator | 4.81% 5 |
| Former district-level administrator | 0.96% 1 |
| Parent/grandparent of school-age child(ren) | 61.54% 64 |
| Taxpayer and voter | 72.12% 75 |
| Business owner or representative | 45.19% 47 |
| Higher education faculty or representative | 10.58% 11 |
| Total Respondents: 104 | |

Q2 What grade would you give to our statewide system of K-12 education?

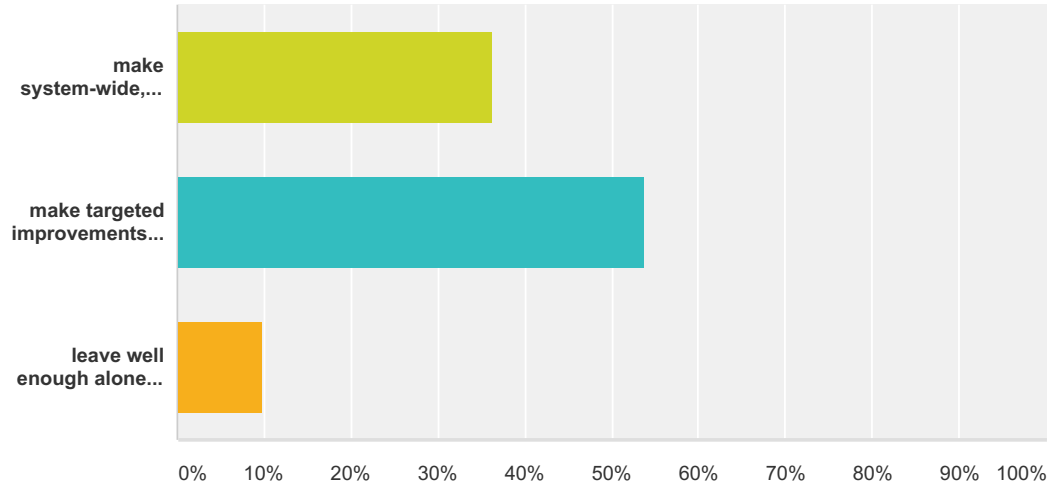
Answered: 103 Skipped: 1



| Answer Choices | Responses |
|----------------|------------|
| A | 10.68% 11 |
| B | 58.25% 60 |
| C | 26.21% 27 |
| D | 3.88% 4 |
| F | 0.97% 1 |
| Total | 103 |

Q3 How would you complete this sentence? “State leadership in Wyoming should...”

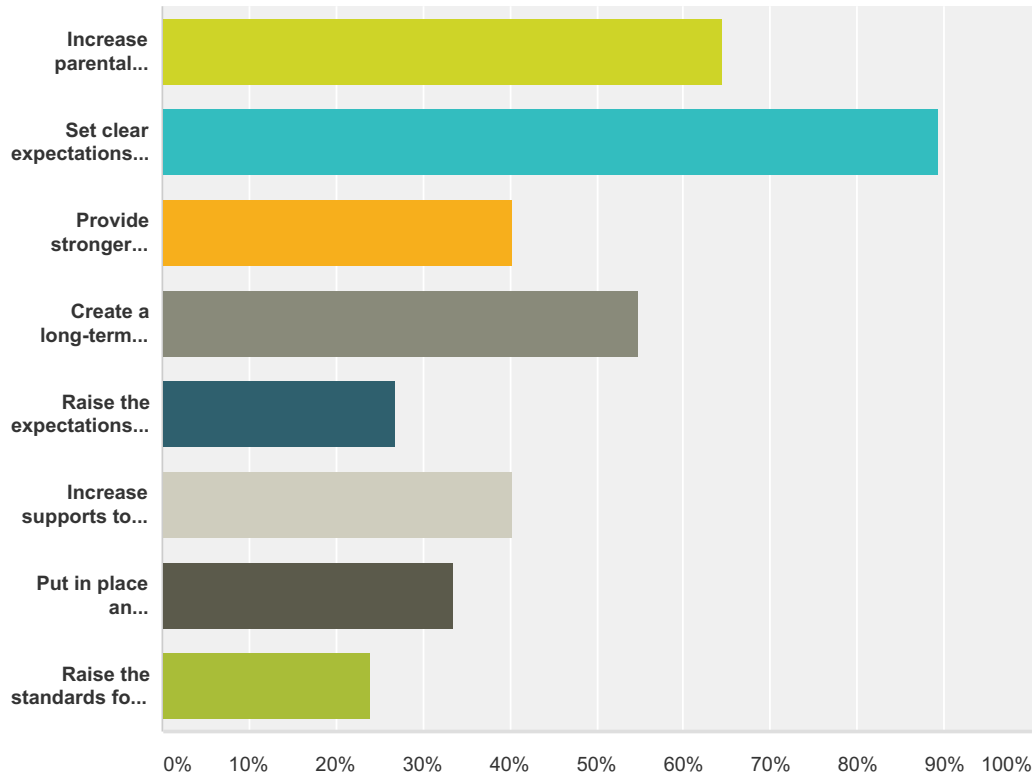
Answered: 102 Skipped: 2



| Answer Choices | Responses |
|--|------------|
| make system-wide, significant improvements a top priority. | 36.27% 37 |
| make targeted improvements, but leave most of the system as it is. | 53.92% 55 |
| leave well enough alone – the system is working just fine. | 9.80% 10 |
| Total | 102 |

Q4 What are the most important things Wyoming should do to improve the educational system? (check all that are high priorities)

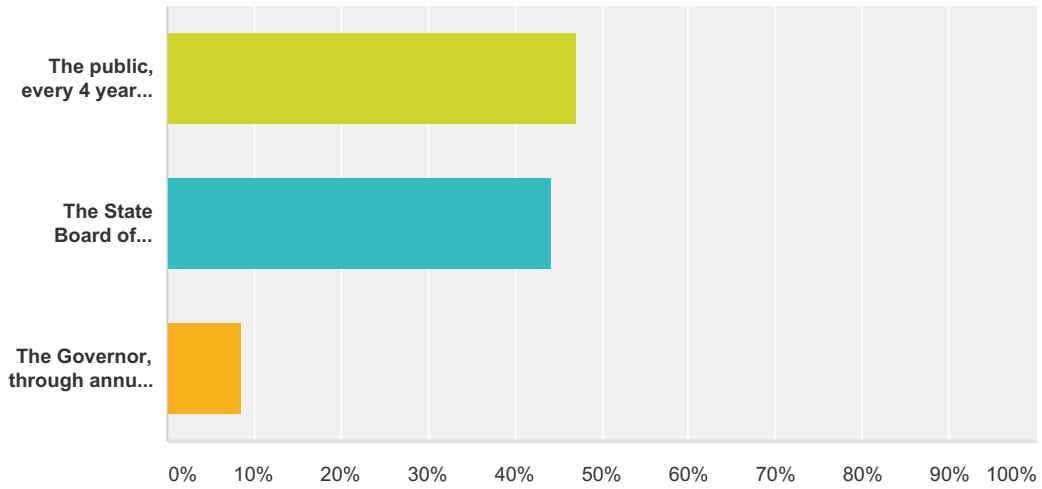
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|--|-----------|
| Increase parental involvement and parental expectations for children | 64.42% 67 |
| Set clear expectations at the state level and then give schools and districts greater authority and flexibility to decide how to meet them | 89.42% 93 |
| Provide stronger leadership at the state level, with a clear vision for our schools | 40.38% 42 |
| Create a long-term improvement plan and stay the course for at least 5 years | 54.81% 57 |
| Raise the expectations (standards) for students | 26.92% 28 |
| Increase supports to very rural schools and struggling schools | 40.38% 42 |
| Put in place an accountability system that defines responsibilities and how...entities... will be held accountable for doing those jobs well | 33.65% 35 |
| Raise the standards for educators | 24.04% 25 |
| Total Respondents: 104 | |

Q5 Ideally, who do you think should hold the State Superintendent accountable for quality leadership of Wyoming’s public school system, and how often?

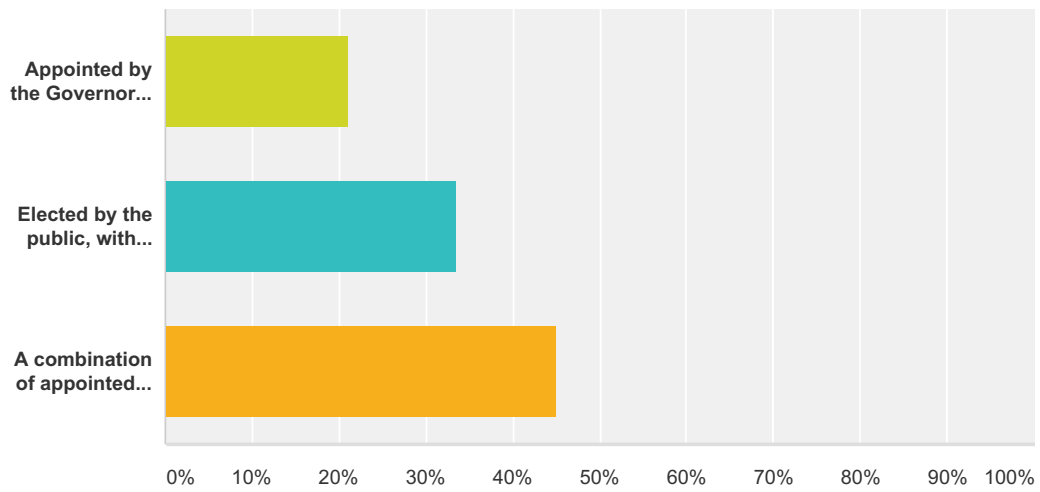
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|--|------------|
| The public, every 4 years through elections (current structure) | 47.12% 49 |
| The State Board of Education, through annual performance reviews and possible contract extension (revised structure – like used by local boards) | 44.23% 46 |
| The Governor, through annual performance reviews and possible continued appointment (revised structure – like used by State agencies) | 8.65% 9 |
| Total | 104 |

Q6 Ideally, how should the State Board of Education be selected?

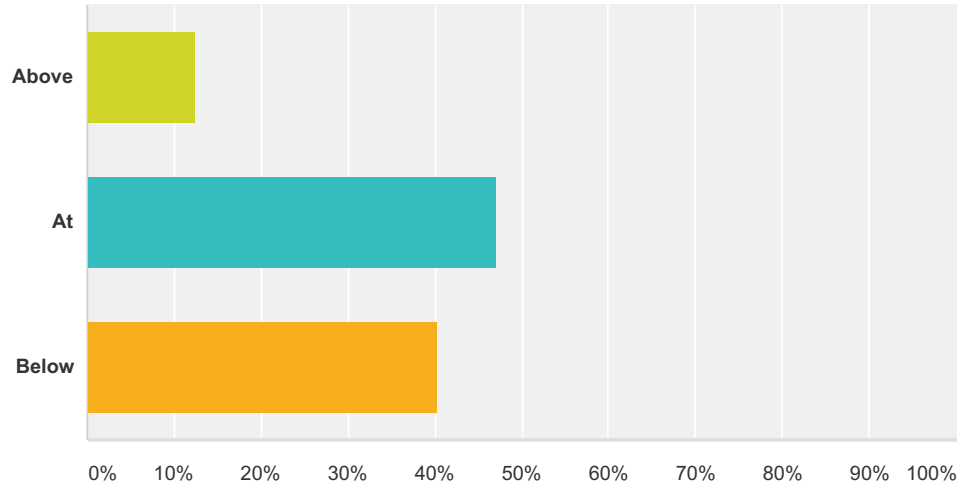
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|---|------------|
| Appointed by the Governor, based on geographic and political diversity (current structure) | 21.15% 22 |
| Elected by the public, with some mechanism for geographic diversity (revised structure – like used to select legislators) | 33.65% 35 |
| A combination of appointed and elected representatives (revised structure – allowing for both elected representatives and those representing certain sectors) | 45.19% 47 |
| Total | 104 |

Q7 Is the Wyoming educational system currently performing ABOVE, AT, or BELOW your expectations?

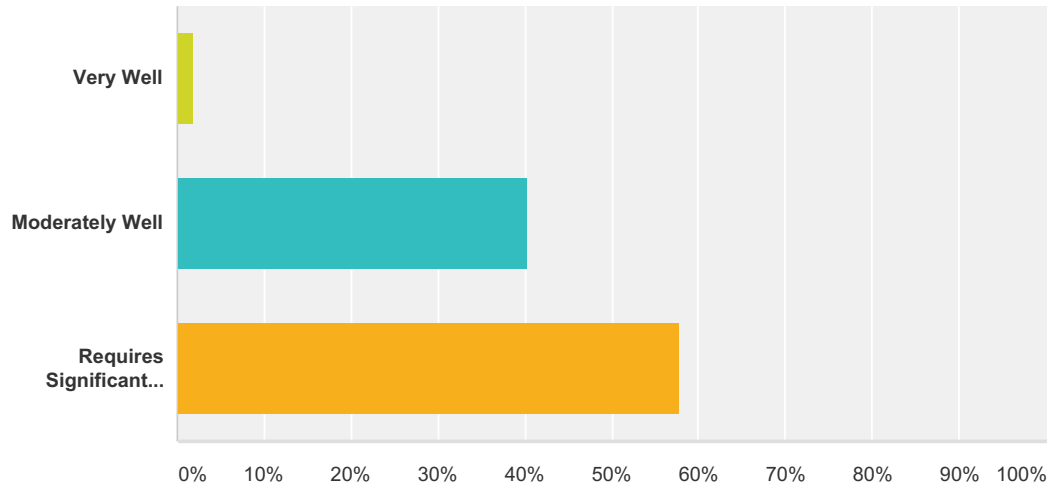
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|----------------|------------|
| Above | 12.50% 13 |
| At | 47.12% 49 |
| Below | 40.38% 42 |
| Total | 104 |

Q8 How well does the current education governance structure for the State support clear lines of responsibility and accountability?

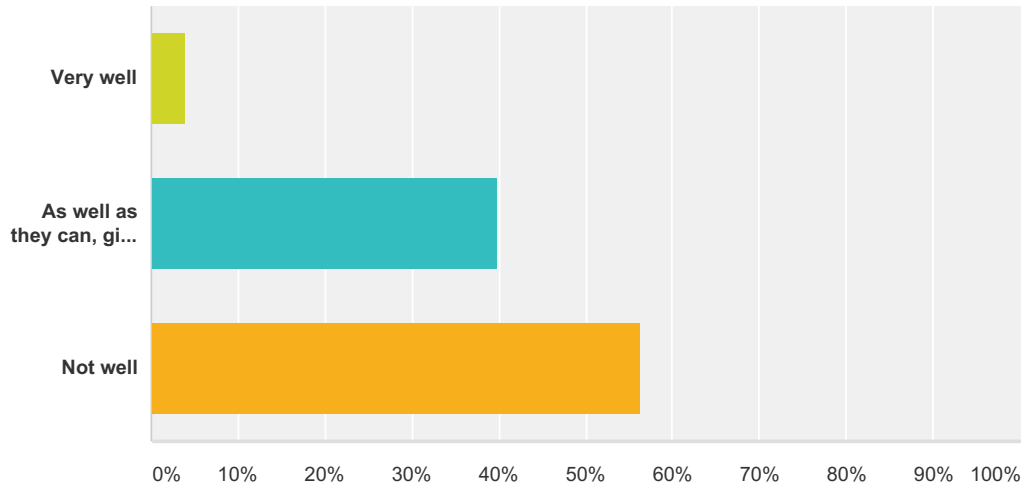
Answered: 102 Skipped: 2



| Answer Choices | Responses |
|-----------------------------|------------|
| Very Well | 1.96% 2 |
| Moderately Well | 40.20% 41 |
| Requires Significant Change | 57.84% 59 |
| Total | 102 |

Q9 How well does the Wyoming Department of Education currently provide supports to schools and districts for educational improvement?

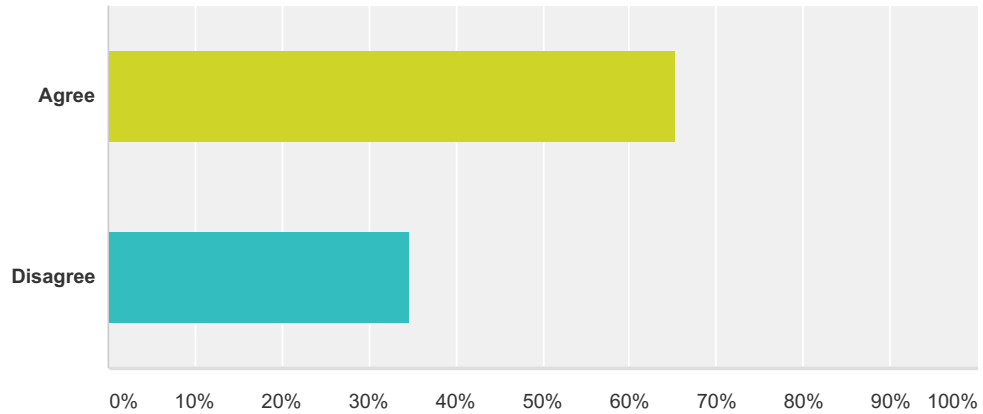
Answered: 103 Skipped: 1



| Answer Choices | Responses |
|--|------------|
| Very well | 3.88% 4 |
| As well as they can, given constraints | 39.81% 41 |
| Not well | 56.31% 58 |
| Total | 103 |

Q10 AGREE or DISAGREE: The primary role of the Legislature with regard to education is to provide funding, establish overall expectations, define system parameters, and establish essential metrics.

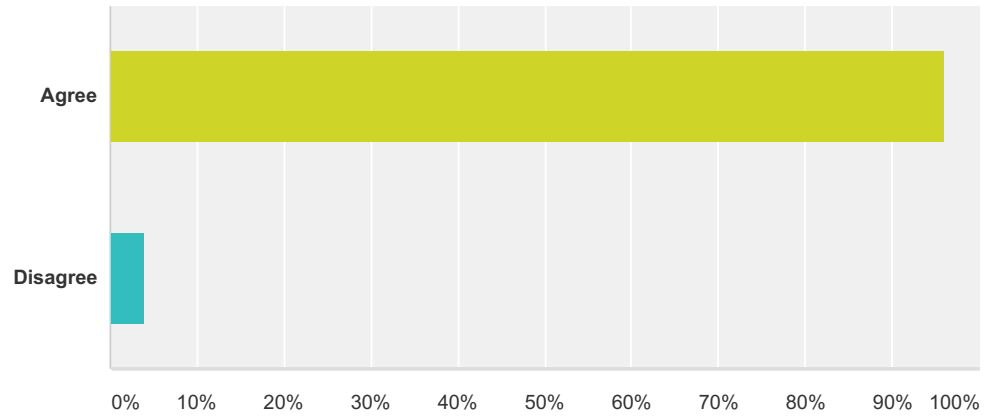
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|----------------|------------|
| Agree | 65.38% 68 |
| Disagree | 34.62% 36 |
| Total | 104 |

Q11 AGREE or DISAGREE: The Legislature should avoid micro-management, frequent changes in direction and a lack of a shared state vision for education.

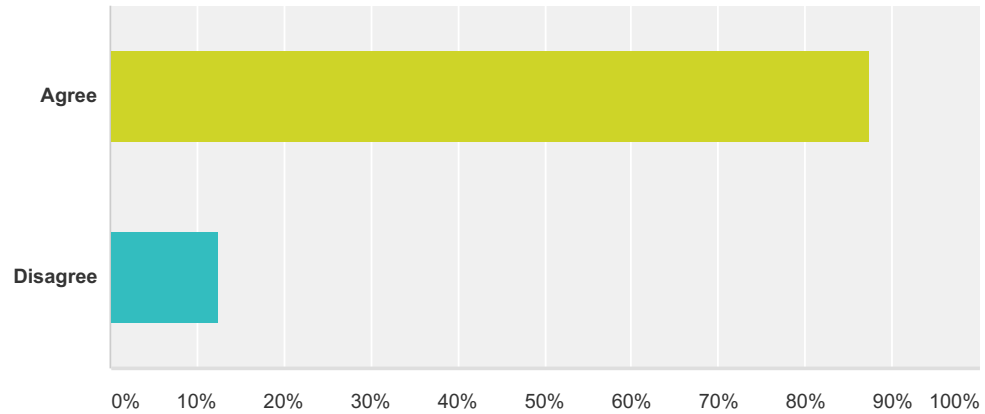
Answered: 103 Skipped: 1



| Answer Choices | Responses |
|----------------|------------|
| Agree | 96.12% 99 |
| Disagree | 3.88% 4 |
| Total | 103 |

Q12 AGREE or DISAGREE: The primary role of the State Board of Education with regard to education is to provide policy, standards, assessments, and accountability system metrics.

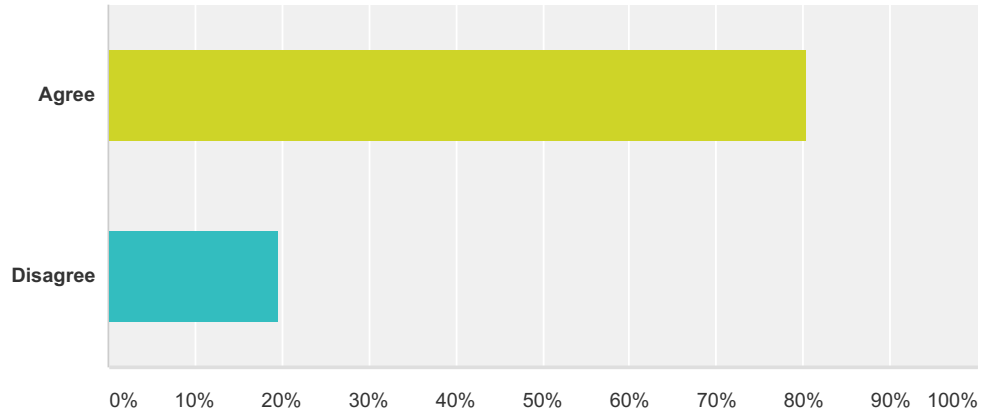
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|----------------|------------|
| Agree | 87.50% 91 |
| Disagree | 12.50% 13 |
| Total | 104 |

Q13 AGREE or DISAGREE: The State Board of Education should avoid a lack of a shared state vision for education.

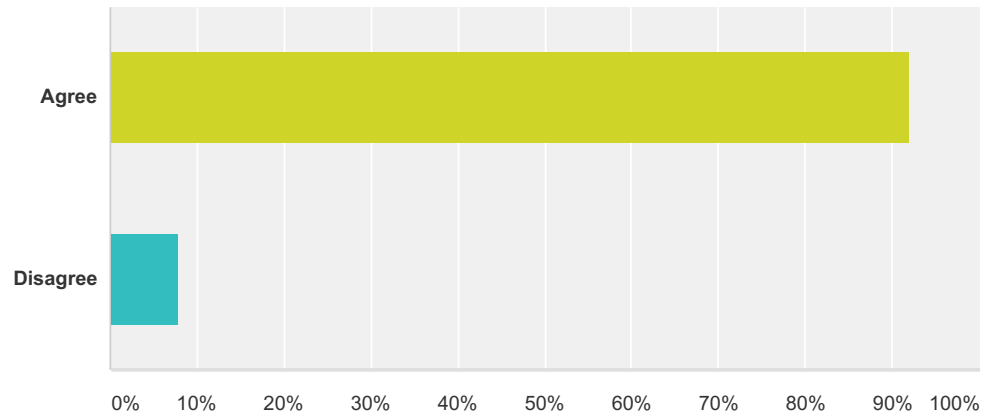
Answered: 102 Skipped: 2



| Answer Choices | Responses |
|----------------|------------|
| Agree | 80.39% 82 |
| Disagree | 19.61% 20 |
| Total | 102 |

Q14 AGREE or DISAGREE: The primary role of the State Superintendent with regard to education is to provide a vision, a plan for reaching that vision, implementation of that plan, advocacy, and coordination across state entities.

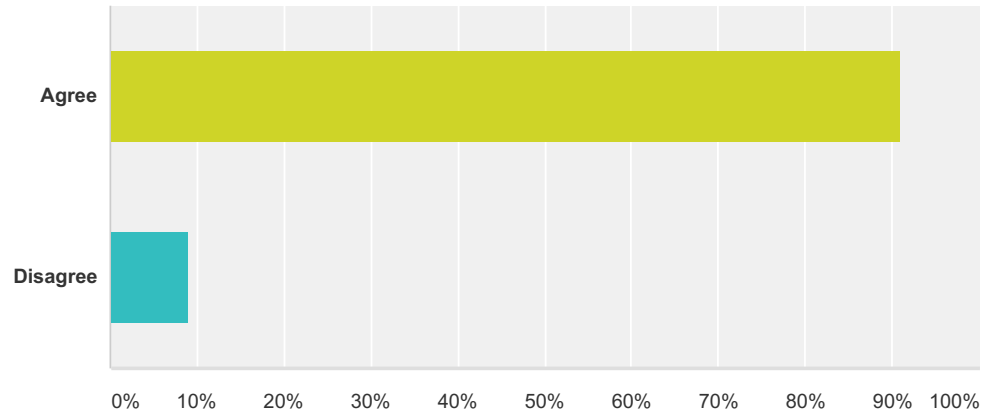
Answered: 101 Skipped: 3



| Answer Choices | Responses |
|----------------|------------|
| Agree | 92.08% 93 |
| Disagree | 7.92% 8 |
| Total | 101 |

Q15 AGREE or DISAGREE: The State Superintendent should avoid a lack of a shared state vision for education, frequent changes in direction, and hiring unproven leaders within WDE.

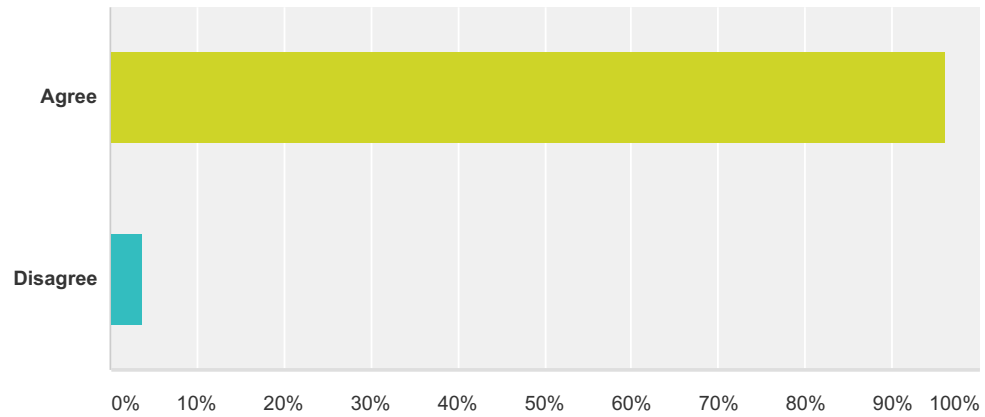
Answered: 100 Skipped: 4



| Answer Choices | Responses |
|----------------|------------|
| Agree | 91.00% 91 |
| Disagree | 9.00% 9 |
| Total | 100 |

Q16 AGREE or DISAGREE: The primary role of the Wyoming Department of Education with regard to education is to provide support to local districts, a clearinghouse for expertise, monitoring, and a mechanism for cross-district collaboration.

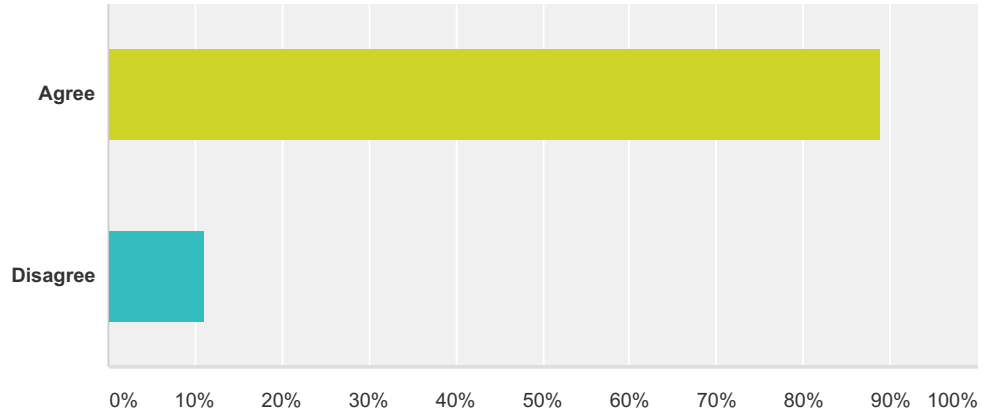
Answered: 104 Skipped: 0



| Answer Choices | Responses |
|----------------|------------|
| Agree | 96.15% 100 |
| Disagree | 3.85% 4 |
| Total | 104 |

Q17 AGREE or DISAGREE: The Wyoming Department of Education should avoid over-emphasis on compliance and isolation from schools and classrooms.

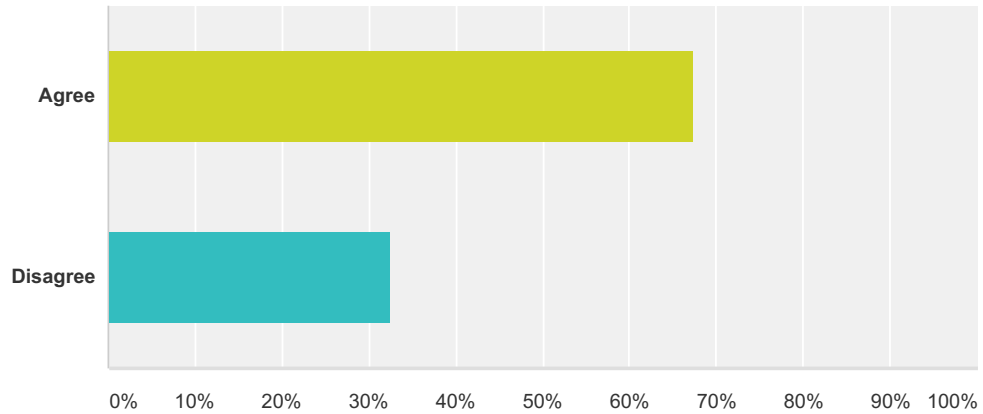
Answered: 99 Skipped: 5



| Answer Choices | Responses |
|----------------|-----------|
| Agree | 88.89% 88 |
| Disagree | 11.11% 11 |
| Total | 99 |

Q18 AGREE or DISAGREE: The primary role of the Governor with regard to education is to provide advocacy and use of the “bully pulpit” to promote the best interests of the statewide education system.

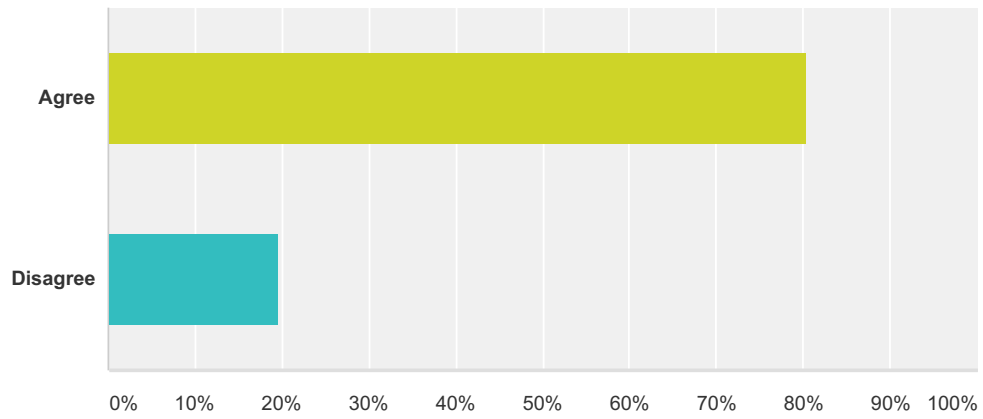
Answered: 98 Skipped: 6



| Answer Choices | Responses |
|----------------|-----------|
| Agree | 67.35% 66 |
| Disagree | 32.65% 32 |
| Total | 98 |

Q19 AGREE or DISAGREE: The Governor should avoid a lack of a shared state vision for education.

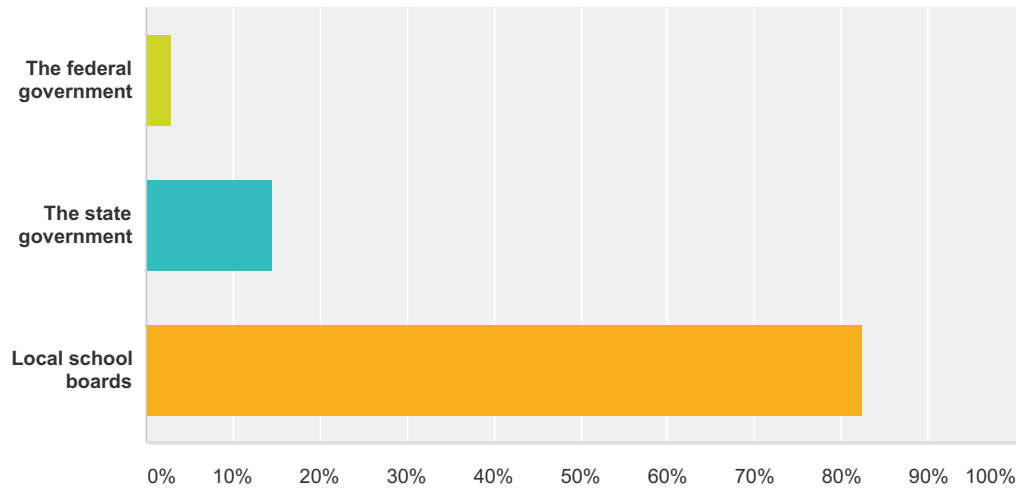
Answered: 102 Skipped: 2



| Answer Choices | Responses |
|----------------|------------|
| Agree | 80.39% 82 |
| Disagree | 19.61% 20 |
| Total | 102 |

Q20 Who should have the greatest influence in deciding what is taught in public schools?

Answered: 103 Skipped: 1



| Answer Choices | Responses |
|------------------------|------------|
| The federal government | 2.91% 3 |
| The state government | 14.56% 15 |
| Local school boards | 82.52% 85 |
| Total | 103 |

Appendix F.

Handouts from Stakeholder Interviews, July 2014

NAEP Proficiency in Wyoming & Other States

Percent of Students Scoring at Proficient or Above

| 2013 | WY | US | Contiguous States | | | | | | Highest-performing States | | |
|-----------------------|----|----|-------------------|----|----|----|----|----|---------------------------|----|----|
| | | | MT | SD | CO | NE | ID | UT | MA | NH | MN |
| Mathematics 4th Grade | 48 | 41 | 45 | 40 | 50 | 45 | 40 | 44 | 59 | 58 | 60 |
| Mathematics 8th Grade | 38 | 34 | 40 | 38 | 42 | 36 | 36 | 36 | 54 | 46 | 47 |
| Reading 4th Grade | 37 | 34 | 35 | 32 | 41 | 37 | 33 | 36 | 48 | 45 | 41 |
| Reading 8th Grade | 38 | 34 | 40 | 36 | 40 | 37 | 38 | 39 | 48 | 44 | 40 |

| 2007 | WY | US | MT | SD | CO | NE | ID | UT | MA | NH | MN |
|-----------------------|----|----|----|----|----|----|----|----|----|----|----|
| | | | | | | | | | | | |
| Mathematics 8th Grade | 36 | 31 | 38 | 39 | 37 | 35 | 34 | 32 | 51 | 38 | 43 |
| Reading 4th Grade | 36 | 32 | 39 | 34 | 36 | 35 | 35 | 34 | 49 | 41 | 37 |
| Reading 8th Grade | 33 | 29 | 39 | 37 | 35 | 35 | 32 | 30 | 43 | 37 | 37 |

2013 source:

http://nationsreportcard.gov/reading_math_2013/#/state-performance

2007 sources:

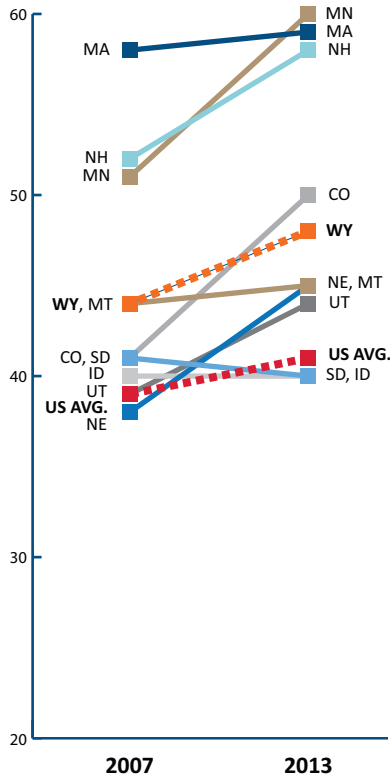
Math: http://nationsreportcard.gov/math_2007/m0006.aspx?tab_id=tab4&subtab_id=Tab_1#chart

Reading: http://nationsreportcard.gov/reading_2007/r0006.aspx?tab_id=tab4&subtab_id=Tab_1#chart

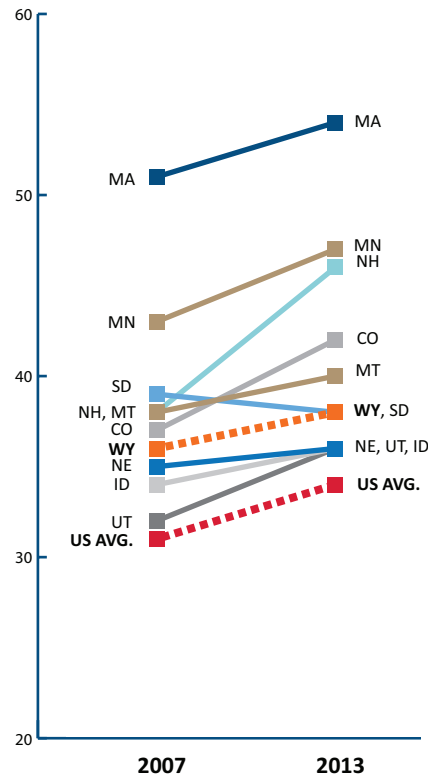
NAEP Proficiency Charts

2007 to 2013 Gains in Percent Proficient

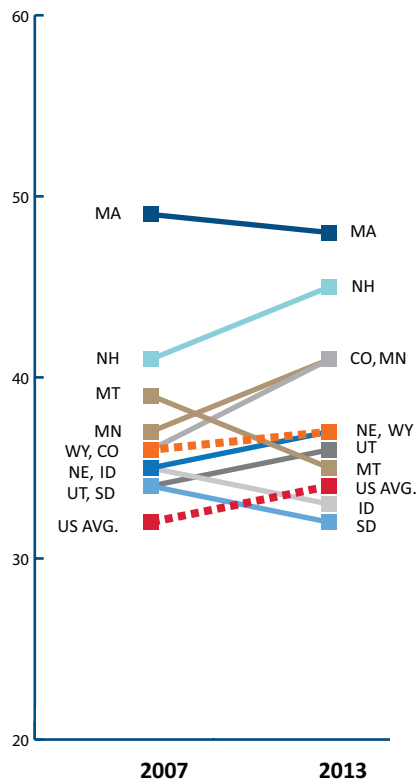
4th Grade Math



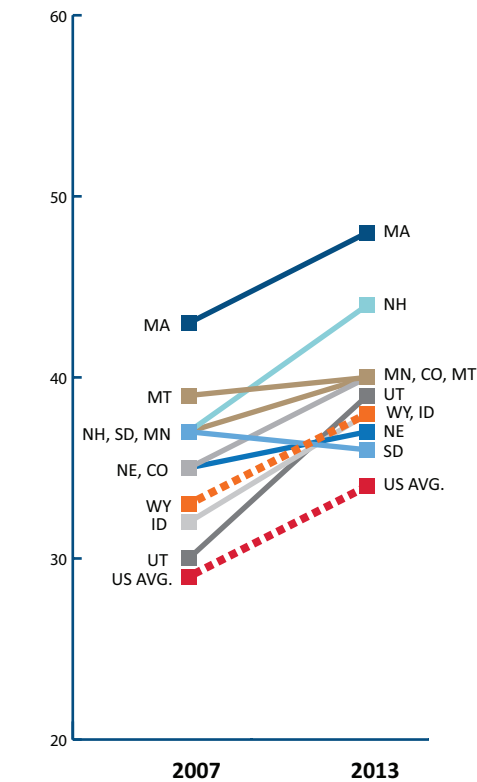
8th Grade Math



4th Grade Reading



8th Grade Reading



NAEP by FRL Eligibility

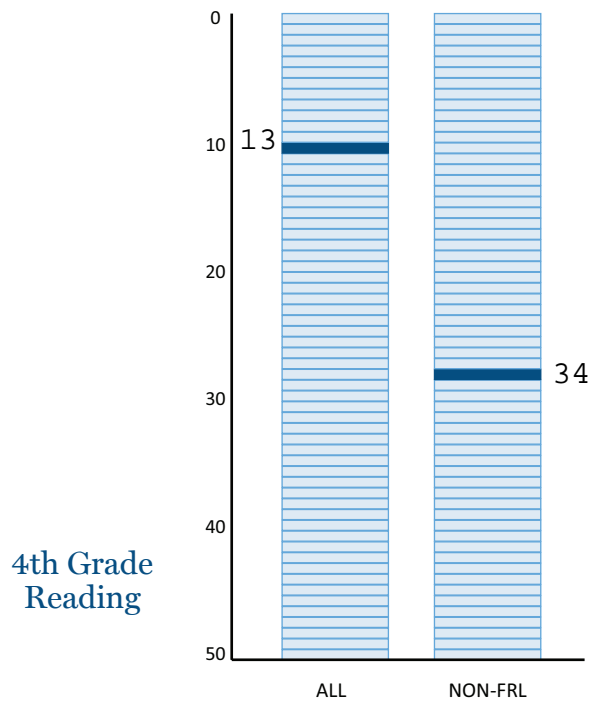
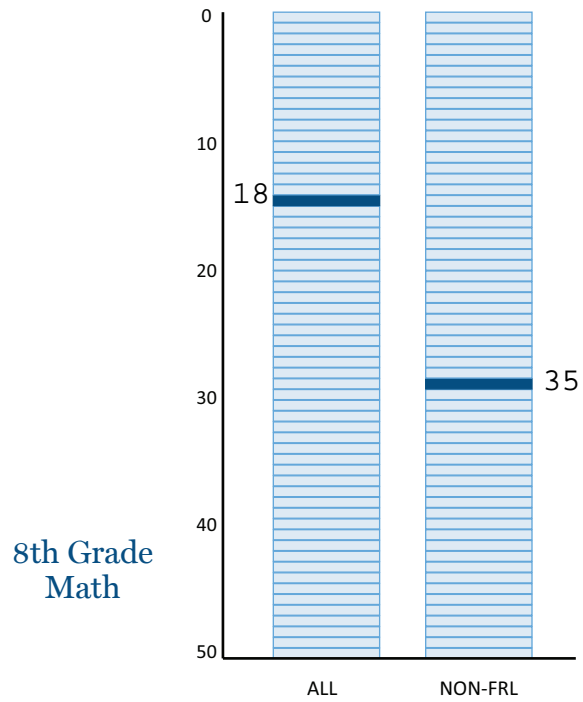
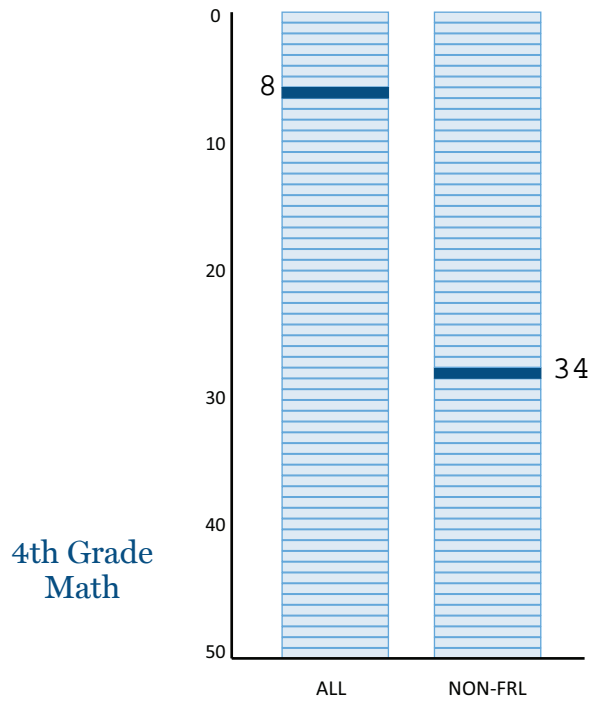
Rank by Average Scale Score

| Reading 2013 | Reading: 4th Grade | | | Reading: 8th Grade | | |
|-----------------|--------------------|--------------|--------------|--------------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 13 | 4 | 34 | 13 | 1 | 32 |

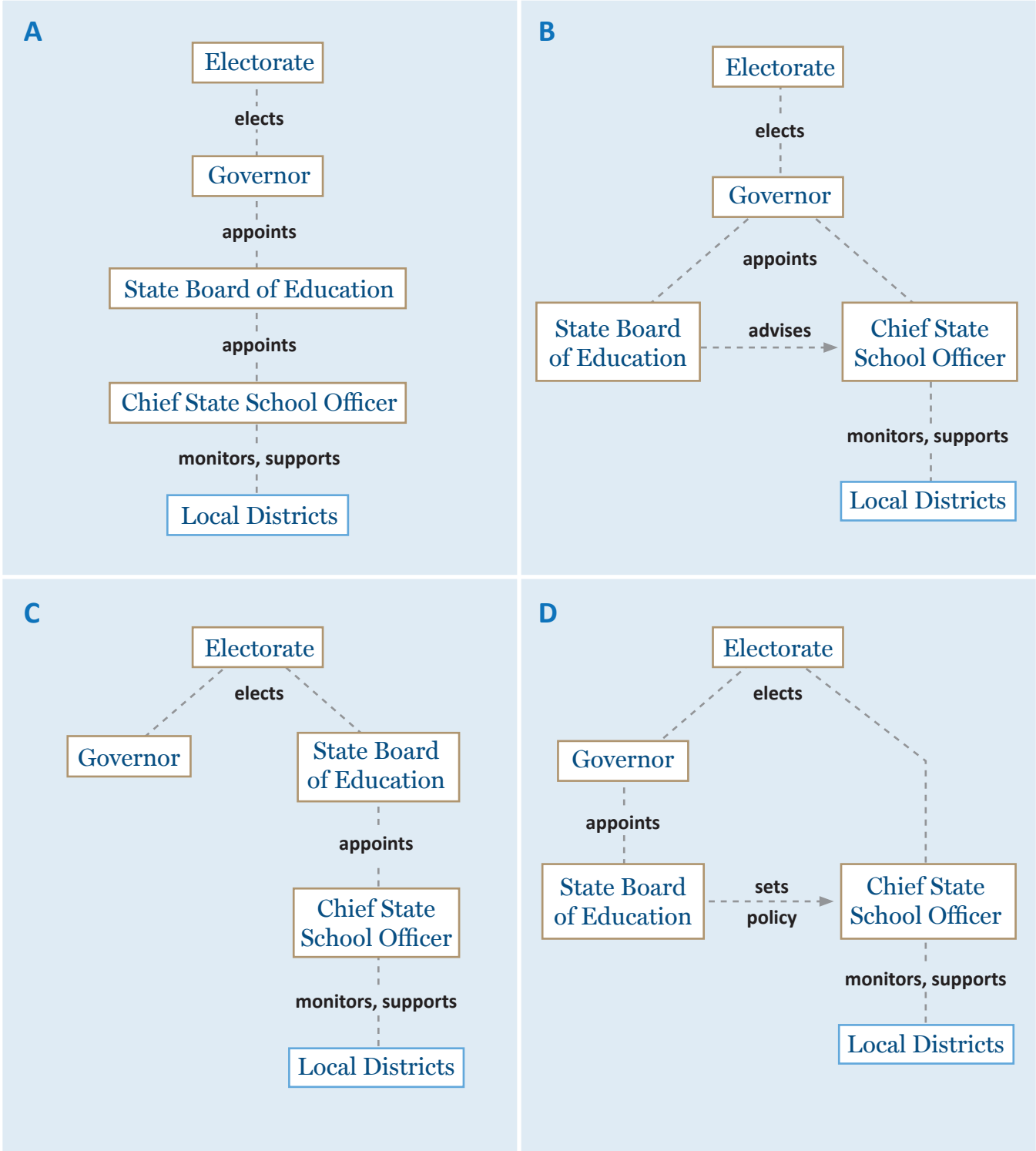
| Math 2013 | Math: 4th Grade | | | Math: 8th Grade | | |
|--------------|-----------------|--------------|--------------|-----------------|--------------|--------------|
| | All | FRL Eligible | Not Eligible | All | FRL Eligible | Not Eligible |
| Wyoming | 8 | 3 | 34 | 18 | 5 | 35 |

NAEP by FRL Eligibility

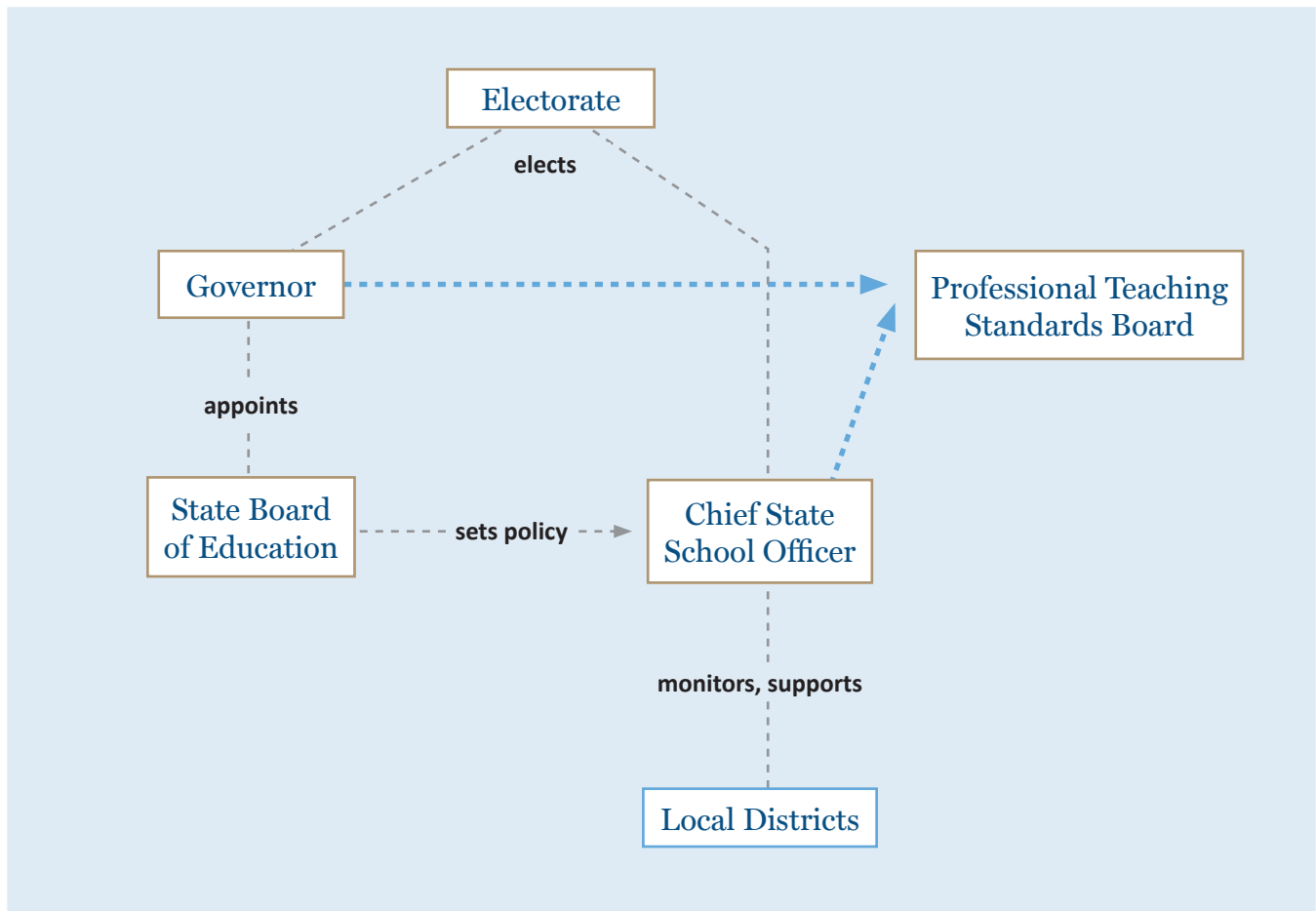
Rank of Wyoming Scale Scores for All Students and Non-FRL Students



Sample State Governance Models



Wyoming Education Governance Model



Appendix G

Resources for Training New State Board of Education Members

The National Association of State Boards of Education (NASBE) is the only organization dedicated to the support and development of state board members. Each summer NASBE holds an institute for new state board members from its member states. The summary of the institute is below, followed by the agenda from the 2014 institute.

NASBE also sponsors study groups each year on topics of emerging importance, through which participating Board members have the opportunity to hear from experts, practitioners, researchers and fellow policy makers on the issues. Reports from past study groups are available online. In addition, NASBE hosts webinars for members on selected topics.

NEW STATE BOARD MEMBER INSTITUTE

Each year NASBE gives new state board members the opportunity to gather with experienced board members and staff at the New State Board Member Institute. NASBE helps support these new members by covering the costs of two members from each state. Held every summer in Arlington, Virginia, the Institute is designed to equip new board members with skills, knowledge, and insider tips that will enable them to be more effective board members.

Always one of NASBE's most popular conferences, the program includes case studies in policy development; "how to" sessions on dealing with the media and handling state board business; special current issues sessions; information on how NASBE can assist state boards and individual members; and many opportunities for questions and answers and group participation.

Topics Addressed at the 2014 NASBE NEW State Board Member Institute

- How to Be an Effective Board Member
- Educational Acronyms
- Federal Policy Initiatives
- National Issues Overview
- Boardsmanship: Working with Your Legislature

- Boardsmanship: Communication Best Practices
- Boardsmanship: Parliamentary Procedures
- Boardsmanship: Your Role in Policy-making

No regularly scheduled training opportunities could be found for State Board members concerning important topics such as the state's education finance system, standards development, fundamentals of student assessment, what is known about effective professional development practices, or effective practices in developing strong human capital pipelines in education. NASBE may have study groups on such topics from time to time, but there seems to be no entity that offers orientation training on these topics for new State Board members. Given that these topics are also of high importance to local school board members, Wyoming may want to craft, on its own or in collaboration with the University of Wyoming and/or nearby states, professional development/orientation training sessions on such topics and to provide them to new State and local school board members.

Appendix H

Themes from Interviews for Improving Support from the Wyoming Department of Education

During interviews of representatives with Wyoming education, civic, parent, and business stakeholder groups, several specific recommendations were made to improve the capacity of the Wyoming Department of Education to support educational improvements in the districts.

- 1. Streamline compliance monitoring:** Compliance monitoring, while necessary, can too easily become extremely time-consuming for both WDE staff and staff within schools and districts. Too often, interviewees stated, forms are sent requesting extensive amounts of data that the state already holds. To better protect the focus of local educators on student learning, the WDE should a) ensure that compliance monitoring is reduced to the essential level of information collection, b) collect state-held information from other state entities and not the schools or districts, to the extent possible, and c) place greater emphasis on using the gathered information to add value to the local improvement efforts.
- 2. Create Regional Support Coordinators:** WDE personnel assigned to provide support and guidance to schools and districts typically do so for a single topic, statewide. The weakness of this structure is the lack of familiarity these individuals have with the strengths and needs of specific schools, districts and communities. A strong interest was expressed in the creation of WDE Regional Support Coordinators. These individuals would be assigned to coordinate supports and guidance to a region of the state, and to get to know the schools well enough that they can do so in a more customized and efficient manner. This small cadre of educators should, in the view of the interviewees, be carefully selected educators with proven track records and who are deeply knowledgeable about several programmatic areas.

In addition to coordinating supports and guidance to a region, they would 1) coordinate information sharing across regions, such as sharing of best practices, and 2) regularly look for emerging statewide needs that should be addressed more systemically by the WDE.

One concern was raised about these positions: currently the salaries within the WDE for high-level positions are lower than for similar positions within school districts. Creating these positions without adequate salaries to attract the state's most qualified and respected candidates may result in less impact.

Appendix I.

Creating a Statewide Vision for Public Education and Blueprint for Action

Numerous states have developed long term strategic plans, often through the leadership of the State Board of Education or Chief State School Officer. Too often these planning processes fail to engage the general public and stakeholder leaders sufficiently to generate the level of support needed to sustain focus for long enough to have real impact on the quality of public education in a state and the readiness of their students for college, the workplace, and citizenship.

A few states stand out as having created thoughtful plans for the improvement of their educational systems that include bold goals, broad engagement, and sustained effort. In this section, documents from three such initiatives are provided as exemplars.

- Delaware Vision 2015 was an initiative begun in 2006 by the Business Roundtable and Rodel Foundation. The initial planning work was led by a 28-member steering committee of education, business, government, and community leaders. The Vision 2015 blueprint has served as the foundation for Delaware's reform efforts for a decade, and regular progress reports are released. The 2013 progress report is included in this appendix. A copy of the original blueprint for statewide education can be found at <http://www.vision2015delaware.org/wp-content/uploads/2011/06/Vision-Plan.pdf>.
- Massachusetts Business Alliance for Education (MBAE) issued a vision and plan in 1991, titled Every Child A Winner. That plan provided the framework for the Massachusetts Education Reform Act of 1993. The implementation of that statute drove improvements in public education to the point that Massachusetts now has the best performing students in the nation, as measured by national and international standardized test results. In the spring of 2014 The MBAE released a new 20-year vision for the statewide education system, The New Opportunity to Lead. The announcement of this plan can be found in this appendix and the full study can be found at <http://www.mbae.org/wp-content/uploads/2014/03/New-Opportunity-To-Lead.pdf>.
- Tennessee's State Collaborative on Reforming Education (SCORE) was launched in 2009 as a private, citizen-led initiative to jumpstart long-term educational change in Tennessee and ensure that every child graduates high school prepared for college or a career. SCORE focuses on supporting innovative education initiatives, advocating new policies, and awarding the annual SCORE prize to recognize significant improvements in student achievement. Recent status report is included in this appendix and the complete October 2009 five-year plan, SCORE Roadmap to Success, a, can be found at <http://tnscore.org>.

Realizing the Vision

2013



Connecting to World-Class Schools

**VISION
2015** | **IMAGINE...**
*the best schools in the
world for every student
in Delaware.*

Chairman's Message



Ernie Dianastasis
*Vision 2015 Chair
 Managing Director, CAI*

One thing that makes people proud to work in Delaware is that we come together to tackle tough problems — and stay together to see the solutions through.

In 2005, 28 public, private, and civic leaders from throughout the state came together to develop the bold Vision 2015 plan to provide a world-class education to all public school students by 2015.

As we approach the 2015 benchmark, we are thrilled to have the continued leadership and passion needed to see this project through. **Few states can claim the level of public-private collaboration that Delaware can — it's exceptional and essential.**

With input from hundreds of educators and community leaders, the state has made tangible gains toward reaching the big ideas set forth in Vision 2015. The recommendations put forward in the plan laid the groundwork for Delaware's first place finish in the national Race to the Top competition.

We have raised standards for both our children and the adults that educate them. We've built a comprehensive strategy to support our earliest learners statewide. And through efforts like the Vision Network of Delaware, we have begun to do something we have struggled to do for years: share what works. Collectively, this has meant that our schools are getting stronger, with 10,000 more students proficient in English and math in 2012 than the previous year, and those gains sustained in 2013.

Yet there is more hard work ahead.

While we are proud of our successes, we realize that our world has changed substantially in the last decade. As Managing Director of CAI, Inc., a Delaware-based information technology firm, I have a front row seat on some of those changes. Closer to home, my kids are a daily reminder that the way young people interact with the world has changed — it's global and instantaneous.

Implementation Team: Voices from the Community

The Vision 2015 Implementation Team includes leadership from a broad range of public, private, and civic groups. The Team meets regularly to align efforts, evaluate progress, and sustain momentum.

H. Raye Jones Avery



Executive Director
**Christina Cultural
 Arts Center**

Dr. Susan Bunting



Superintendent
**Indian River
 School District**

Dr. Paul A. Herdman



President and CEO
**Rodel Foundation
 of Delaware**

Dr. Mark Holodick



Superintendent
**Brandywine
 School District**

These and many other changes were not squarely in our sights back in 2005, so as we look to 2015 and beyond, we know we need to do a better job of listening to members of the community, educators, and young people so that our “vision” remains fresh and responsive.

As a founding member of Vision 2015, and now its chair, I am excited to focus on how we can help expand innovation throughout our state and to redouble our efforts to build stronger bridges between our schools, communities, and businesses.

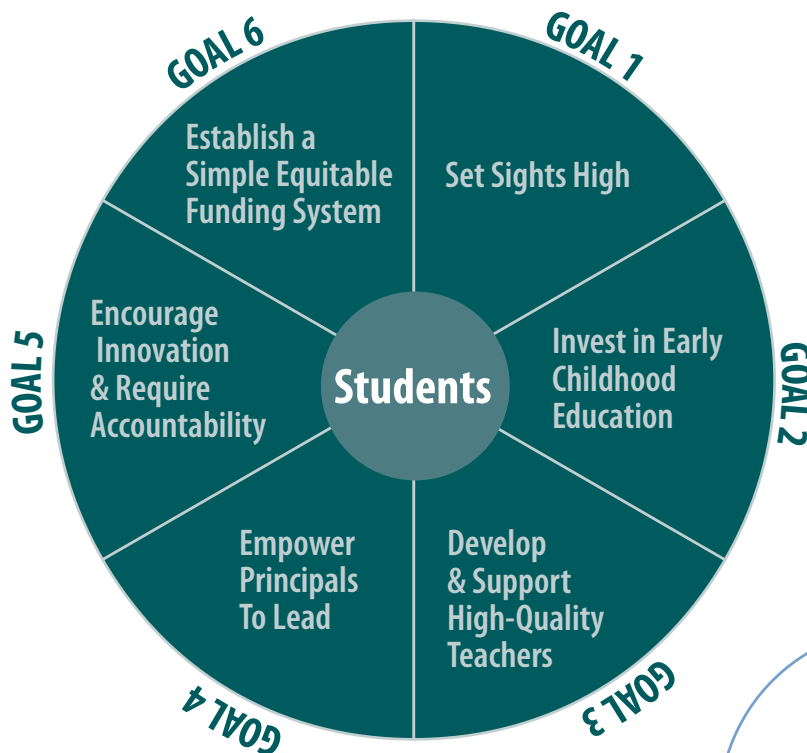
On the following pages, you will see how the big ideas of Vision 2015 are being implemented and becoming a reality. Vision 2015 has played an important role in Delaware’s success, and we look forward to more opportunities and challenges in the years that follow.

Sincerely,



Ernie Dianastasis, Vision 2015 Chairman

Vision 2015 focuses on six student-centered key goals.



Frederika Jenner



President
Delaware State Education Association

Mark Murphy



Secretary
Delaware Department of Education

Dr. Daniel Rich



Chair
Delaware Early Childhood Council

John H. Taylor, Jr.



Executive Director
Delaware Public Policy Institute

Goal 1: Set Sights High

Implement assessments, curriculum, and standards to align them with the world's best, while preparing students for college and careers.

Progress to Date

In 2006, consistency of curriculum was a challenge not just around the state, but sometimes even within districts. Delaware students now compete with the rest of the world, so we need to raise the bar on what we expect of them. To do that we need to strengthen the quality of the curriculum used to prepare our students and build new measures to assess what they are learning. Across the board, we're providing students with access to more rigorous content. **Every child from grades K through 12 will be engaged in learning through the**

Common Core State Standards (CCSS), which are internationally benchmarked and move us away from rote memorization to more applied and practical learning. In addition, almost 1,000 students are benefiting from new language immersion programs from Mandarin to Arabic, and we've increased the percentage of students taking Advanced Placement courses by nearly 16% since 2002.

What's Next

We've made significant progress, but the implementation of the CCSS will take considerable work to create a Common Core culture in the classroom in preparation for the first assessment of the Standards during the 2014-15 academic year. Once implemented, the

Standards will provide a consistent, clear understanding of what students are expected to learn, and give teachers and parents a roadmap for what they need to do to help them be college and career ready.

Additionally, our students will truly be on equal footing with their peers around the world with the implementation of the new Smarter Balanced Assessment exam aligned with CCSS, and dual enrollment opportunities allowing for students to get a head start on their college education.

Get Involved

Learn more about CCSS and how they will help our kids reach the next level by visiting bit.ly/HSGCCSS.

IT'S HAPPENING

Embracing the Highest Standards

At William Penn High School, math teacher Jennifer Bonham didn't wait for the official rollout of the Common Core State Standards to start using them.

Two years ago, as she was preparing the student learning map for her Advanced Placement statistics course, she realized that Delaware's standards didn't cover what she would be teaching her seniors.

"The student learning map had to be based on standards," she recalls. "The state standards really stopped at 11th grade, and they didn't cover AP statistics. I started using the Common Core Standards to write out my instructional planning, because the Common Core goes through 12th grade and has a whole strand on statistics."

The Common Core Standards, which will be implemented statewide for the 2014-2015 school year, are a crucial component of the Vision 2015 goal to get Delaware teachers and schools to implement standards, curriculum, and assessments that align with the world's best.

Bonham loves the rigor of the Standards, but is also keenly interested in developing state-of-the-art assessments that will measure student achievement once the Standards are in place — especially through greater use of technology.

In both her classroom and her Ed.D. program at the



Jennifer Bonham,
Teacher,
William Penn
High School

University of Delaware, Bonham is exploring ways to use technology to assess achievement and student growth. She is part of the Colonial School District's "Bring Your Own Device" pilot exploring new ways to use technology in the classroom, and her Ed.D. thesis focuses on employing technology for formative assessments that take place throughout the school year.

"There are apps on which you can put out questions and poll kids on cell phones, and **I'll know right that minute did most of them get it or not get it and we can have a conversation right then and there,**" she explains. "**With technology, you can also differentiate the learning.** I can post different videos, TED talks or things I create and they can get out their cell phones and their head phones and watch the video they need. I can hold office hours at home through Twitter or Edmodo. Students can take pictures of my Smart Board and we can post them on our website."

"Technology is the world our kids live in," she says, "so we might as well use it for good rather than evil in the classroom."

Goal 2: Invest in Early Learning

Ensure every child enters kindergarten ready to learn.

Progress to Date

In 2006, when the first Vision 2015 report was released, 70% of early learning providers were poor to mediocre and they did not receive sufficient support. In 2011, the state invested \$22 million — a 35% increase — in early learning improvement and then won \$49 million in the Early Learning Challenge. **As a result, there is a new state Office of Early Learning (OEL) that coordinates services across major state agencies, and since 2007, the Stars program provides a statewide structure for evaluating quality and state subsidies, which increase as the quality of service increases.**

What's Next

The Delaware Early Learner Survey has been piloted across the state and will be fully implemented by the fall of 2015. This survey will give Delaware baseline data for kindergarten readiness for the first time and enable elementary schools to tailor instruction and support services appropriately for their youngest students. The data will also provide educators and policymakers with a valuable tool in assessing the early childhood system and allow for thoughtful decision-making.

In addition, the OEL, in cooperation with its managing partner, the Delaware Early Childhood Center, created Delaware Readiness Teams (DEL Teams). These teams are bringing together partnerships of families, early learning and K-12 educators, health care, human services, and civic leaders to make school readiness and the needs of young children a high priority.

Get Involved

Learn more about how to support young children at www.greatstartsdelaware.com.

IT'S HAPPENING

Starting Early Learning *Really* Early

In the Lake Forest School District, early learning begins at birth. Especially for the families who sign up for the district's innovative Spartan Sprouts program.

Launched with Race to the Top funds, the program seeks to build connections between families and the school district at the earliest opportunity, and to provide support for raising healthy, kindergarten-ready students.

"We think it is important for a child to get off to a good start and we are interested in them as soon as they arrive," says Dr. Dan Curry, who implemented the program named for the district mascot.

In the program, trained home visitors visit families four times a year to help parents discover their child's interests, build structured activities around them, and explore everyday learning opportunities.

The home visitors also provide resources to help parents recognize developmental milestones from two months to five years, share health and nutrition information, screen for special needs, and provide referrals if necessary.

Families also receive a support package that includes such items as backpacks, medicine droppers, sippy cups, thermometers, a Sprout baby outfit, and a book.

In addition, the program shares information about a sister program run in partnership with the Harrington Library Foundation called Imagination Library in which parents of children from birth to four years old can sign up their child to get a free book each month in the mail.

In its first year, the program served 34 families in the Felton-area district, which averages 310 students each year in kindergarten.

"I have learned so many things through the Spartan Sprouts," says parent Sheena Rosko, whose son was identified with a speech delay through the program. "Without this program I would not have known just how delayed his speech is or how to go about getting him the help he needs. I am very grateful for everything this program has to offer!"



**Dr. Dan Curry, Superintendent,
Lake Forest School District**

Goal 3: Develop and Support High-Quality Teachers

Develop and support high quality teachers in every Delaware school and provide the professional support they need to succeed.

Progress to Date

As parents have long known, teachers are the most important in-school factor in supporting a child's learning. Yet as recently as 2006, there was little understanding of the quality of teachers coming out of schools of education, there were no strategies for recruiting, retaining, or supporting teachers and leaders in high-need schools, and teachers didn't always have meaningful feedback on improving teaching practices.

With the impetus of Vision 2015, Delaware has made comprehensive changes that make it a national leader in raising the quality of teaching professionals. In the last year, passage of the key education bill SB51 sets high entry requirements for

teacher training programs, requires at least 10 weeks of a high-quality student teaching experience, and establishes rigorous exit exams. Additionally, teacher training programs will be required to track and report data on the effectiveness of graduates during and after the program.

The state has also invested in building targeted efforts to bring great teachers and leaders into our highest-need schools. One example of this is the Teach For America program, which is thriving, and has expanded to Kent and Sussex counties, with 60 teachers serving high-need students in difficult-to-hire subject areas. Another initiative, the Vision Network of Delaware, is working with teachers and leaders in 29 schools across the state to build and sustain achievement through improved leadership and classroom instruction.

Delaware is also one of the few

states in the country in which every teacher in every subject and grade is evaluated in a system that looks holistically at performance — one of the strategies being improved each year based on teacher feedback through the Teaching, Empowering, Leading and Learning Survey (TELL Delaware). In addition, the state is working to build the capacity of our teaching force through Professional Learning Communities (PLCs) that provide teachers with common planning time so they can collaborate on data analysis, lesson planning, and instructional strategies.

What's Next

The state's new teacher training legislation is an important foundation for training teachers who can deliver a world-class education. So are programs that improve career and compensation opportunities for teachers. Goals for the near future include creating new teacher career paths. Rewarding teachers through more competitive regional pay would also help attract teachers in high-need subjects and schools. Best practices can also provide incentives to expand successful teacher training programs.

We want Delaware to not only be a desired destination for the best teachers, we want to support already established teachers and provide them with the tools they need to be successful in the classroom. The launching of a recruitment portal to streamline and strengthen hiring processes across the state — and improving the salary structure and career ladder system for teachers — will serve to retain and attract highly-effective teachers.

Get Involved

Individuals and groups can support Delaware's teachers. Consider supporting a local teacher through DonorsChoose.org, or participating in the TFA sponsor a teacher program. Learn more at bit.ly/TEADelaware.



IT'S HAPPENING

Charting A New Course For Teacher Development

In a successful school, one of the most important skills for teachers is the ability to tailor instruction to the individual abilities of each student.

Not surprisingly, the training required to develop those teachers requires instruction tailored to individual abilities — of each teacher.

Most important, notes Dr. Lamont W. Browne, Head of School and Principal of East Side Charter School, that training needs to be ongoing and systematic, not the “one-shot, one-stop” system of evaluation and professional development often used in the past.

Browne’s school is one of four charters in Wilmington that have banded together to develop a new — and collaborative — approach to evaluating and developing top teachers.

Approved by the State Department of Education, the approach is rolling out this year at East Side, Thomas Edison Charter School, Kuumba Academy Charter School, and Prestige Academy Charter School, all located within a mile and a half of each other.

“All four schools are supporting each other,” Dr. Browne says of the groundbreaking collaborative effort. “They are coaching each other and learning from each other. Hopefully, this can be a model for the state for how schools can work together to improve student achievement.”

Co-authored by the four schools, the approach makes evaluation and training continuous throughout the school year, rather than a process built around a limited number of classroom observations or professional development sessions.

It still includes schoolwide professional development on key trends and topics, but its foundation is a coaching system in which instructional leaders work with individual teachers, collaboratively develop goals for improvement and improve instruction skills in incremental “action steps,” rather than acting on a “laundry list” of changes all at once.

Most significantly, Dr. Browne says, the approach includes a “dual accountability” process that evaluates the effectiveness of the evaluators.

“In the past there may not have been any accountability that the instructional leader was good at giving feedback,” he says. “Our model requires that a coach give specific feedback, not just what a teacher did poorly, but how they can get better at it.”

At Dr. Browne’s school, each of four coaches works with approximately 10 teachers, starting right after a two-week



Dr. Lamont W. Browne,
Head of School and Principal, East Side Charter School

period of schoolwide professional development in August. Teachers are asked to develop 4-5 professional development goals for themselves for the year, and work with the coach to pick three top goals for work. Teachers and coaches meet weekly or biweekly to assess progress, based on 10-20 classroom observations and videotaped lessons in which teachers can see themselves in action.

By focusing on a limited number of action steps at a time, the coaching allows teachers to “build capacity” over the year. It also provides flexibility to address individual issues that arise, or to identify issues affecting more than one teacher.

“Teachers say they love seeing us weekly because it makes the classes [that we observe] so much more natural,” Dr. Browne says. “They also love that there are just one or two action steps at a time. Fewer things to focus on allows them to really put their energy into those things.”

“There is immediate accountability,” he adds. “A teacher knows that their coach is going to come back next week and give feedback, so it is very important they are working on this and trying to get better.”

Goal 4: Empower Principals

Empower school leaders to be great leaders with the knowledge, authority, and flexibility to get results.

Progress to Date

Next to teachers, principals are the most important adults in any school. **Delaware has taken significant steps to empower principals to build strong school cultures and support great teaching.** To accomplish this, the state has employed strategies, including: (1) deploying coaches and support programs to help principals throughout the state; (2) creating targeted new strategies to train principals to work in our highest need schools; and (3) developing statewide incentive systems to provide monetary awards to those schools that are demonstrating excellence.

Increased use of School Administration Manager (SAM) programs in schools has helped principals better manage their time and concentrate more on instructional leadership, building effective teams, and improving student achievement. The Delaware Leadership Project (DLP) has been created to help the state recruit, train, and retain more effective principals in high-needs schools. In its third year, this 15-month alternative certification program provides intensive, hands-on training for aspiring principals in school settings.

Lastly, Innovative Schools, a non-profit resource center for Delaware public schools, is working directly with local schools and districts across the state to help implement best practice programs effectively within their building.

What's Next

Progress has been made toward empowering principals to be great leaders; however, there are steps that can be taken to continue to improve the knowledge, authority, and flexibility necessary to gain results. Improving financial flexibility, such as hiring and budgeting freedom would allow principals to put funding toward areas that they deem most necessary.

Encouraging broader utilization of the Education Insight System will enable data-driven decision making throughout the education system.

Get Involved

Support the Delaware Leadership Project. Learn more at www.innovativeschools.org/delaware-leadership-project.

IT'S HAPPENING

Getting Results With 'Ownership'

At W.T. Chipman Middle School, leadership is all about ownership. Given the authority and flexibility to make key instructional decisions at the school level, Principal Douglas W. Brown has built a culture of "our" among his staff.

"Our teachers take ownership of their results, ownership of the school perception, ownership of the students, and, most importantly, they take ownership of their responsibilities," he explains.

"We work hard on shared decision-making ... to build a strong instructional leadership team comprised of administrators, teachers, and specialists."

As a result, "our school has drastically changed for the better from a morale and results standpoint," Brown says.

Part of the Lake Forest School District, and a member of the Vision Network of Delaware, Chipman has created a culture in which the WHY of instructional and policy decisions is openly shared and explained.

"Most of us want to know WHY am I doing this and how this will help," Brown says. "A good leader has the ability to convey the WHY to those that he or she leads."

Brown, who has been principal at Chipman for five years, also is a mentor in the Delaware Leadership Project, the innovative statewide program training new principals for



**Douglas W. Brown, Principal,
W. T. Chipman Middle School**

high-needs schools. As a mentor, he is "shadowed" by a trainee during the school year, offering hands-on instruction in his school's culture and instructional practices.

"Gone are the days where school leaders are simply managers of the school building," Brown says. "The expectation is for all of us to be instructional leaders as administrators."

The Delaware Leadership Project has drawn praise as an alternative route to certification that emphasizes on-site learning. "I came through the traditional way to administration," Brown says, "but I would have loved to have had the opportunity to do the work and the on the job training that these prospective leaders get."

Goal 5: Encourage Innovation and Parent Involvement, and Require Accountability

Encourage education innovation and require accountability from all stakeholders.

Progress to Date

The world is changing rapidly and everyone knows that resources are tight. To keep pace, the state needs to continuously evaluate what's working and do more of it. Back in 2006, there was sparse information on the performance of individual schools, no vehicle for supporting innovative practices, limited funds to invest in high-performing schools, no feedback system for educators to improve the system, and very limited opportunities — outside the vocational schools — for young people to get their feet wet in an actual workplace. **Today, the state is working to make information easily accessible and has built a new online portal for educators to support the unique needs of every one of their children.** A parent portal is also in the works to provide updates on students.

Innovation is emerging from both public and private sector strategies. Just recently the state invested more than \$1 million in a range of new ideas, the most prominent being a four-district partnership looking to pilot new teaching methods, such as blended and project based learning. In addition a new, \$2 million performance fund was created to prioritize the creation or expansion of high-performing charter schools serving high need communities. The private sector has supported nine new innovative school models through the Innovative Schools-led Alliance of Model Schools.

What's Next

Vision 2015 envisions a public education system that demands innovation and accountability both in and out of the classroom.

The continued efforts to support and grow a student-centered learning experience through innovative practices will allow children to master skills at their own pace, allowing teachers

to meet the needs of each individual learner. Personalized learning environments are already happening in classrooms around Delaware to provide students across the spectrum the opportunity to access individualized, rigorous, and rich learning experiences. This approach allows teachers to incorporate multiple styles of instruc-

tion seamlessly.

Get Involved

Become a mentor, join community-based partnerships, and demand data and public information on our schools to help inform decision making. Visit www.vision2015delaware.org/get-involved.

IT'S HAPPENING

Using Technology to Innovate

In the classroom of Paul Ramirez at Wilmington's Howard High School of Technology, innovation is the norm, not the exception. It's evident in his use of technology to challenge students, in the way he uses software to individualize learning for each student, in the way he uses multi-media "texts" to assess students' analytical abilities in 21st century formats.

It's also evident in the way he grounds high-tech instruction with character education traits like "grit" and "self-control" through an initiative he launched that uses principles of social/emotional learning to develop the personal traits students need to succeed.

"In my classroom, I've developed lots of ways to use technology," he says. "My students do everything from producing videos to using software and applications that allow them to learn at their own pace. **Personalized learning systems and the opportunities of digital education have the possibility for hugely changing the face of education.** But I think there's still a gap in K-12, both in terms of what is available and whether schools are using things that are already there."

Ramirez and his colleagues have seen dramatic results from their innovative teaching. He, along with the support from his fellow Howard English teachers, have helped students in his classroom achieve the highest growth in reading scores in his grade level every year for the last three years – and last year, their state assessment scores were 55% higher than the state average for students in the same subject and grade.

Named chair of the English department, he is rewriting the curriculum to raise the level of rigor across the district. He also is developing new data systems to help teachers use digital tools to assess and analyze student data.

"Technology," he says, "has the possibility of changing what we think of as education. I'd love to play a part in doing this."



**Paul Ramirez, Teacher,
Howard High School of Technology**

Goal 6: Establish a Simple and Equitable Funding System

More effectively spend taxpayers' education dollars.

Progress to Date

Of the six goals set forth in Vision 2015, this is the one on which the state has made the least headway. Delaware's funding system is largely inflexible and unresponsive to the needs of the individual students within it. Its inflexibility is a problem because it all but prevents local educators from developing innovative ideas or reallocating staff resources to meet the needs of their school communities.

Yes, there has been some additional flexibility in the way we support special needs students in recent years, but by and large the current funding system does not reflect the individual needs of each student. This is potentially very problematic in our urban and rural areas, where the needs of the students are generally higher.

Vision 2015 also calls for finding more flexible, productive, and efficient ways to spend currently budgeted dollars, before adding new money. In January 2008, the Leadership for Education Achievement in Delaware (LEAD) Committee released a landmark report that identified up to \$158 million in Delaware's education budget that could be spent smarter, with funds redirected to priorities that would yield powerful, long-term benefits. To date, only modest savings have been captured, and further action is needed to ensure students get as much benefit as possible at the classroom level.

What's Next

Establishing a simple and equitable funding system is a goal that still needs to be addressed in order to provide appropriate funding for students for the long term. The state has made significant changes to public education as a result of Race to the Top funding, but a modern school

finance system is needed to create sustainable change. Moving forward, Delaware must create a funding model in which funds are allocated based on student needs, as recommended by the LEAD Committee. In addition, compensation reform and salary supplements can be implemented to better support teachers and leaders.

A compensation reform proposal will allow new teachers to be more regionally competitive, helping Delaware to recruit high-quality

teachers. Salary supplements will help schools recruit and retain teachers and leaders in high need schools, high need subjects, and master teacher roles. Addressing funding will require difficult choices; however, making these choices are crucial to helping every student succeed.

Get Involved

Speak with your elected officials about fair funding, and participate in local school board meetings.

"Without a more effective system, we will always be limiting educational opportunities for our children based upon their ZIP Code."

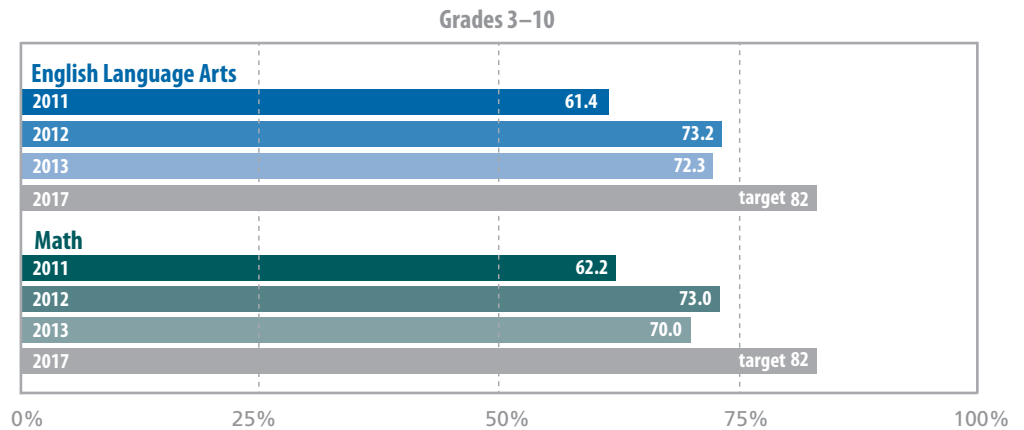
— Dr. Shawn Joseph, Superintendent, Seaford School District



Promising Gains in Recent Years, Yet Challenges Persist

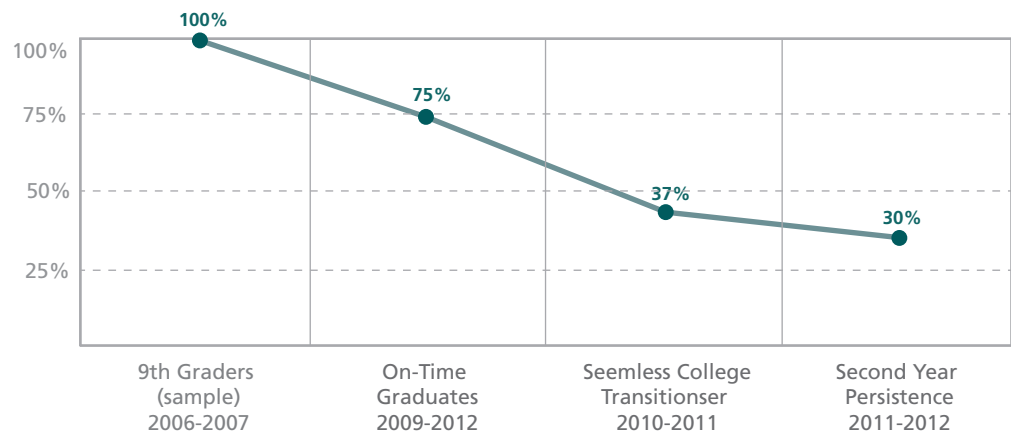
State Progress Maintained

An additional 10,000 students were proficient or advanced in 2012 and 2013 as compared to the 2011 DCAS exam.



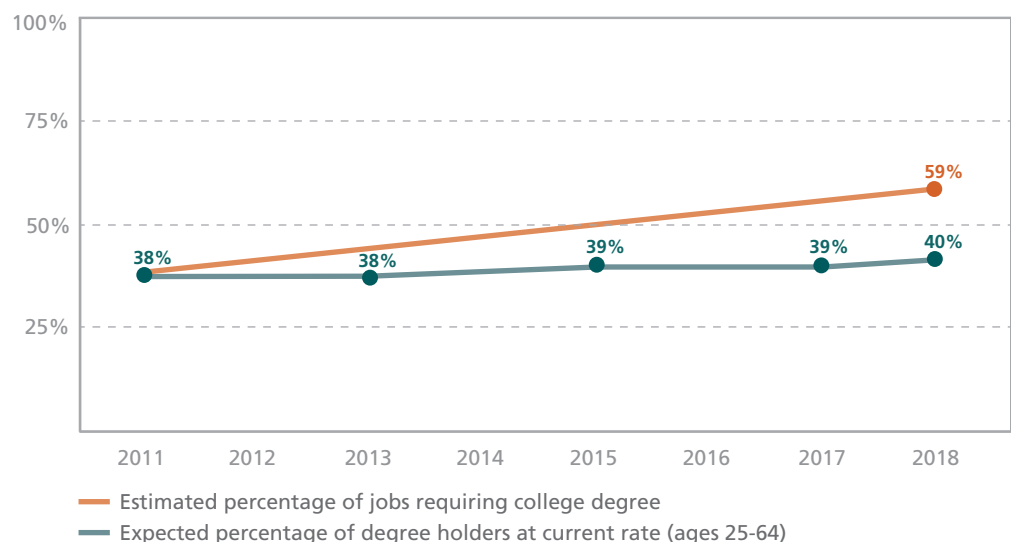
However, More Attention is Needed to Prepare Students for College

Of the students entering ninth grade in 2006, 75 percent of those students graduated on time four years later, and just 37 percent of that group entered college in the fall of 2010. Only 30 percent of those 2006 ninth grade students then returned for their second year of college.



...And More Jobs Will Require 2 or 4 Year College Degrees

The state's economic future depends on producing more college graduates, and we need to continue to better prepare students for success in earning a college degree.



Significant challenges remain, and our aspirations are higher than ever.

The world outside our schools is changing and there is an opportunity to support our schools in meeting 21st century demands. Too many of our graduating students are unprepared to be successful after they leave our school system. We need to drastically improve our college-going and completion rates; rethink what it means to be educated in this rapidly changing, hyper-connected world; and bridge the gap between our schools and the workplace such that our schools are in tune with where the world is going.

In 2014, Vision 2015 is committed to working with partners across the state to build on the foundation that has already been established, while focusing on the future. We invite you to join us.



Looking Ahead... with Secretary Murphy

State Setting the Bar High

If education were sports, the United States is the team that had a big lead, but let it slip away.

"In short, our country is behind now," says Secretary of Education Mark Murphy. "Schools in the United States and Delaware have improved over the last few decades, but at



Mark Murphy, Secretary of Education

the same time many other countries have improved at a faster rate."

Since its debut in 2006, Vision 2015 has made great strides helping Delaware schools regain the competitiveness that students will need to succeed in a 21st century world economy. But much remains to be done.

"One of the greatest transitions under way right now is the implementation of the Common Core State Standards in English Language Arts and mathematics and the Next Generation Science Standards," he notes. "The Standards establish consistent expectations across Delaware and the nation about the progression of skills in each grade, while leaving important decisions about lesson delivery to the local teacher and school."

Most significantly, the Common Core Standards "have added rigor to make American students more competitive in the global marketplace" — a key component of the Vision 2015 plan.

To do that, the Standards not only "build on the best and highest state standards in the country," Murphy says, but examine "the expectations of other high performing countries and study the research and literature available on what students need to know and be able to do to be successful in college or careers."

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www.vision2015delaware.org,
and sign up for our email newsletter.

Imagine ... the best schools in the world for every student in Delaware.



The New Opportunity to Lead

Posted by [Henry Dinger](#) on March 24, 2014 · [Leave a Comment](#)

In the Constitution adopted in 1780 and in force today, the people of Massachusetts recognized that the “opportunities and advantages of education” were “necessary for the preservation of their rights and liberties,” and directed the representatives of the people to “cherish the interests of literature and the sciences, and all seminaries of them; especially ... public schools.” But 200 years later, in 1983, [A Nation at Risk](#) warned that the “the educational foundations of our society are presently being eroded by a rising tide of mediocrity [in the nation’s public schools] that threatens our very future as a Nation and a people.”

The **Massachusetts Business Alliance for Education (MBAE)** was established twenty-five years ago to stem that “tide of mediocrity” in the public schools of the Commonwealth. The business leaders who founded MBAE recognized that a well-educated citizenry is essential, not only (or even primarily) to create a pool of skilled employees or customers with money in their pockets, but to sustain the knowledgeable democratic communities in which we all want to live and raise our children. MBAE’s [Every Child A Winner](#) (1991) provided the framework for the [Massachusetts Education Reform Act of 1993](#). The implementation of that statute drove improvements in public education to the point that Massachusetts now has the best performing students in the nation, as measured by national and international standardized test results.

But despite these real gains, the steady progress that characterized two decades of education reform in Massachusetts has stalled. We have not closed stubborn achievement gaps between rich and poor, and even our best students lack the knowledge and skills of their counterparts in other advanced countries.

And the stakes are, if anything, even higher than they were when *A Nation at Risk* sounded the alarm. Demand for skilled talent is intense around the globe. By 2020, the [Georgetown Center for Education and the Workforce](#) projects a shortfall of up to 18 million highly skilled workers will exist in advanced economies, including the United States, which could have 1.5 million too few college-educated workers. This challenge is of particular concern in Massachusetts where our knowledge and innovation-based economy is dependent on a well-educated workforce and where demand for workers with postsecondary degrees now outpaces the supply. In STEM (science, technology, engineering and math) disciplines alone, 36,000 fewer associate and baccalaureate degrees will be granted than the Massachusetts workforce will need by 2020.

Massachusetts must face the challenge we face today and not rest on its laurels. To that end, MBAE will promote a plan for the transformation of public education to meet that challenge.

Our plan is deeply influenced by a [study](#) being released today. MBAE commissioned Sir Michael Barber and his colleagues at Brightlines to prepare a report that addressed two questions: where does Massachusetts stand against the best educational systems in the world, and what would it take for Massachusetts to become the best in the world at educating students for informed citizenship and productive employment in the 21st Century.

CASE STUDY:

ACCESS TO QUALITY K-12 EDUCATION

For each edition of the Assets & Opportunity Scorecard since 2007, CFED has worked with experts in the field to capture detailed stories of noteworthy state policy changes – both policy victories and instructive defeats. These case studies appear in the Resource Guides for each policy priority.

Below is a case study from “Resource Guide: Access to Quality K-12 Education,” CFED, October 2011

A PUBLIC-PRIVATE COLLABORATIVE PUSHES COMPREHENSIVE EDUCATION REFORM IN TENNESSEE¹

In 2009, former U.S. Senate Majority Leader Bill Frist led efforts to create the Tennessee State Collaborative on Reforming Education (SCORE) to bring together key education stakeholders to create a bold plan for improving education in Tennessee. Led by a steering committee of 25 business, education and political leaders from across the state, SCORE held eight statewide meetings and 82 town hall meetings to learn about best practices in education reform and engage the public in discussions about education. SCORE’s research fed into a detailed roadmap for how Tennessee could become “first in education” in the Southeast within five years. The roadmap contained four key strategies for the state to pursue: 1) embrace high standards, 2) cultivate strong leaders, 3) ensure excellent teachers and 4) utilize data to enhance student learning.

In 2010, the U.S. Department of Education announced the \$4.35 billion “Race to the Top” school reform initiative – a competitive grant program that would award large grants to 12 states that enacted systemic education reform. The groundwork laid by SCORE positioned Tennessee to be a serious contender for Race to the Top funding. SCORE’s roadmap played a key role in shaping Tennessee’s Race to the Top application and was critical in building broad stakeholder buy-in for many of Tennessee’s reforms.

In January 2010, the Tennessee General Assembly passed the First to the Top Act, the largest piece of education legislation in Tennessee since 1992. This legislation received tremendous bipartisan support, including from the statewide teachers association. The enacted law requires all teachers and principals to be evaluated annually with a new evaluation system that is based on at least 50% student achievement data. In addition, the law requires the new evaluation system to be a factor in recruiting, hiring, professional development, tenure and compensation decisions in local school districts. The new reforms paid off. In March 2010, Tennessee was chosen as one of only two winners in the first round of the competition, which will result in more than \$501 million in federal funding for the state.

After passing the legislation and winning the Race to the Top grant, SCORE worked to build public support for these newly-enacted reforms and partnered with the state to provide additional resources to implement key reforms. In spring 2010, for example, SCORE coordinated the “Expect More, Achieve More” campaign to build support for the state’s new, higher academic standards. To lead this campaign, SCORE partnered with more than 30 statewide business and education organizations. SCORE organized five press conferences across the state with Governor Bredesen and Senator Frist as well as a parent summit, legislator summit, and reporter summit. SCORE also launched a campaign website, distributed over 300,000 “Expect More, Achieve

¹ CFED thanks Sylvia Flowers of Tennessee SCORE for her contributions to this section.

More” brochures to school districts across the state, and aired a series of radio and TV public service announcements.

In 2011, SCORE has worked to maintain continuous support for innovative education reform with the new Governor and legislators. The organization published a series of policy memos to educate new legislators on recent reforms, and played a critical role in advocating for additional necessary tenure reform legislation, which was signed by Governor Haslam in April 2011. Much of SCORE’s success to date has been built on a commitment to collaborating across education, business and multiple fields, along with building bipartisan support.

Appendix J.

Increasing Parental Engagement

A synthesis of 51 research studies on parental involvement by Southwest Educational Development Laboratory found that, regardless of family income or background, students with involved parents are more likely to:

- Earn higher grades and test scores, and enroll in higher-level programs;
- Be promoted, pass their classes, and earn credits;
- Attend school regularly;
- Have better social skills, show improved behavior, and adapt well to school; and
- Graduate and go on to postsecondary education.¹

In turn, schools have an important part to play in determining levels of parent involvement (Epstein, 2001). For states and districts, investing in efforts to increase parental engagement can actually be cost effective. According to the Harvard Family Research project, “schools would have to spend \$1000 more per pupil to reap the same gains in student achievement that an involved parent brings.”²

Increasing parental involvement and expectations for children was rated as a top priority by more Wyoming residents than any of the other options in the Summer 2014 online survey.

This Appendix contains information about two statewide efforts to increase parental involvement. The Michigan “Collaborating for Student Success: Parent Education Toolkit” and the Maryland Family Engagement Coalition.

Additional research, guidelines, case studies, and tools for increasing parental engagement can be found at:

- The National PTA’s *National Standards for Family-School Partnerships Implementation Guide*: <http://www.pta.org/programs/content.cfm?ItemNumber=1804>
- The National Network of Partnership Schools at Johns Hopkins University www.csos.jhu.edu/p2000
- The Harvard Family Research Project: www.hfrp.org

¹ *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, The SEDL National Center for Family and Community Connections with Schools, 2002.

² *Redefining Family Engagement for Student Success*, The Harvard Family Engagement Project, May 2014.

Racing to the Top: Maryland's Promising Practices in Family Engagement



Harvard Family
Research Project

Nathan Driskell
HFRP Research & Resources
September 17, 2014

FINE Newsletter, Volume VI, Issue 4
Around the Clock: The Power of Anytime Learning

When Maryland applied for the U.S. Department of Education's Race to the Top—Early Learning Challenge in 2011, the state already boasted a robust set of policies and infrastructure to serve young children and their families from birth to age 8. Statewide funding supported such programs as the Judith P. Hoyer Early Care and Education Enhancement Program (Judy Centers), providing evidence-based¹ comprehensive early care and education services for children aged birth through 5 years; the Maryland Family Network, the largest child advocacy organization in Maryland; and early childhood home-visitation initiatives across the state. But Maryland's family engagement providers saw room for improvement even within this impressive array of programs. They wanted to transform parent involvement into "authentic parent engagement"—to move away from providing services and assuming that families would take advantage of them toward partnering with families, being sensitive to their cultural needs, and responding to their opinions.

In order to offer a continuum of parent engagement supports that would reach families in school and in their communities, Maryland's education leaders¹ knew they would need both a coordinated strategic-planning effort and an influx of outside funding. According to Linda Zang, branch chief for Collaboration and Program Improvement in the Division of Early Childhood Development, the Coalition shares an overarching goal: "We want a family, no matter what program they enter, to be treated respectfully, to trust providers to share resources that they need, and to be able to be partners in their child's early education and care."² The almost \$50 million that the state was awarded through the Race to the Top—Early Learning Challenge (see text box, At a Glance: Maryland Race to the Top—Early Learning Challenge) gave them the opportunity to make these improvements.

Maryland has used its Race to the Top—Early Learning Challenge funding to convene a Family Engagement Coalition consisting of

AT A GLANCE: Maryland Race to the Top— Early Learning Challenge

Year of Award: 2011 (Phase 1)
*Total Race to the Top—Early Learning
Challenge Award:* \$49,999,143
(2011–14)
*State Department of Early Childhood
Budget:* \$133,090,044 (FY 2011)

*Selected Family Engagement
Partners:* Maryland Family
Engagement Coalition, Mid-Atlantic
Equity Consortium, Judy Centers,
Maryland Family Network (Child
Care Resource Center and Family
Support Center Networks), Healthy
Families America, Parents as
Teachers, HIPPIY, Early Head Start,
Head Start, The Policy Equity Group,
local education agencies, Ready at
Five, Maryland State Child Care
Association, Head Start T/TA
Program, Maryland School-Age Child
Care Alliance, Maryland Library
Association, Maryland Parent and
Teacher Association, Maryland
Chapter of the American Academy
of Pediatrics, the Maryland
Department of Human Resources,
Maryland State Department of
Education (Divisions of Early
Childhood Development, Special
Education and Early Intervention,
Library Development and Services,
and Student, Family, and School
Support).

Around the Clock: The Power of Anytime Learning

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child care and family support providers from a wide range of sectors and across the state. This diverse body has committed to a series of ambitious and measurable goals for family engagement and is incrementally building the capacity of stakeholders to achieve them. Capacity-building efforts such as training and technical assistance from the Maryland Family Network and the federally supported Maryland Head Start Training and Technical Assistance Program (T/TA) allow the state of Maryland not only to scale up family engagement approaches like Healthy Beginnings and the Strengthening Families Protective Factors, but also to pilot and launch new initiatives. Most promising of all, the Race to the Top–Early Learning Challenge grant has enabled Maryland to build the necessary infrastructure to ensure that every family in the state benefits from a sustained, consistent family engagement strategy implemented by well-trained, skilled early childhood providers.



Healthy Beginnings is a set of guidelines and activities for families and early education providers that the Maryland State Department of Education, created in partnership with Johns Hopkins University, Center for Technology in Education.

A UNIFYING FRAMEWORK AND DEFINITION OF FAMILY ENGAGEMENT

The Maryland Family Engagement Coalition is at the heart of the ambitious family engagement proposals outlined in Maryland's Race to the Top–Early Learning Challenge. Charged by the governor's State Advisory Council on Early Care and Education with creating a unifying plan to guide family engagement efforts across Maryland, the Coalition developed the *Early Childhood Family Engagement Framework: Maryland's Vision for Engaging Families with Young Children* ("the Framework").³ The Coalition based the Framework on the Head Start Parent, Family, and Community Engagement Framework released in 2011. However, it strategically adapted Head Start's framework both to reflect Maryland's specific context and to serve as a unifying vision that will enable the state to coordinate its efforts as it begins to implement the Race to the Top–Early Learning Challenge grant.⁴

Maryland's Definition of Family Engagement⁵

The characteristics that define family engagement according to the Maryland Family Engagement Coalition include:

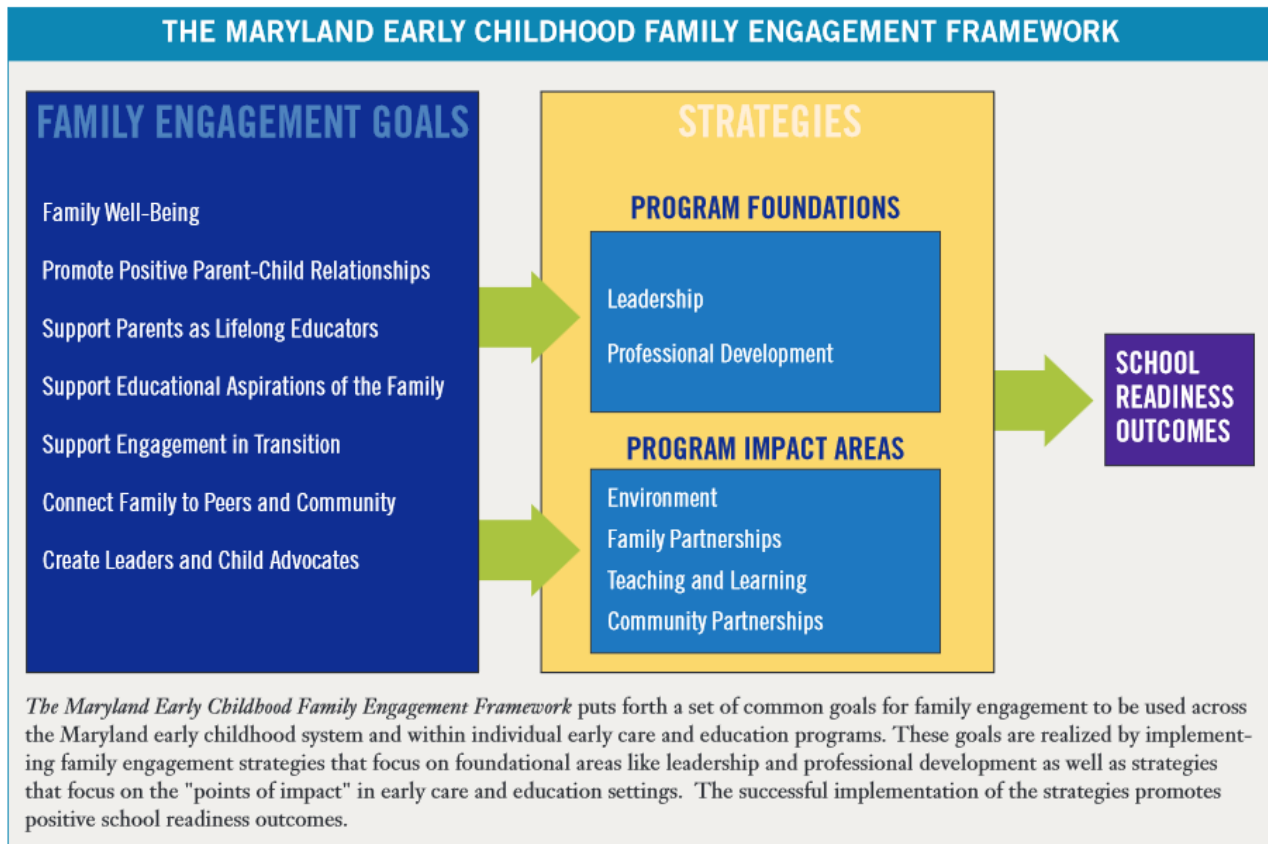
- Family engagement is a **shared responsibility** of families, schools, and communities for student learning and achievement.
- It is **continuous** from birth into the school-age years.
- It occurs across the **various early care and learning settings** where children are.
- Family engagement means **building relationships** with families that support family well-being, strong parent–child relationships, and the ongoing learning and development of parents and children alike.
- It reflects **culturally competent and universal design** approaches, encompassing the beliefs, attitudes, behaviors, and activities of all families as well as early care settings that support all children's positive development.
- Family engagement happens in the **home, early childhood settings, school, and community**.
- Sustainable family engagement operates with **adequate resources**, including public–private partnerships, to ensure meaningful and effective strategies that have the power to impact student learning and achievement.

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Through its Race to the Top–Early Learning Challenge grant, Maryland is embedding a new family engagement definition across the entire state (see text box, Maryland's Definition of Family Engagement). This challenging work will take time to fully implement, and it has only been two years since Maryland embarked on this journey. However, the definition serves as the foundation of all the changes to family engagement policy and infrastructure proposed in Maryland's Race to the Top–Early Learning Challenge application. Therefore, in the future, much of Maryland's Race to the Top–Early Learning Challenge work will involve integrating this definition into statewide policy and infrastructure.

Maryland's Race to the Top–Early Learning Challenge application commits the Coalition to embedding the statewide definition of family engagement in workforce regulations, federal grants, standards, and statewide accountability systems.⁶ Furthermore, state-funded early childhood providers across Maryland will be encouraged to use the Framework to ensure that their family engagement strategies are consistent with the state's new definition of family engagement (see graphic, The Maryland Early Childhood Family Engagement Framework). In some cases, this adaptive work may involve providers reenvisioning their mission, goals, and strategies in order to more closely align their work with the state's new family engagement definition, and with one another.⁷ For example, Race to the Top–Early Learning Challenge funding has supported the Maryland Library Association in its efforts to fundamentally redefine how librarians reach out to families and help them support their children (see Maryland Library Partnership at the end of this profile).



In addition to offering a common definition for talking about family engagement and aligning strategies across and between statewide agencies and providers, the Framework also serves as the starting point for developing policies to evaluate the effectiveness of family engagement interventions. According to Maryland's Race to the Top–Early Learning Challenge application, the Coalition will be responsible for creating “outcome measures” for each outcome in the Framework.⁸ Eventually, the goal will be to create a “process by which Maryland can gauge the success of its family engagement practices.”⁹



Bringing Local Partners Together: Allegany School Readiness Fair

BUILDING A COMPREHENSIVE AND COHESIVE FAMILY ENGAGEMENT INFRASTRUCTURE

Given the tremendous coordination required in order to align the family engagement work of countless government agencies, schools, and individual providers across an entire state, it is no surprise that Maryland has made developing a more robust statewide infrastructure to support family engagement a top priority for its Race to the Top–Early Learning Challenge work. Components of Maryland's growing statewide family engagement infrastructure include oversight and governance; cross-agency collaboration; mechanisms to facilitate feedback and two-way communication; oversight and accountability structures; and opportunities for technical assistance and capacity building.

Oversight and governance

The governor's State Advisory Council on Early Care and Education oversees the work of building infrastructure for the early learning challenge. In this capacity, the agency oversees the Maryland Family Engagement Coalition. However, it has also embedded family engagement into its own mission by making one of its three goals promoting the access to the resources “parents need in order to be their child's first teacher.”¹⁰ The Coalition also represents an influential oversight body, because it includes the leadership of key state agencies, including leaders from local education agencies, libraries,

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nonprofits, Head Start, Early Head Start, Maryland PTA, family and early childhood policy experts, special education and early intervention, experts in cultural significance, and other providers of direct services to children and families.

Cross-agency collaboration

If the State Advisory Council is at the top of Maryland's budding statewide family engagement infrastructure, the Maryland Family Engagement Coalition is at the center. As the architect of the Framework, the Coalition is now responsible for ensuring that sufficiently robust infrastructure exists to allow all providers statewide to align their work with the Framework's vision and goals. To this end, the Coalition convenes agencies and providers, bringing them together to ensure that they communicate with each other to align their own work. Cross-agency collaboration in support of family engagement is not new or novel in Maryland. Prior to the state's Early Learning Challenge Award, the Maryland Division of Special Education/Early Intervention Services section already regularly connected Preschool Partners, Partners for Success, Maryland School for the Deaf, Maryland School for the Blind, Parents Place, and Johns Hopkins School of Public Health.¹¹

The implementation of the Head Start Framework served as an opportunity for the state to develop guidance that would help all of these diverse programs improve while remaining flexible enough to meet their needs. As Maryland Family Network executive director Margaret Williams notes, "We serve a broad array of people, and we needed to be sure that [our family engagement framework] served child care providers of all kinds, from home visiting programs, to family support, to advocates of children with special needs."¹² The Coalition's work ensures that cross-agency collaboration results in innovative new family engagement programs serving Maryland's neediest children. (For one example of this promising collaboration, see text box, Maryland Library Partnership.)

Feedback and two-way communication

Convening so many agencies across the state and aligning their work requires the Coalition to develop and refine systems to encourage democratic participation. With this strategy in mind, the Coalition is prioritizing effective, two-way communication with families as a key component of its work. For example, the Maryland Family Network is helping to facilitate a series of community conversations, called Parent Cafés, across the state.¹³ In partnership with other family service organizations, including Judy Centers and child care

The Maryland EXCELS QRIS

The Maryland EXCELS Quality Rating and Improvement System (QRIS) assesses participating statewide child care agencies according to a number of different content areas, assigns them a score from level 1 to level 5, and disseminates the results to stakeholders.

Content areas fall into one of five broad categories: Licensing and Compliance, Staffing and Professional Development, Rating Scale and Accreditation, Developmentally Appropriate Learning and Practices, and Administrative Policies and Practices. Within these content areas, EXCELS assesses programs on family engagement using a number of criteria. The state's Race to the Top—Early Learning Challenge application outlines the draft family engagement indicators as follows:

Levels 2–3:¹ Families are provided with opportunities to be involved in the program in at least two ways.

Level 4: Families are provided with at least four ways to be involved in the program, including conferences, activities, fundraising, decision making, parent newsletters, or parent surveys. Program requests a copy of a child's IFSP/IEP (if applicable) and works with early intervention or special education service providers to support child and family outcomes.

Level 5: Families are provided with at least five ways to be involved in the program, including conferences, activities, fundraising, decision making, parent newsletters, or parent surveys. Program requests a copy of a child's IFSP/IEP (if applicable) and works with early intervention or special education service providers to support child and family outcomes.¹

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resource centers, the Maryland Family Network's Parent Cafés enable agencies to engage families using the Strengthening Families™ Protective Factors curriculum. According to Margaret Williams, initial feedback from families has been overwhelmingly positive.¹⁴ That said, Williams points to a number of challenges of implementing this model with fidelity across an entire state, including exercising quality control over all facilitators and ensuring that every Café has strong parent attendance.¹⁵

Oversight and accountability

Oversight and accountability comprise key components of the statewide family engagement infrastructure. One of the pillars of Maryland's Race to the Top—Early Learning Challenge application is the commitment to develop the EXCELS Quality Rating and Improvement System (QRIS), a voluntary program that rates education providers across the state. As of January 2014, the system had completed its field-testing phase.¹⁶ Given the priority that Maryland places on effective family engagement, it is no surprise that the EXCELS QRIS includes family engagement benchmarks that are applicable to child care homes, child care centers, and school-age programs (see text box, The Maryland EXCELS QRIS).

Mobilizing parents to demand quality and signal their support for this accountability system has been a focus of Margaret Williams's work at the Maryland Family Network. As a co-chair of the Coalition, Williams has focused on developing an organized public relations campaign to encourage parents to get involved in the EXCELS QRIS "on both the supply and demand side."¹⁷ By motivating parents to talk about what quality means to them, and signaling that parents will support providers that commit to continuous improvement through the EXCELS QRIS, Williams and her team are promoting a more purposeful, comprehensive definition of accountability for family engagement across the state.¹⁸

Maryland Library Partnership

An innovative collaboration between the Maryland Association of Public Library Administrators and the Maryland State Department of Education, the Library Partnership adopts a client-centered approach that puts disadvantaged families and children first. Library partners promote a customer-friendly atmosphere conducive to learning, and target their services to individual families' learning interests and needs. Activities include Library Cafés, which involve carefully facilitated training for families, along with relationship- and community-building exercises. The libraries also partner with other community-based organizations, including Head Start, GED programs, and addiction recovery programs.

In future years, a \$500,000 grant will support an evaluation of the Library Partnership's curriculum. For now, library administrators are proud of their preliminary success: increased parent attendance at libraries and highly positive feedback about more welcoming climates and useful resources.¹⁹ Furthermore, librarians across the state have embraced the Library Partnership despite the tremendous work it requires.²⁰ With engaged librarians committed to offering families warm and welcoming learning environments outside of school, Maryland's Library Partnership promises to serve as a model for innovative family engagement.



Around the Clock: The Power of Anytime Learning

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Technical assistance and capacity building

Because members of the Coalition understand that accountability must be paired with meaningful capacity building, they also give providers the technical assistance they need to make adaptations to their work, including guidance, suggestions for strategies, and training directly to educators.²¹ State partners such as the Maryland Chapter of the American Academy of Pediatrics, Maryland Association of Public Library Administrators, and Maryland Family Network, are statewide entities with expertise in training providers to work with parents using research-based approaches. According to Paul Pittman, executive director of Head Start of Washington County, and a Coalition member, the federal Head Start program was a natural fit to assist Maryland with its family engagement capacity building, because it has experience in providing technical assistance and is grounded in collaboration with families.²² Furthermore, in some circumstances, the Head Start Training and Technical Assistance Programs offer training and technical assistance to other early childhood programs throughout Maryland.

CONCLUSION

Maryland is developing a solid infrastructure for supporting providers, holding them accountable for quality work, and facilitating communication and knowledge sharing among them. It has sometimes been a challenge to convince stakeholders that this ambitious realignment is worth the energy and cost. However, given the inclusive nature of the Maryland Family Engagement Coalition, stakeholders have felt supported and motivated by their peers to proceed with these adaptive changes. Linda Zang emphasizes explicitly that the Coalition's role is to support family engagement providers statewide: "Our job is to make sure that all providers are able to work with all kinds of families."⁴⁶ In service of this goal, Zang and her team focus on developing orientation sessions, responsive professional development, and other forms of technical assistance across the state. Combined with a quality rating system, even more high-quality providers will have the opportunity to scale, giving more children and families in Maryland access to their work.

Access this article online at:

<http://www.hfrp.org/publications-resources/browse-our-publications/racing-to-the-top-maryland-s-promising-practices-in-family-engagement>

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This resource is part of the [September FINE Newsletter](#). The FINE Newsletter shares the newest and best family engagement research and resources from Harvard Family Research Project and other field leaders. To access the archives of past issues, please visit www.hfrp.org/FINENewsletter.

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¹ For an evaluation of the Judy Centers program, see: MGT of America (2004). *Judith P. Hoyer early care and education enhancement program evaluation: Final results brief*. Retrieved from http://www.msde.maryland.gov/NR/rdonlyres/B595A4C8-DF6E-4DE8-AC0C-F2450A8CB008/19478/1891_Report_Brief_BwUJ3_022004.pdf

² L. Zang, personal communication, January, 27, 2014.

³ State of Maryland (2011). *Race to the Top—Early Learning Challenge: Application for initial funding*. Retrieved from <https://www2.ed.gov/programs/racetothetop-earlylearningchallenge/applications/maryland.pdf>, p. 186.

⁴ Maryland Family Engagement Coalition (2013). *The early childhood family engagement framework: Maryland's vision for engaging families with young children*, p. 2.

⁵ Maryland Family Engagement Coalition, 2013, p. 3.

⁶ State of Maryland, 2011, pp. 186–187.

⁷ Maryland Family Engagement Coalition, 2013, p. 3.

⁸ State of Maryland, 2011, p. 187.

⁹ Ibid.

¹⁰ State of Maryland, 2011, p. 185.

¹¹ State of Maryland, 2011, pp. 40–41.

¹² M. Williams, personal communication, January 22, 2014.

¹³ Office of the Governor, State of Maryland (2012). *Race to the Top—Early Learning Challenge: Annual performance report*. Retrieved from <http://www2.ed.gov/programs/racetothetop-earlylearningchallenge/annual-performance-reports/mdfinalapr.pdf>, p. 32.

¹⁴ M. Williams, personal communication, January 22, 2014.

¹⁵ Ibid.

¹⁶ Office of the Governor, 2012, p. 12.

¹⁷ M. Williams, personal communication, January 22, 2014.

¹⁸ Ibid.

²³ P. Isett & K. Reif, personal communication, January 17, 2014.

²⁴ Ibid.

²¹ Office of the Governor, 2012, p. 32.

²⁰ Criteria for rating at Level 1 are not included. According to the Maryland EXCELS website, “due to Maryland’s stringent licensing and registration requirements, all licensed and registered child care programs/providers are considered Check Level 1 upon acceptance into EXCELS.” Maryland EXCELS (2014). *Basics*. Retrieved from <http://www.marylandexcels.org/4562>

²¹ State of Maryland, 2011, pp. 38–39.

²² P. Pittman, personal communication, January 24, 2014.

²⁵ L. Zang, personal communication, January 27, 2014.

Table of Contents

| | |
|---|-----|
| Welcome | 1 |
| Acknowledgements | 3 |
| About The "Collaborating For Success" Parent Engagement Toolkit | 4 |
| SECTION I | |
| Why Parent Engagement Is Important | 5 |
| SECTION II | |
| Legal Requirements | 7 |
| SECTION III | |
| Resources For Parents | 10 |
| The Basics | 12 |
| What Does It Mean To Be "Engaged or Involved?" | 13 |
| How The Education System Works | 15 |
| What Is My Child Learning? | 18 |
| How Do I Know My Child Is Learning? | 24 |
| What To Ask At A Parent-Teacher Conference? | 28 |
| Get Involved – It Matters! | 29 |
| Getting Connected At Home | 31 |
| Staying Alert! – Changing Behaviors | 34 |
| Early Learning | 38 |
| Older Children | 40 |
| Students With Disabilities | 42 |
| Michigan Merit Curriculum High School Graduation Requirements | 45 |
| Applying To College | 51 |
| SECTION IV | |
| Resources For Schools And Districts | 54 |
| The Basics | 56 |
| What Does It Mean To Be "Engaged or Involved?" | 57 |
| Traditional And Non-Traditional Parent Participation. | 59 |
| Developing Your Program Part I | 60 |
| Developing Your Program Part II | 63 |
| Strategies For Strong Parent And Family Engagement Part I | 65 |
| Strategies For Strong Parent And Family Engagement Part II | 70 |
| Strategies For Strong Parent And Family Engagement Part III | 76 |
| Parent Engagement In Middle And High School | 80 |
| Increasing Father Engagement | 82 |
| Working With Interpreters And Translators | 85 |
| SECTION V | |
| Endnotes | 88 |
| Bibliography | 95 |
| Glossary Of Terms | 102 |
| Additional Resources For Parents | 103 |

Welcome

Welcome to the new Parent Engagement Webpage and to the **“Collaborating for Success” Parent Engagement Toolkit**.

The Michigan Department of Education (MDE), the State Board of Education and the Office of Field Services (OFS) are committed to increasing student achievement and supporting Michigan’s districts by providing them with the best possible parent engagement resources. Extensive research conducted over the past forty years indicates that when parents are engaged in their children’s education **academic achievement increases**.

The Office of Field Services, in collaboration with representatives from other MDE departments (including Early Childhood and the Office of Educational Improvement and Innovations), as well as intermediate school districts, local educational agencies, universities and parents established a Parent Engagement Review Committee in June 2011. The committee’s primary role was to:

1. Improve student academic achievement by providing school teams with research based strategies and resources for overcoming barriers to parent engagement in schools.
2. Compile compelling summary and synthesis of research regarding the impact of parent engagement on student academic achievement.
3. Provide parents with a practical tool that informs them of the school system, and incorporates strategies and resources conducive to children’s cognitive, academic, social and emotional growth.

Guided by a vision of empowerment and collaboration, the committee provided the Department of Education with a sustainable vision for parent engagement to guide its efforts.



The committee's work culminated in the development of the "**Collaborating For Success**" **Parent Engagement Toolkit**. This new resource was designed for all districts whether they are at the initial stages of developing a parent engagement plan or need additional resources to enhance their existing efforts. Equally, it was designed for parents to access key information to make their engagement with their children's school more productive, enjoyable and beneficial.

Thank you for your ongoing commitment to promoting the academic success of Michigan's youth and for visiting the Parent Engagement Webpage. School teams, it is our hope that you will find these resources useful to enhance your efforts. Parents, we invite you to read and utilize the information to enable you to become more engaged in your child's educational experience.

We invite you to read and utilize the enclosed information, and welcome your suggestions and thoughts regarding this resource. You can reach us by email at: parentengagementtoolkit@michigan.gov

Parent Engagement Committee, 2011
Michigan Department of Education

Acknowledgements

The Michigan Department of Education and Office of Field Services would like to thank and acknowledge the committee members who assisted in the collaborative development of this Toolkit. These include:

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About The “Collaborating For Success” Parent Engagement Toolkit

The Toolkit was designed to be an easy to use “how to” guide to develop, maintain or sustain growth of school or district parent engagement work. The toolkit provides researched-based information, proven strategies and downloadable tools that can be customized to districts’ needs. In addition, it includes extensive sources that are accessed with one quick click. The “**Collaborating For Success**” **Parent Engagement Toolkit** is only of many resources available to schools, districts and parents to continue to support academic achievement and success.

How The Toolkit is Organized:

The toolkit is designed in a simple to use webpage format. There are four sections:

SECTION I

[Why Parent Engagement is Important](#)

Outlines the need for and benefits of engaging parents in their children’s education.

SECTION II

[Legal Requirements](#)

Provides an overview of the requirements of No Child Left Behind (NCLB) regarding parent engagement and how these apply to the compliance with federally funded school programs.

SECTION III

[Resources For Parents](#)

Provides an easy to follow informational guide on Michigan’s school system from pre-kindergarten to high school graduation.

SECTION IV

[Resources For Schools & Districts](#)

Provides easy to follow guidelines that include proven strategies for engaging parents, strategies for overcoming barriers to parent engagement, and specific topics such as “how to work with translators and interpreters.”

SECTION V

[Reference](#)

Endnotes, Bibliography and Glossary of Terms

Each section topic includes: an Overview, Strategy(ies), Tools and/or Additional Information, and Resources (where appropriate). Embedded in each section are hyperlinks to other parts of the Toolkit, enabling the user to immediately reference a list of topics and subtopics.

The Resources for Schools & Districts includes links to Tools formatted in MS Word that can be downloaded for customization. However, **please ensure** that you are providing the appropriate citation for your adaptation.

Suggestions for improvement and/or topic areas that would be useful to address in future updates can be sent to: parentengagementtoolkit@michigan.gov

Why Parent Engagement Is Important

What Experts Say

Overview

Research over the last forty years provides educators and parents with a substantial body of evidence that parent involvement and engagement is associated with children's academic performance¹ and social competence². Comprehensive surveys of this research document the following benefits for students, families and schools:³

Benefits

1. **Students achieve more**, regardless of socio-economic status, ethnic/racial background or the parents' education level.
2. Students have **higher grades and test scores**, better attendance, and complete homework more consistently.
3. Students have **higher graduation rates** and greater enrollment rates in post-secondary education.
4. Educators hold **higher expectations of students** whose parents collaborate with the teacher.
5. Student achievement for disadvantaged children not only improves, but can also reach levels that are standard for middle-class children. In addition, the **children who are farthest behind make the greatest gains**.
6. Children from diverse cultural backgrounds perform better when parents and professionals collaborate to **bridge the gap between the culture at home and at the learning institution**.
7. Student behaviors such as **alcohol use, violence, and antisocial behavior decrease** as parent involvement increases.
8. Students will keep pace with academic performance if their parents participate in school events, develop a working relationship with educators, and keep up with what is happening with their child's school.
9. Junior and senior **high school students whose parents remain involved make better transitions**, maintain the quality of their work, and develop realistic plans for their future. Students whose parents are not involved, on the other hand, are more likely to drop out of school.

According to research, the most accurate predictor of a student's achievement in school is not income or social status, but the extent to which that student's family is able to:⁴

1. create a home environment that encourages learning.

2. communicate high, yet reasonable, expectations for their children's achievement and future careers.
3. become involved in their children's education at school and in the community.

These three seemingly simple steps require dedication and commitment from all students, parents and school personnel. The resulting benefit of this investment in time and effort is well worth the future aspirations and success of every child.

Additional Information and Resources:

1. *A new wave of evidence: The impact of school, family, and community connections on student achievement.*
<http://www.sedl.org/connections/resources/evidence.pdf>
2. Reframing Family Involvement in Education: Supporting Families to Support Educational Equity. <http://www.hfrp.org/publications-resources/browse-our-publications/reframing-family-involvement-in-education-supporting-families-to-support-educational-equity>
3. *Increasing Parental Involvement: A Key to Student Achievement.*
http://www.mcrel.org/pdf/noteworthy/learners_learning_schooling/danj.asp