



## REVIEW OF *THE STATE EDUCATION AGENCY: AT THE HELM, NOT THE OAR*

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### Summary of Review

This sincere and well-written but methodologically and politically unsophisticated report argues states should step aside from any direct involvement in the reform business and hand it over to an “ecosystem of nonprofit organizations.” The report makes five assertions about State Education Agencies (SEAs): they suffer from a lack of human resources; their procurement practices are cumbersome and time-consuming; they suffer from antiquated rulemaking; they are undermined by statewide politics; and they suffer from “institutional sclerosis.” These claims set the stage for the report’s basic recommendation: “The SEA should not attempt to implement the nuts and bolts of school improvement, but instead create an environment in which a variety of other organizations can fill the void.” In place of expanding the authority of the SEAs, the report suggests a “4Cs” model of operation: *control, contract, cleave and create*. Drawing on secondary materials, the report’s claims about the failures of the SEAs are strong but unsubstantiated by data independent from advocacy. Privatizing educational reform is an idea whose time has not come, and most likely never will, because it’s an abstraction based on a model of American education disconnected from the democratic ethos that animates public education. Public education is a public good; it is the loom by which citizens together weave the social contract.

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# REVIEW OF *THE STATE EDUCATION AGENCY: AT THE HELM, NOT THE OAR*

*Peter W. Cookson, Jr., Georgetown University*

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## I. Introduction

Public education in the United States is profoundly decentralized. While recent state and federal finance and accountability laws have resulted in a more centralized system, in reality, significant power still remains in local communities through elected and appointed school boards. This is our Jeffersonian inheritance. In 1810 Jefferson wrote the following to his friend John Tyler:

I have in mind two great measures at heart, without which no republic can maintain itself in strength: 1. That of general education, to enable every man to judge for himself what will secure or endanger freedom and 2. To divide every county into hundreds, of such size that all the children of each will be within reach of a central school in it.<sup>1</sup>

Jefferson believed public education was a public good belonging to the people. This belief has come under attack in recent years. Tiring of democracy's sometimes cumbersome and contentious ways, some change advocates argue that the control of public education should be lifted out of the hands of the people and placed in the hands of experts, business entrepreneurs, and private philanthropies.

The authors of *The State Education Agency: At the Helm, Not the Oar*<sup>2</sup> want to speed these processes of transfer from a locally controlled model of educational change to a quasi-market model of educational change by reducing the authority of locally elected officials and civil servants to govern public education. While they do not call for eliminating state educational agencies (SEAs), they advocate for a new leaner, but not necessarily meaner, SEA mission.

This sincere and well-written but methodologically and politically unsophisticated report argues that states should get out of the reform business directly and hand it over to an "ecosystem of nonprofit organizations." Based on the principles outlined by David Osborne and Ted Gaebler in *Reinventing Government*<sup>3</sup> (1993), the authors suggest that SEAs should "steer" more and "row" less—meaning SEAs should (to turn to a different transportation metaphor) get their old bureaucratic jalopies off the road to make way for the sleek, high-

powered race cars of well-managed, mission-driven nonprofits—who, incidentally, would be empowered to contract reform work to private companies as well as to nonprofits

## II. Findings and Conclusions of the Report

State education agencies began in the nineteenth century as small departments charged with distributing state dollars and overseeing the quality of education in the states. With the advent of the elementary and secondary education act, federal special education requirements and finance court cases, the role of SEAs expanded dramatically into more direct compliance monitoring, and overseeing federal and state education programs. As the authors point out, the responsibilities of SEAs fall under four headings: regulation, operations, administration and leadership. In the last 20 years the scope of work assigned to SEAs has accelerated. With the passage of Goals 2000 in 1994 and other nationally inspired reform initiatives such as No Child Left Behind, the SEAs are now expected to not only monitor compliance but also to act as leaders of reform.

According to the report, SEAs struggle to deliver. The authors cite some examples: States have not been able to implement school and district improvement requirements under No Child Left Behind; states have failed to turn around failing districts; the \$6 billion federal School Improvement Grant (SIG) program is floundering; and the implementation of the Common Core State Standards is uneven, often troubled by politics.

These challenges have led some educators and policymakers to suggest that the SEAs be strengthened to meet their new obligations. This is not a good idea, according to the report, because SEAs are not set up for success: they lack the human resources; their procurement practices are cumbersome and time-consuming; they suffer from antiquated rulemaking; they are undermined by statewide politics; and, most damning, they suffer from “institutional sclerosis.” The authors conclude, “We are doubtful SEAs will ever be able to deliver the dramatic reforms necessary, no matter how many dollars or great people flow through them” (p. 11).

This conclusion sets the stage for the report’s basic recommendation: “The SEA should not attempt to implement the nuts and bolts of school improvement, but instead create an environment in which a variety of other organizations can fill the void”(p. 16). In place of expanding the authority of the SEAs, the report suggests a “4Cs” model of operation: *control, contract, cleave and create*. Reaching back more than 20 years ago, the report quotes Osborne and Gaebler (p. 16):

Governments that focus on steering actively shape communities, states and nations . . . Rather than hiring more public employees, they make sure other institutions are delivering services and meeting the community’s needs.

Under the heading of *control*, the report suggests that the core functions of SEAs should include “Channeling federal and state dollars to districts; adopting statewide standards

and assessments; creating and maintaining statewide data systems; and monitoring compliance with federal and state laws” (p. 17).

Under the heading of *contract*, the report suggests the SEAs should establish contracts with other organizations that are better equipped to jump start innovation through direct technical assistance to schools and districts (p.18). In effect, SEAs would delegate school improvement to outside nonprofit and for-profit contractors.

Under the heading of *cleave*, the report suggests the SEAs should be entirely removed from authorizing charter schools and engaging in educational innovation because innovation is outside the “core competencies” of SEAs: “The entire authorizing function could be removed from the SEA and turned into a single-purpose authorizing entity, such as a nonprofit or a state body” (p. 20).

Under the heading of *create*, the report suggests the SEAs work with intermediaries to create a “vibrant ecosystem of nonprofit organizations” that would lift reform out of the hands of public officials and place it in the hands of whoever populated the new ecosystem.

*There is no real substantiation of the report’s claims about the failings of SEAs or for the efficacy of the proposed solutions.*

The functions of this new ecosystem would include “coordinating human capital efforts, incubating schools and providing portfolio management guidance” (p.21).

What holds these 4Cs together is the assumption that the states, although constitutionally mandated to provide educational opportunities for all children, are

not competent to fulfill their responsibilities. This is a fairly sweeping indictment; to be convinced, one looks for confirming evidence in the report.

### III. The Report’s Rationale for its Findings and Conclusions

The rationale for privatizing public education at the state level rests on the report’s thesis that SEAs, as presently constituted, are abject failures. SEAs lack “flexibility in securing and retaining human capital” (p.11). This is because SEA employees are civil servants and usually lack the ability or motivation to carry out complex state and national reform agendas; sadly, “civil service requirements—which constrain salary ranges, require multiple levels of review for new hires, and make terminations a long and laborious process—make it difficult to hire and retain high-quality, permanent staff” (p.12).

The “lengthy and often convoluted” rules governing procurement make the work of SEAs difficult. The report cites several examples of how cumbersome the procurement process is in most states. It quotes Linda Gibbs, New York City’s Deputy Mayor for Health and Human Services, and David Gragan, Chief Procurement Officer for Washington, D.C.:

Over decades we have built a wall, stacking a new layer of control on top every time an imperfection is identified and then ‘solved.’ The hard truth is that our procurement processes work contrary to our original goal of efficient stewardship. Worse, yet, they stifle creativity and innovation (p.12).

On top of this, the current rulemaking processes are time-consuming and difficult. Promulgating new regulations can take months, sometimes years. The report cites the rulemaking process in New Jersey as an example of how democratic processes get in the way of implementing the reforms the report favors: “The process includes the development of a policy paper, two public discussions, the publication of draft regulations, and two opportunities for public testimony” (p.14).

But the most damning aspect of the current situation, according to the report, is that politics gets in the way of reform and “institutional sclerosis” makes fixing the SEAs, as they are now organized, impossible. After citing several cases where the heroes of reform were brought down by populist uprisings (e.g. Tony Bennett in Indiana [p.13]), the report focuses on the core problem: The SEAs are hopelessly outdated, hide bound and incapable of reorganizing as better, stronger public institutions because “organizational leopards do not change their spots” (p.15). SEAs are relics from the past trapped in past practices and incapable of leading educational improvement.

In the report’s view, there is no future scenario that includes fuller public representation; only market efficiencies can save the day, because markets operate according to universal principles of supply and demand that are somehow more just than inclusive public politics.

Given this conclusion it is small wonder the report calls for change—if we can believe its facts.

#### **IV. The Report’s Use of Research Literature**

This report’s findings and recommendations are not based on research. The literature cited consists of secondary sources, including other think tank reports, websites, and books. There is no real substantiation of its claims about the failings of SEAs or for the efficacy of the proposed solutions; it relies on the preponderance of secondary evidence as the authors have collected it.

#### **V. Review of the Report’s Methods**

Policy advocates have an obligation to address counter-arguments and counter-factuals. The lack of balance in the report is evident throughout: alternative interpretations of data are not given an airing and counter-arguments are ignored. The methods used in this report are more akin to advocacy journalism than scholarship.

## VI. Review of the Validity of the Findings and Conclusion

The questionable methodology of this report makes the discussion of the validity of its findings and conclusions nearly impossible to assess with confidence. It is not to say that policy briefs need to be quantitative or review all possible sources. One-sided arguments, however, ultimately fail because they lack a depth of understanding that undermines their own positions. Not all SEAs are abject failures. Not all nonprofits are well run. There are real reasons why states should retain the authority to lead educational reform within their boundaries. It is a constitutional responsibility. Voters expect accountability from state officials. And not all civil servants are asleep at the wheel. Broad brush strokes make entertaining reading but bad policy. For these reasons, the value of this report's findings and conclusions depends almost entirely upon whether the reader begins with the same views as the authors about private nonprofits relative to state officials and civil servants.

## VII. Usefulness of the Report for Guidance of Policy and Practice

This report is a useful document for those who are engaged in educational reform because it lays out an argument for change that needs to be addressed honestly by those who support it and those who do not. It is time we came to grips with market and quasi-market educational reform arguments not as ideology, but as a change model.

The problem market advocates encounter is that they walk a fine line between being anti-democratic and pro-change. To overturn Jefferson's vision will—and should—require a great deal more than subjective accounts and unexamined assumptions about the world of education and markets. Change does not take place in a sociological vacuum; policymakers and educators live in the real world of structural racism, blocked mobility, and opportunity hoarding by the affluent.

The ethos underlying the report is that educational justice is a technical problem that can be resolved by tinkering with governance. There is a certain naïve quality about thinking that wonderful ecosystems of nonprofit organizations will spring up and replace politics as instruments of change. Oddly, most market arguments, while cast in hardnosed economic terms, are strangely utopian.

This report is earnest but oversimplifies social complexity. There is no way to eliminate politics from educational change—nor should there be. Debate and difference are what makes democracy strong and are likely to lead to solutions that reflect the public good. One could even make a strong argument that one of the long-term strengths of the American public school system is its decentralization. There may be educational wisdom outside the Washington Beltway.

That said, even a flawed work has its purposes if it pushes us to question our own unexamined assumptions. What would Jefferson think about this report's recommendations? I think he would congratulate the authors for their willingness to think differently and admire their earnest intentions, but caution them not to conflate the people's work with the work of reformers-for-hire.

## Notes and References

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- 1 Jefferson, T., quoted in Cookson, P.W. Jr. (2011). *Sacred Trust: A Children's Educational Bill of Rights*. Thousand Oakes, CA: Corwin, 18.
- 2 Smarick, A. & Squire, J. (2014). *The State Education Agency: At the Helm, not the Oar*. Washington, DC: Thomas B. Fordham Institute and Bellwether Education Partners. Retrieved June 15, 2014, from <http://edexcellence.net/publications/the-state-education-agency-at-the-helm-not-the-oar>.
- 3 Osborne, D. & Gaebler, T. (1993). *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. New York, NY: Penguin Books.

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