

Continuity and Accountability in a Changing Political Environment: Ramifications for Educational Policy Making

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Introduction

Public opinion surveys over the years have shown that education is either the most important issue or among the top five issues mentioned by Floridians when they are asked to identify problems in our state. As policy makers respond to this concern and attempt to craft education policies, they encounter a formidable challenge: how to maneuver across a constantly changing—and often politically charged—intergovernmental landscape (Kirst, 1970; Trimble & Herrington, 2000; Wirt & Kirst, 2001). Although there is general agreement that education is an important issue, public opinion surveys also show that Floridians differ considerably on the root causes of problems, the best solutions to them, and the order in which problems should be tackled.

This policy brief is divided into two sections. The first will describe the context for major changes in educational governance that have emerged in Florida over the past five years: a rapidly growing and diversifying population; the mixture of federal, state and local jurisdictions; and the state's changing partisan environment. The second section of the brief will look specifically at four major changes in governance that have affected educational policy making in Florida: expanded role for the federal government, a strengthened role for the governor in Florida, a growing number of constitutional amendments and changes in school district governance.

The Context for Changes in Governance

Population Growth and Change

Over the past four decades, Florida's population has grown in size and diversity at a faster pace than most states. Total population growth was almost 80% during the 1980s. Despite a slower rate of growth since that time, Florida remains the 4th largest and one of the fastest-growing states in the nation. The state's population grew by 2.6% between 2000 and 2001 alone (Office of Economic and Demographic Research, 2003).

The 2000 Census reports that 22% of the state's population is non-white: African American 14.6%; Asian 1.7%; American Indian and Alaska Native 0.3%; and Native Hawaiian and Other Pacific Islander 0.1%. Hispanics or Latinos (of any race) make up 16.8% of the population. Florida also has the largest proportion of seniors (18%) in the nation. (However, it is worth noting that the state has more children under age 18 than seniors age 65 and older in actual numbers.) This diversity is even more striking at the county level which, in Florida, are school district jurisdictions. Florida counties, that is to say, school districts, vary considerably in population size, growth rate, racial/ethnic composition and age profile as well as in wealth, educational levels, and partisan make-up.

The enormous diversity and growth of Florida presents both challenges and opportunities. While broadening attitudes toward education, they also make achieving

consensus on educational issues extremely difficult (Nakib & Herrington, 1998). Research suggests that views of the electorate on issues such as class size, portable classrooms, curriculum, teacher pay and student discipline differ considerably by age, income, education, race/ethnicity, ideology, and property ownership status (Brasington, 2002; Hess & Leal, 2001; Reed, 2001; Saporito, Yancey & Louis, 2001).

A Complex Intergovernmental Maze

The second challenge to sound educational policy making is the diffusion of responsibility for education across federal, state and local governments (Herrington & Fowler, 2003). The multiple levels of government each have a different constituency base, a different set of responsibilities, and different amounts and sources of funding. Furthermore, each is becoming more active. The truism that the state proposes and the district disposes and that the federal government tries to protect the disadvantaged is clearly not descriptive now, if it ever was. It fails to capture the intense pace of policy innovation and experimentation that is happening at all three levels concurrently. Two examples of this phenomenon are (1) lack of clarity and diffusion of responsibility in educational policy making caused by *electoral incongruities* and (2) the *fiscal incongruities* that confuse public understanding and diffuse support for public education.

Electoral Incongruities. Add to this heady mix of policy activism an electoral landscape in Florida replete with incongruities in processes and practices. Geographical districts of various elected officials vary. School board members are elected at the county level while state legislators represent districts that cut across county lines. Likewise, elected offices differ in lengths of terms, party affiliation of the holders—including some offices that are nonpartisan—means by which holders are selected (elected vs. appointed) and limits or the lack of limits on length of terms in office (See Table 1).

Table 1

Electoral Incongruities: Different Actors Represent Different Constituencies during Different Terms of Office

Electoral Incongruities	Federal	State of Florida	Local (67 School Boards)
Terms of Office	President - 4 years	Governor - 4 years	Superintendent - 4 years (when elected, not appointed)
	U.S. Senate - 6 years	FL Senate - 4 years	School Board - 4 years, staggered
	U.S. House - 2 years	FL House - 2 years	
Term Limits	President - 2 terms	Governor - 2 consecutive 4-year terms	Superintendent - when elected, no term limits
	U.S. Senate - none	FL Senate - 8 consecutive years	School Board - No term limits
	U.S. House - none	FL House - 8 consecutive years	
Method of Election/Selection	President - Indirect election (Electoral College)	Governor - Direct election	Superintendent - Direct election (44 school districts) or Appointment (23 school districts)
	U.S. Senate - Direct election	Senate - Direct election	
	U.S. House - Direct election	House - Direct election	School Board - Direct election (all 67 school districts)
Type of Election	President - Partisan	Governor - Partisan	Superintendent - Partisan (43 school districts)
	Senate - Partisan	Senate - Partisan	School Board - Nonpartisan (all 67 school districts)
	House - Partisan	House - Partisan	
Primary Constituency Base	President - States	Governor - All state's voters	Superintendent - County voters, where elected; county school board, where appointed
	U.S. Senate - All state's voters	Senate - Single-member districts (40)	
	U.S. House - Voters in the single member district from which elected (25 in Florida)	House - Single-member districts (120)	School Board - Single-member districts (25) At-large residency districts (42)
Supreme Court Selection Process/Terms	U.S. Supreme Court Nominated by President. Confirmed by U.S. Senate. Lifetime appointment	Fla. Supreme Court Nominated by Judicial Nominating Commission, selected by Governor, retained by popular vote statewide; mandatory retirement age 70	
Partisan Makeup (December 2004) After Elections	President: Republican	Governor: Republican	Elected Superintendents: (43) 29 Democrats 14 Republicans
	Senate: 44 Democrats 55 Republicans 1 Independent	Senate: 14 Democrats 26 Republicans	
	House: 202 Democrats 232 Republicans 1 Independent	House: 36 Democrats 84 Republicans	School Board: All nonpartisan
Partisan Control: (December 2004)	President: Republican	Governor: Republican	Superintendents: 43 elected via partisan elections (29D, 14R)
	Senate: Republican	Senate: Republican	
	House: Republican	House: Republican	School Board: All board members are elected via nonpartisan elections

Fiscal Incongruities and Public Attitudes. Budgeting practices show the same array of discontinuities (see Table 2). For example, different levels of governments use different fiscal years, some have budget-balancing requirements and some do not, and all three rely on different revenue sources (income v. sales v. property taxes). While local school districts bear the major responsibility for providing education, they generate less than half the revenue needed to pay for it. As of 2001-02 in Florida, 44.6% of revenue for K-12 education was locally generated, while state government provided 45.3% and the federal government 10.0% (Cohen & Johnson, 2004, Table 2).

The revenues from the states and the federal government usually come with strings attached, which may conflict or align with each other.

Table 2

***Budget Incongruities:
Different Fiscal Years and Sources of Revenue***

Budgetary Incongruities	Federal	State of Florida	Local (67 School Boards)
Balanced budget requirement?	No	Yes	Yes
Fiscal year	October 1-September 30	July 1-June 30	July 1-June 30
Major own-source revenue	Income tax	Sales tax	Property tax
Majority of revenues from own sources?	Yes	Yes	No

Florida’s Changing Partisan Environment

The third major challenge facing Florida policy makers is the role played by partisan politics in education policy, particularly at the state and federal level. Once dominated by Democrats, Florida is now a highly competitive two-party state. It is also a state where organized interests’ political presence is on the upswing, reflecting the state’s increasingly heterogeneous population...and more competitive politics. Where party competition is higher, interest group activity increases. Why? “Party competition raises political uncertainty because with changes of party control all types of groups may find their vital interests adversely affected” (Thomas & Hrbrenar, 1999, p. 120). Florida is one of five states judged to have the strongest presence of organized interest groups. Many are active at all three levels—national, state, and local (Thomas & Hrbrenar).

Florida’s partisan environment has changed recently in a number of very significant ways:

Partisan Parity and the Rise of Independents. As of 2002, the last gubernatorial election, neither the Democratic nor the Republican Party could claim majority party status, when measured by the state’s registered voters. Democrats were a plurality, although by a margin of only 4 percent (43% Democrats compared to 39% Republicans).

However, that margin is somewhat inflated by long-time conservative Democrats who often vote Republican in presidential and gubernatorial elections.

The largest group of “swing voters” are independents—those who register as a member of no party. Independents tend to be young and are often new arrivals to Florida, attracted by job opportunities. Both parties must court their vote. The difficulty? Independents are not cohesive as partisans. Exit poll results from the 2000 presidential election showed a virtual split among independents between Bush and Gore.

More Partisan-Competitive Statewide Races. The results of presidential election 2000 led many to describe it as a “photo finish” state, a place where there was virtually partisan parity. It is still such a state—but this parity is reflected among registrants and in statewide electoral contests, rather than among elected legislative officials. Both Democrats and Republicans have run successful statewide races in recent years. But Republicans have done better in district-based contests since the early 1990s.

Republican Dominance in Congressional and Legislative District Contests. Florida’s legislative and congressional delegations are each dominated by Republicans. The groundwork for the party’s domination was laid in the 1992 redistricting, when the creation of majority-minority districts resulted in more suburban—and more Republican—districts (Scher, Mills & Hotelling, 1997).

The Uncertain Long-Term Impacts of Redistricting. The difficulty with projecting long-term partisan composition in a high-growth state is that uneven, and unpredictable, growth patterns may quickly change a district’s political make-up. Witness Orange County’s shifting from a Republican- to a Democratic-voting county in the 2000 presidential election, with the arrival of non-Cuban Hispanics attracted to tourism-related service jobs.

Congress Members, Legislators Represent Multiple School Districts. Many state legislators and Congress members are elected from districts that include portions of more than one county. Thus, they must represent multiple school districts—often with very different student profiles. The leadership of Florida’s school districts (superintendents, school board members, principals, teacher groups, parent organizations) may also shift in the middle of legislative terms, making communication, coordination, and accountability an even bigger challenge.

Establishment of Term Limits. In November 1992, Floridians amended the state’s constitution to limit state legislators and Cabinet members to eight consecutive years in the same office. (The amendment passed with a 77% “Yes” vote.) As a result, state policy makers have a maximum of eight years to accomplish their education agendas. Florida is one of 15 states that limit the terms of its state legislators. Florida’s governor is limited to two consecutive four-year terms at one stretch. Term limits remain popular with the public (Doran & Harris, 2001) and are extremely difficult to remove once they are in place.

These contextual factors describe the formidable challenges faced by Florida in developing an educational accountability and assessment system that is well-designed and well-implemented.

Four Major Policy Changes

The forces described above have both stimulated and been a backdrop to changes in how the state of Florida runs its educational system. This section will look at four ways in which the governance and control of education in Florida have changed and are still changing in response to these external forces. These are: the increasing role of the federal government, increasing strength of the governor in Florida, rise in use of the constitutional amendment process for educational reform, and changes in school district governance.

The Governor's Strengthened Role in Education

For most governors, including Florida's, education is a high priority. The importance of education took root after the Civil War and was significantly strengthened in 1968. Education is often the biggest expenditure item in a state's budget. Gubernatorial candidates run for office making promises and prognostications about how to better their state's education system. Once elected, they are expected to set the policy agenda. They do. A study of gubernatorial policy agendas across the United States found that "more than twice as many policy positions were taken in [education] than in the next closest policy area" (Fording, Woods & Prince, 2002). The chief executives have been fairly successful at pushing their education initiatives through their state legislatures. Indeed, governors across the United States had a 76% success rate in 1999.

On paper, Florida's governor generally has weaker formal powers (e.g., veto, appointment, budget, tenure potential) than governors in some other states (Beyle, 1999). Because of recent constitutional amendments described later in this brief, the governor has gained a stronger role in educational policy and thus greater potential for championing education than in the past.

The Increasing Role of the Federal Government

The *No Child Left Behind Act*, initiated by President George W. Bush and passed by Congress in 2001, has marked a major advance in the role of the federal government in K-12 public education. While the federal role in education has been on the increase since the middle of the 19th century, its scope has focused primarily on addressing resource inequities among special populations (disabled, racial, ethnic and language minorities and low-income communities), providing enhancement funding for occupational education,

and stimulating educational improvements through research and demonstration projects. *No Child Left Behind* requires states to administer annual student achievement tests and calculate adequate yearly progress. Special provisions designed to raise the achievement of low-income, limited English-speaking, disabled and minority students are included. It also requires all states to certify that they have placed a “qualified teacher” in every classroom by 2006; to identify schools and districts failing to make adequate yearly progress, and to permit students to transfer to other public schools if their school fails to make adequate yearly progress two years in a row.

Compared to most other states, Florida’s educational policies align well with the student testing demands of NCLB. It has assessed students on the Florida Comprehensive Assessment Test in grades 3 through 10 since 2001-02. However, major challenges remain in aligning the state and the federal performance standards for students, in assuring equity for at-risk students, in recruiting and retaining qualified teachers, and in meeting the stringent federal standards for adequate yearly progress.

NCLB has changed the political landscape in a number of ways. First, until NCLB, requirements regarding student testing, yearly progress, and sanctioning of low performance was clearly the purview of states and districts. Second, it significantly raises the standard. Based on the premise that all children can learn, it holds the states to high standards even for low-income, minority and other at-risk children who are disproportionately represented among low achievers. Third, it raises the question of unfunded mandates when one level of government is setting performance standards but another level is responsible for raising the revenues to achieve the higher expectations. *No Child Left Behind* raises critical issues about the adequacy of funding and the relative contribution of federal, state and local sources to meet accountability requirements.

Over the past five years, major shifts have occurred in the governance structures affecting education, many of them approved at the polls. Structural changes have been voted in at both the state and local levels. In addition, personnel turnovers have occurred in elected and appointed offices. The result? The education playing field and players are constantly in flux.

Constitutional Amendments on the Upswing

Some say Florida is becoming more like California because of the increase in the number of constitutional amendments and revisions put before the voters—through petitions or by the state legislature. (Periodically, the constitutional revision commission and the taxation and budget reform commission place amendments before the voters as well.) Since 1998, Florida citizens have passed five state constitutional amendments affecting education, four related to grades preK-12.

The first, “Public Education of Children,” sponsored by the 1996 Constitutional

Revision Commission, strengthened the responsibility of the state to make adequate provision for a “uniform, efficient, safe, secure and high-quality system of free public schools” from kindergarten through higher education (K-20). This amendment, ratified by 71% of voters in 1998, placed in the Florida Constitution one of the strongest provisions in the nation specifying both input and outcome standards for education performance in the state. What is meant by a “high-quality system” of education remains unclear and most likely will be decided in the courts.

A second amendment, “Restructuring the State Cabinet,” eliminated the elected commissioner of education cabinet post effective 2003, and changed the composition of the state board of education from the governor and independently elected state cabinet to a seven-member board (the Florida Board of Education). The board, whose members are appointed by the governor to staggered four-year terms subject to confirmation by the Senate, in turn, appoints the education commissioner. This amendment was approved by 56% of voters. This amendment clearly affixes the governor with full responsibility in the executive branch for educational policy and puts Florida in line with a strong trend nationwide to center educational policy on governors.

In 2002, Florida voters passed two petition-initiated constitutional amendments requiring the state to fund class size reduction in grades K-12 and voluntary pre-kindergarten for four year olds. Passed by 52% of the voters, with strong support from urban south Florida counties, the class size amendment caps the number of public school students assigned per teacher in core classes at 18 in grades K-3, 22 in grades 4-8 and 25 in grades 9-12 by the year 2010 with a phase-in schedule reducing the average class size by two students per year. The Voluntary Universal Prekindergarten Education amendment (2002), approved by 59% of voters, requires the state to offer every four-year-old child in Florida by 2005 “a high quality prekindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards” without eliminating funds for existing education, health and development programs.

Although voters passed these amendments handily, all four remain controversial. Consensus on a grand idea is easier to reach than agreement on how to implement nitty-gritty details. Amendments quickly become politicized once the debate over specifics begins.

The trend toward “governing by amendment” in Florida is increasingly worrying state policy makers. The high costs of two recent amendments—the class size amendment and a second one mandating creation of a ‘bullet train’ between major cities in Florida—has stimulated a number of proposals to limit the referenda process. In 2004, 68% of voters approved an amendment placing more stringent time constraints on the filing and review of citizen-initiated petitions.

School District Governance Changes

Decentralized governance of education has a strong tradition in Florida, one of only two states in the nation that has established local school boards in its state constitution, rather than in statute. Nevertheless, voters have approved changes in the governance structures of local school districts, too. Amendment 11 (“Ballot Access, Public Campaign Financing, and Election Process Revisions”), passed in 1998, eliminated partisan school board elections. Today, all school board members run without a party label (in nonpartisan elections).

Selection of superintendents varies considerably across the state’s 67 school districts and has been the source of much controversy over the years (Herrington, 2001; Schuh & Hemington, 1990). Most districts (44) elect their superintendent via partisan elections; 23 are appointed by the school board. Twenty-five counties (37%) elect their school board members from single-member districts. The rest (63%) elect them at-large. It is not uncommon for changes in board structures to occur either by public vote or court order. Between 1991 and 2001, 13 districts changed their method of electing board members. Larger boards are more common in metropolitan areas, with heterogeneous populations.

Turnover among superintendents and school board members is another contributing factor to the change in the political environment, especially in election years. New school superintendents led 16 school districts in the 2004 gubernatorial election year and 26 districts in the 2000 presidential election year (J. Weigman, personal communication, December 20, 2004). On average, a 35% turnover of school board members occurs every two years. The average school board member today serves two four-year terms (W. Blanton, personal communication, June 26, 2002).

Improving Accountability in a Constantly Changing Political Environment

Given the changing political environment described above, how do policy makers begin to craft education assessment and accountability policies? Educational accountability is a work in progress in virtually every state, including Florida (Hanushek & Raymond, 2001; Ladd, 2001). The key elements of an accountability system are “goals, standards for performance, measurement, and consequences for varying levels of performance” (Hanushek & Raymond, 2001, p. 369). Straightforward as these elements may appear, the challenge is reaching consensus on the specifics of each one.

One complicating factor, as we have mentioned earlier in this brief, is the involvement of various levels of government (national, state, local). Are there ways to lessen incongruities between the levels or to mesh accountability guidelines? Another complicating factor is the diversity of student populations across and within school districts. These populations differ in race/ethnicity, socioeconomic status, family

background, mobility, learning ability and other characteristics.

Other factors can make it difficult to design and implement an educational accountability system. They include the following:

- *Multiple actors affecting learning* (parents, teachers, principals, students, state and local policy makers, voters, media). We still do not know enough about the relative impact of various actors (inside and outside the formal school setting) on student performance. Yet, a good assessment system should be able to evaluate the relative contributions of each (Goff, 2000).

- *The elasticity of most state and local revenue sources and the cyclical nature of the economy.* Elasticity is a measure of resource capacity, specifically the resilience of revenue streams to upswings and downturns in the economy. Florida's revenue sources are particularly affected by levels of tourism. School district officials already lobby national and state policy makers for funding to fill gaps. Many have proposed local tax and bonding referenda with varying success. In 1995, six out of eight referenda held to raise the local sales tax by a half-cent failed. At the least, more effort ought to be made to help overcome taxpayer misconceptions about the state lottery as a funding panacea (MacManus, 1996; 1998).

- *Constantly changing measures, research designs, and statistical analytic techniques.* Opinions differ about what research designs, time frames, and analytic techniques should be used in assessing educational successes (Herrington, 2001).

- *The politically charged nature of the use of incentives, rewards and sanctions.* Experts continue to debate the impact of rewards and sanctions on student performance improvement, especially across different student populations, and on teacher retention in schools with more challenging students.

- *Unrealistic expectations for quick assessments and long-term fixes.* Of all the factors affecting the crafting of accountability systems, this is perhaps the most vexing. As citizens of the world's most consumer-driven culture, we expect excellent service and rapid delivery. We may need reminding that education is not pizza, and that creating an effective accountability system will require both deliberateness and agility.

Demographically, Florida is a microcosm, reflecting the nation as a whole. Politically, it has grappled with many of the same challenges facing other states. How Florida's educational accountability and assessment system evolves is certainly going to be closely watched by all.

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