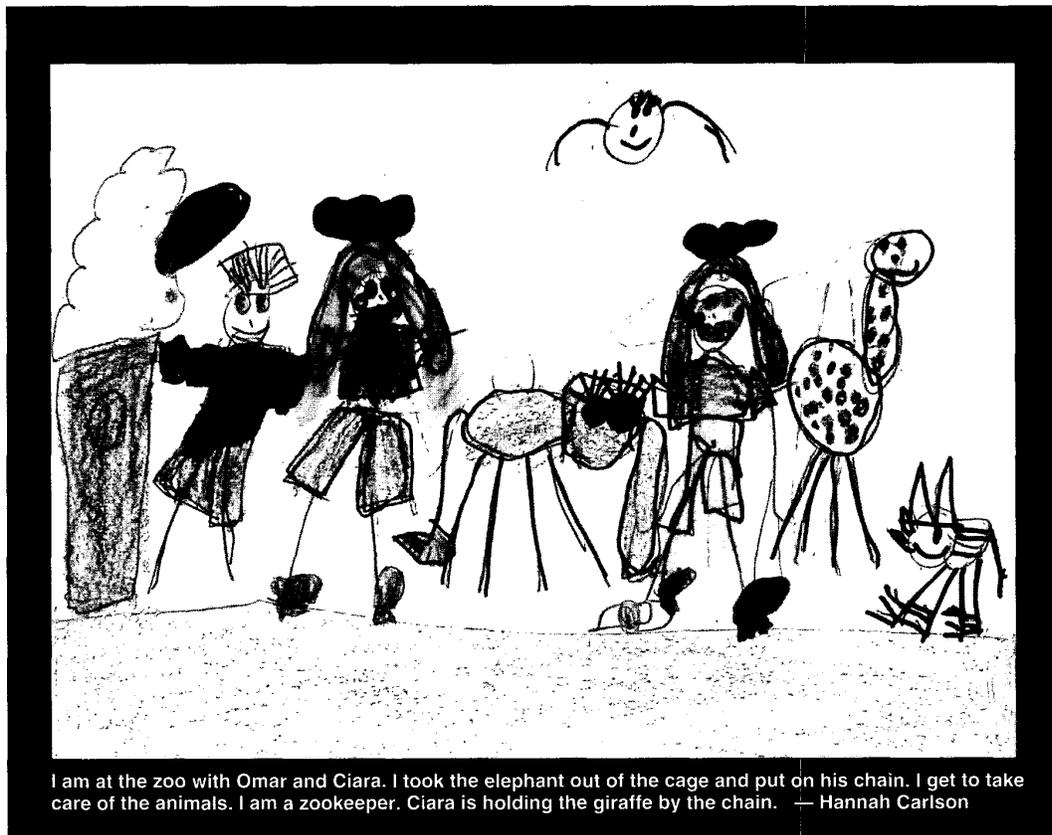


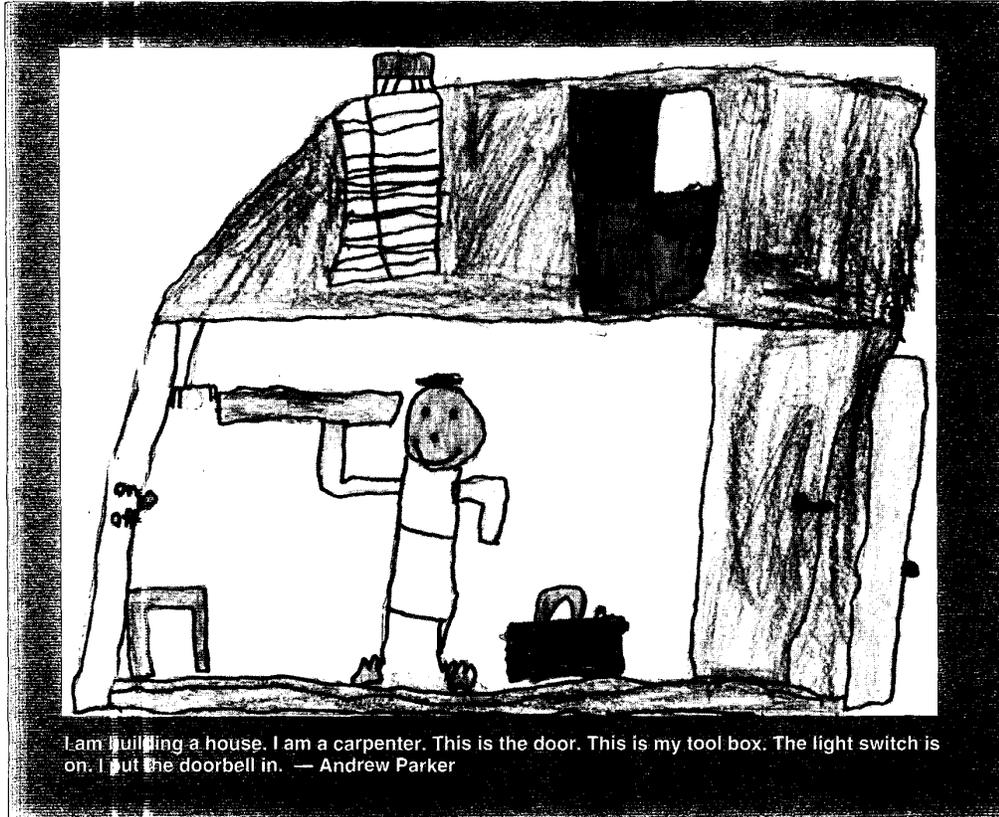
# Who's in

California's hydra-headed education governance system features an elected state superintendent, a board appointed by the governor — and major confusion over who is accountable.

By Sigrid Bathen



# Charge?



I am building a house. I am a carpenter. This is the door. This is my tool box. The light switch is on. I put the doorbell in. — Andrew Parker

*The present state school administrative organization in California is double-headed, and contains elements that could easily produce discord and destroy its efficiency.*

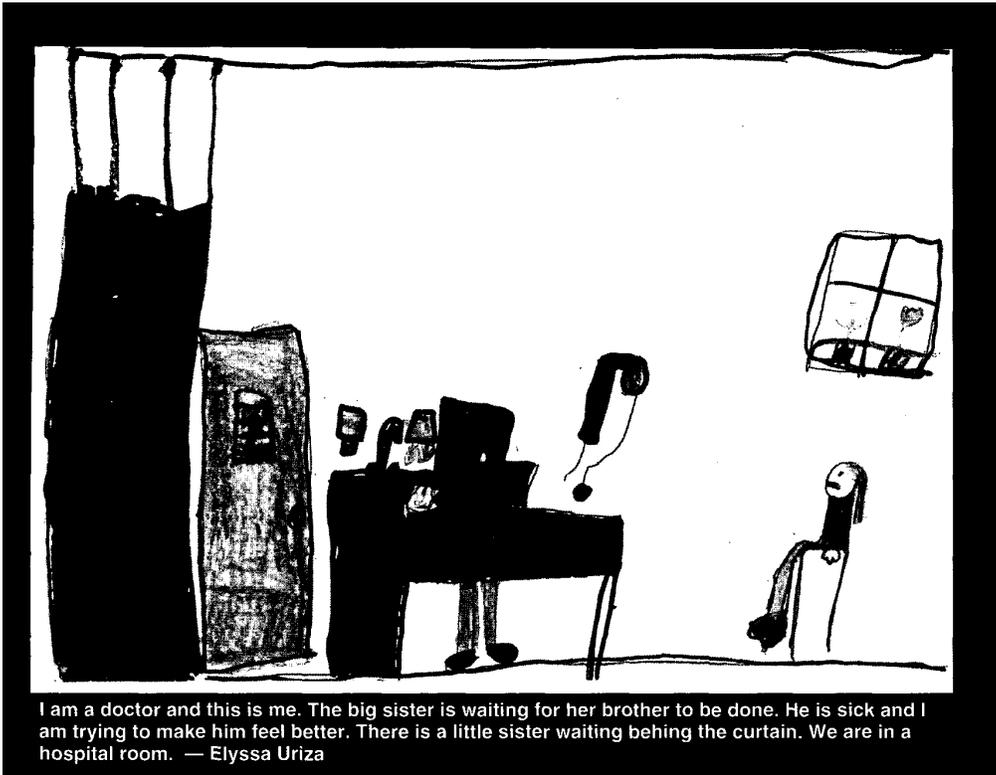
—Report of the Special Legislative Committee on Education, 1920

*Even though I almost ran for it, I've come to the conclusion that the office of the superintendent ought to be abolished.*

—Former State Senator Gary Hart, 1997

In 1978, Nancy Reeves, who was appointed to the state Board of Education by then-Governor Jerry Brown, resigned after some 18 months on the board. A lawyer, Reeves said she was resigning because the board was “paralyzed by ambiguities” in state law regulating the massive task of governing California’s schools.

“With a budget of almost \$8 billion,” she said, “this knowledge industry is one of the largest enterprises in the state — and yet the board that oversees it is paralyzed by ambiguities in the California Education Code that prevent it from even governing itself, let alone the state educational system.”



I am a doctor and this is me. The big sister is waiting for her brother to be done. He is sick and I am trying to make him feel better. There is a little sister waiting behind the curtain. We are in a hospital room. — Elyssa Uriza

leadership politicizes education,” says Assembly Education Chair Kerry Mazzoni (D-San Rafael), a former school board president in Marin County. “It’s a setup for dysfunction. And if there is one area that should not be politicized, it is education.”

“I’m not optimistic,” says former state Senator Gary Hart, longtime chair of the Senate Education Committee who now heads the Institute for Education Reform at California State University, Sacramento. “The Constitutional Revision Commission suggested eliminating [the elected superintendent], but it didn’t go anywhere. Whoever holds the office opposes it, and almost considers it a personal insult. Any change would require a constitutional change, and the electorate jealously holds on to its elected officials.”

Unlike most other states, she noted, California’s state board is “subordinate to its executive officer, the superintendent of public instruction, instead of the other way around.”

Although a landmark 1993 state appellate court decision in *State Board of Education v. Honig* gave the board considerably more clout, California’s system of educational governance remains a hydra-headed creature of questionable efficiency and frequent bouts of pique. Reeves’ characterization of the process as one of virtual paralysis is as apt today as it was when she quit the board nearly 20 years ago — although the education budget has mushroomed to some \$30 billion.

Despite decades of studies and hearings, a raft of assorted legal opinions, and years of legislative and administrative end runs around the system — as well as several unsuccessful ballot measures to abolish the elected, ostensibly nonpartisan state superintendent — it remains much the same: an unwieldy, gerry-built vehicle lurching along a pothole-ravaged road toward vague visions of “educational excellence” in a state where students score near the bottom of school performance in the nation. It is a circuitous, tortured passage, fraught with the constant likelihood of collision, breakdown and wrong turns.

In any detailed review of education governance in California, one is struck by how little it all seems to do with children, how much with elemental, down-and-dirty politics. Not that the players don’t care about kids; although ego is certainly not an unknown quantity among the state’s top educators, most care deeply. At the same time, they find themselves trapped in a maze of conflicting regulations, duplicative and overlapping jurisdictions, the crazy-quilt Rube Goldberg instrument that is the California Education Code, and a fragmented governance system embedded in the state constitution and unlikely to be changed any time soon. It’s not a pretty picture.

“The way we have structured our state education

Hart and others suggest a system already in place in many other states: a Cabinet-level position overseeing education, appointed by and reporting to the governor, and perhaps an advisory state board. But under the current system, he said, “Everybody is bumping into everyone else. I would really like to make it clean, streamline it.”

Since any immediate changes are unlikely, the players in the process say the next best thing is to work cooperatively. “If you were to design a system that would be efficient and practical, it would not be the system we have,” says former state Senator Marian Bergeson, a former teacher who is Governor Pete Wilson’s secretary of education and child development, an influential but largely ceremonial post that Wilson has unsuccessfully pressed the Legislature to raise to Cabinet-level status. “But the goals are too important to break down in bickering.”

Wilson’ creation of a cabinet-style position has added yet another layer to the education bureaucracy, although not one without influence. “As a focal point for the administration, I think it’s very important,” says Mazzoni. While other governors have traditionally had education “advisers” with varying levels of influence, Wilson’s appointment early in his first term of former California School Boards Association President Maureen DiMarco as his first education “secretary” — a Cabinet terminology which was shot down in the legislature — offered a more direct pipeline to the governor, and another distinct voice speaking for California education. “It is unreasonable for any governor to operate with a cabinet devoid of a senior official on schools and children,” says DiMarco, who lost to Delaine Eastin in a bitter contest for state superintendent in 1994.

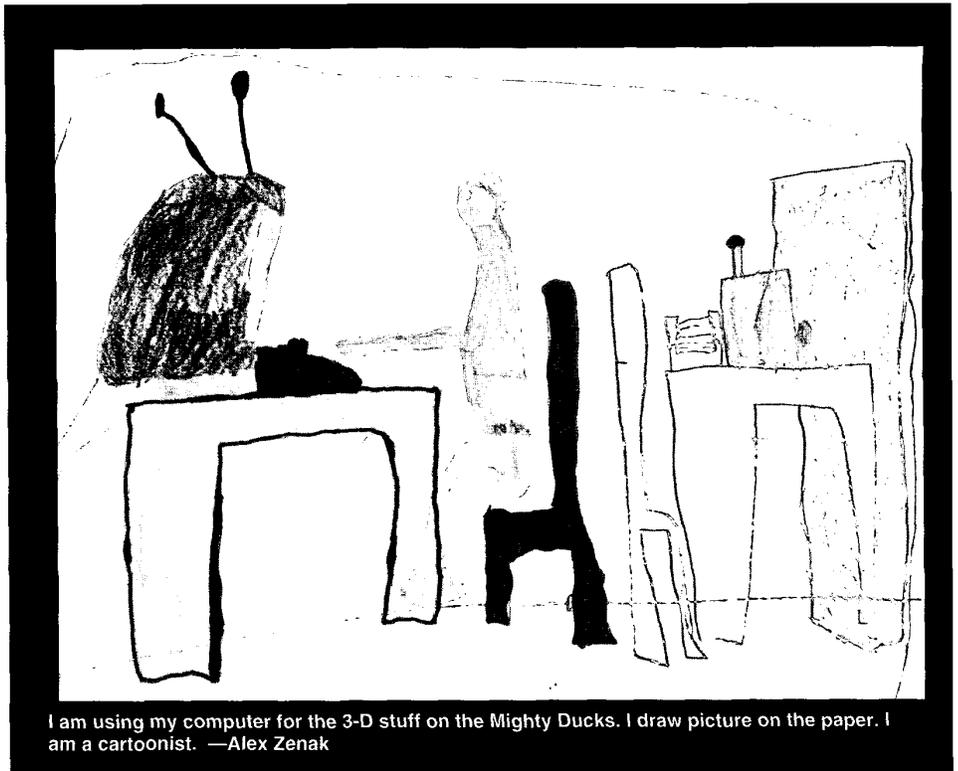
In the day-to-day flow of running the 1,200-employee state Department of Education as well as overseeing California’s 1,000 school districts — not to mention advising elected county superintendents and boards of education, yet another layer of bureaucracy that many critics say could

be abolished or consolidated — California's state superintendent generally does "get along" with the board, the governor and the various substrata of the state's educational system. Textbooks get adopted (still one of the board's principal tasks), money gets disbursed, standards debated if not adopted, local disputes mediated if not dispatched.

"Given that the Constitutional Revision Commission efforts were not successful, we don't spend a huge amount of time trying to make it different," says Mary Kirlin, chief of staff to Eastin about the state system. "We try to make it work. . . There are many, many things going on around here that are extremely important to children and parents. The bulk of the state budget goes to education. There are 5.5 million kids. It ought to be important to people. Given how huge and how complicated it is, we do very well in a less than perfect governance situation. I think we work together very well 95 percent of the time."

Robert Trigg, the highly regarded former superintendent of the Elk Grove Unified School District near Sacramento

who was appointed to the state board last year, says, "It's one thing to read about the issues, and it's another to be a participant. Obviously, it's different at the state level because

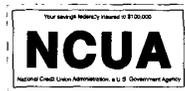


I am using my computer for the 3-D stuff on the Mighty Ducks. I draw picture on the paper. I am a cartoonist. —Alex Zenak

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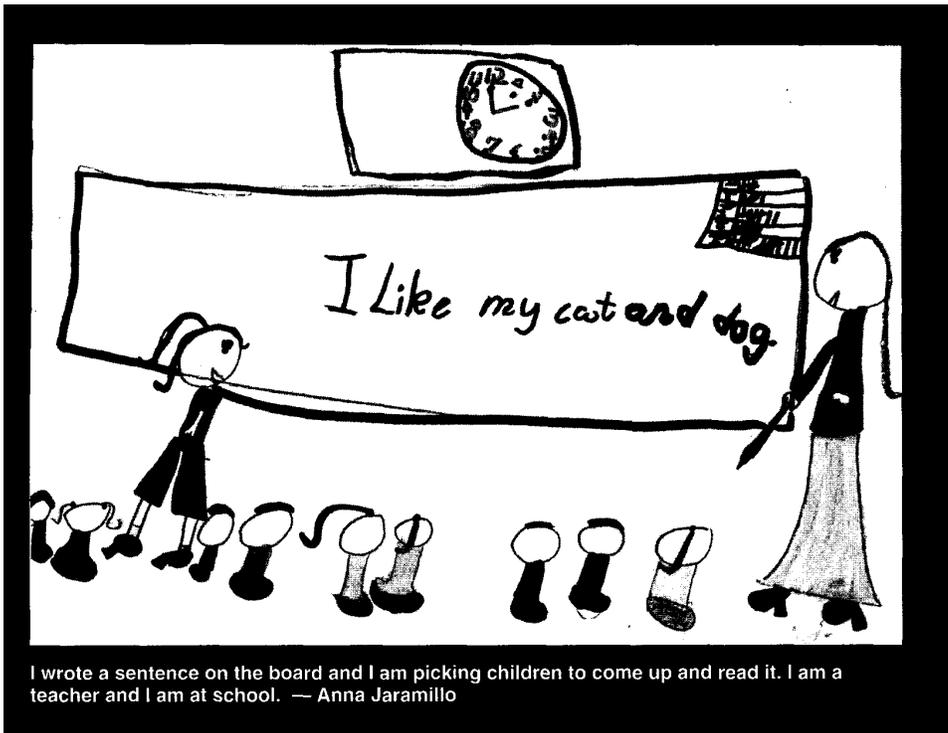


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members and representatives of state-wide education groups have sometimes privately criticized Eastin as “too political” and not sufficiently attentive to the day-to-day operation of the department and the school system. Some criticize her for not attending the entire two-plus-day monthly board meetings, although she generally sits in for part of every board meeting and always sends a high-level representative.

Interviewed by cellular phone while she was visiting schools in a four-county area, Eastin says she has missed only one board meeting since she took office in 1995 — “when I was in Hawaii on my first vacation with my husband in years. I also missed the Democratic convention. I could be gone 24 hours a day on events. I work pretty much seven days a week.” Scheduling her time, she says, “is a very close call. ...I’ve tried to have a big tent philosophy and to that

the superintendent doesn’t serve at the pleasure of the board, and that is by design. I certainly am very aware that the superintendent is elected by the people, and that packs a lot of weight. ...One should expect disagreement, and I think that is healthy as long as we don’t personalize it.”

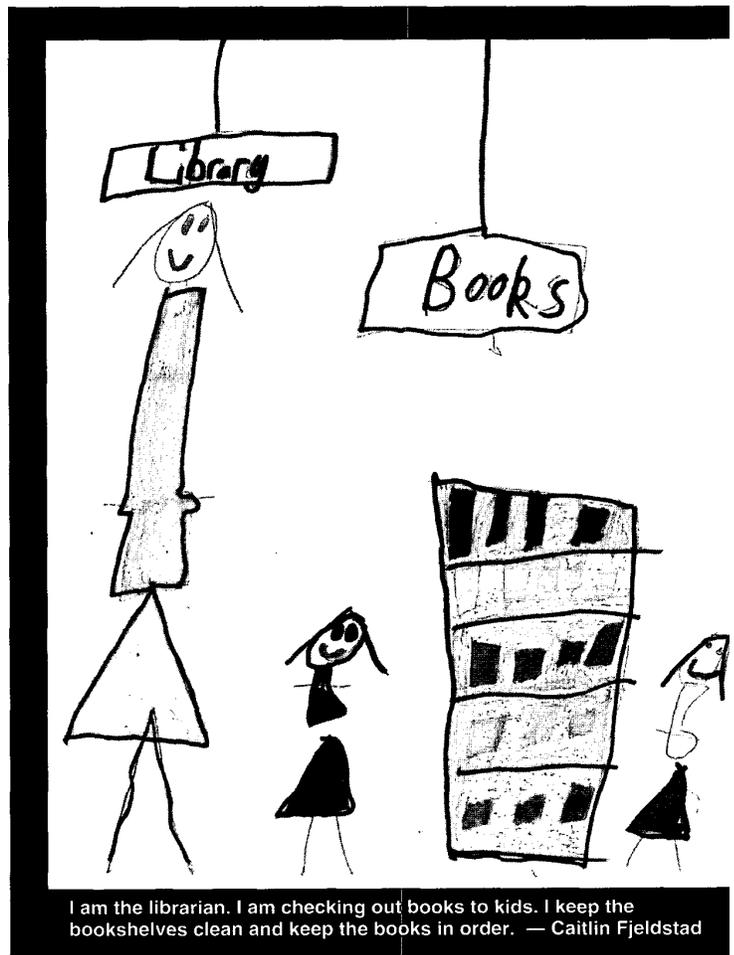
The complex relationship between board and superintendent took a nasty turn in April 1997 when board president Yvonne Larsen fired off a sharply worded letter to Eastin — and another, slightly less acerbic letter to U.S. Education Secretary Richard Riley — castigating the superintendent for meeting with President Bill Clinton to support his push for national testing standards, at a time when California officials are attempting to reach agreement on state testing. Eastin insisted she was not speaking for the state, but the widespread publicity about the trip, which the board apparently didn’t know about in advance, helped fan the fires of discord.

Larsen and Eastin both say they quickly buried the hatchet after the testy public flap and now are getting along just fine, thank you. “It’s come and gone and is over as far as I’m concerned,” says Larsen. “Delaine and I have had a conference and shaken hands and are working together. ...I will try to maintain civility and respect.”

Eastin had a somewhat more colloquial response: “I have real interest in mending those fences as quickly as possible. All that happens when you don’t mend the fences is the cattle get out.”

In addition to serving as the executive secretary to the board — which recently was allocated its own staff and its first executive director — the superintendent is a member of the University of California Board of Regents, the California State University Board of Trustees, and a plethora of local, state and national boards, commissions and advisory bodies. As education has hit the front burner as a political issue in recent years, the superintendent is also, increasingly, a politician — much in demand for speeches, utilizing that most powerful of the office’s limited powers, the bully pulpit, to effect change. Board

extent, I’ve been criticized for being too inclusive.”  
 “The original constitution said the superintendent should



buy a horse and visit the schools," she adds. "When you go to the schools, as I do, you get a very different picture."

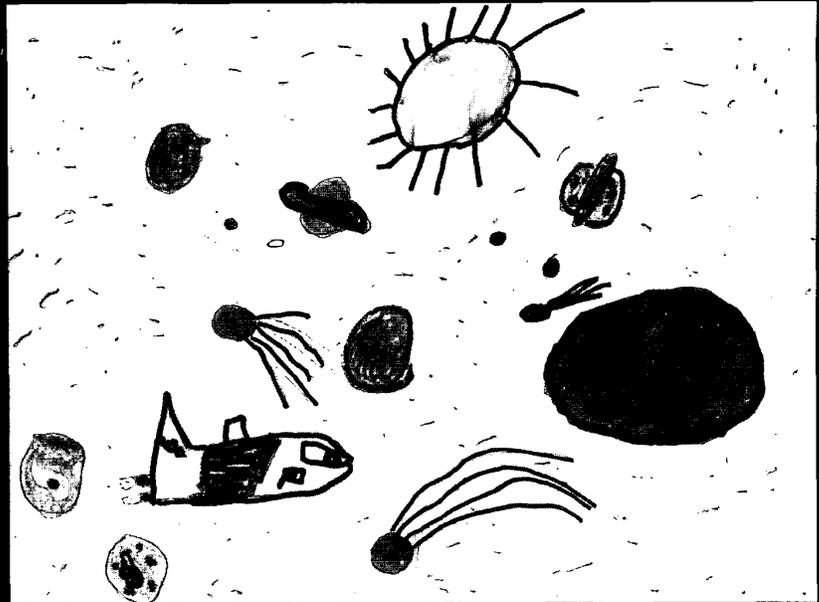
When she first became superintendent, Eastin — a fiery orator who was known for aggressively pursuing her goals in the Legislature, a liberal Democrat who chaired the Assembly Education Committee — was criticized by liberals for working with the governor and conservatives on education issues. When she travels to schools or particularly out of state, she is criticized for not being in Sacramento. When she doesn't go to schools or participate in national policy-setting agendas, she is criticized for being too parochial. Although she holds bachelor's and master's degrees in political science from the University of California, and taught political science and women's studies in community colleges for seven years, she is criticized by others in the huge and contentious education community as lacking an "education background," because she doesn't come from the traditional — some would say hidebound — ranks of full-time professional educators. In the end, says Eastin philosophically, "You're damned if you do and damned if you don't."

And, when the clash of divergent viewpoints about what is best for kids in school becomes a clash of egos — with no programmatic agreement or results — Eastin observes: "The kids lose, big time."

While 14 other states have elected superintendents, some are partisan and others, like California's, nonpartisan. According to the Council of Chief State School Officers in Washington, D.C., the majority (25) are appointed by a state board that itself is generally appointed by the governor, although 12 of the state boards are elected. A few states have boards which are a combination of elected and appointed members. Only one state — Wisconsin, with a nonpartisan elected superintendent — has no board. In states with elected superintendents, the superintendent is very often a member of a different party than the governor, as well that of his appointed board of education and, in California, the secretary of education and child development. To say that arrangement creates a certain tension is an understatement, and the tension sometimes takes a partisan bent, especially during budget deliberations over which the governor and the Legislature wield far more power than the superintendent.

When the relationship between the superintendent and the board becomes strained — as it has on countless occasions through several contemporary administrations — it is often over a policy issue of major statewide consequence, such as academic standards, testing or teaching methods. In the late 1970s and early '80s, with a contentious board comprised of members appointed by former Governor Ronald Reagan and then-Governor Jerry Brown, huge battles were fought over bilingual education. The superintendent during much of that time, Wilson Riles, who served three four-year terms from 1971-1982, spent as much time at board meetings being a mediator as he did a policy adviser.

"The superintendent must have the understanding and the knowledge of how to pull the members together," says Riles. "If the superintendent follows what should be fol-

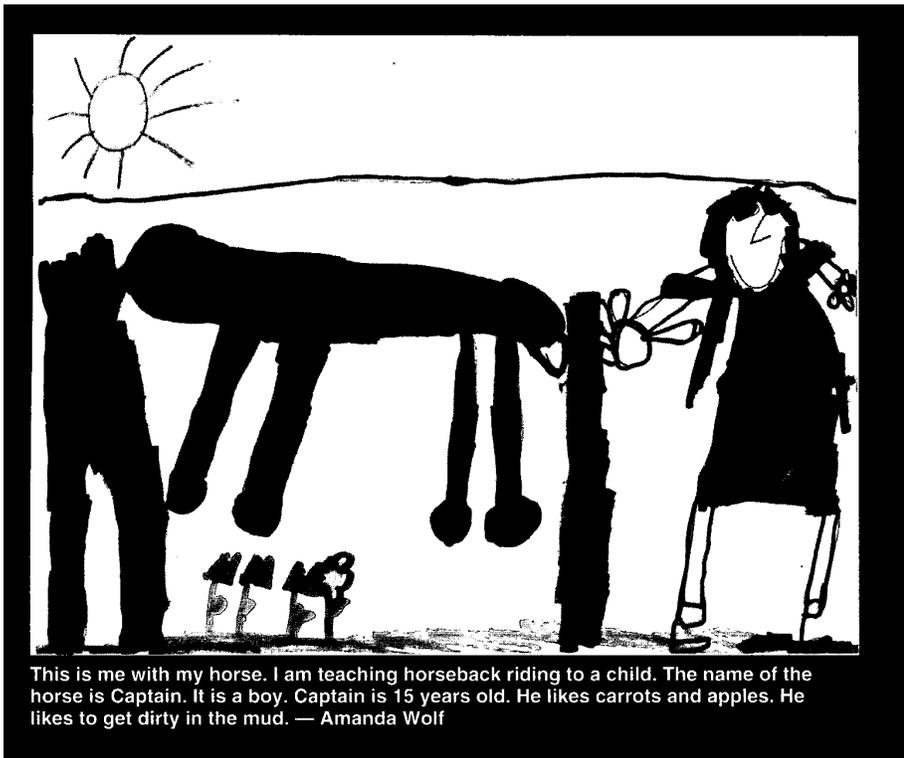


I am in outer space. There are comets passing me. I am taking pictures of the planets. It is fun in outer space. I am an astronaut. My space shuttle is fun to ride in and it has lots of buttons. — Bradley Doucette

lowed, he or she helps the board set policy and provides them with the information they need. Their job under the law is to set policy, but not to run the department — they have an executive [the superintendent] to do that." The 1993 appellate court decision clarifying the board's policy-setting role came out of years of conflict between the board and former Superintendent Bill Honig, who succeeded Riles, eventually prompting the board to take the issue to court. Honig argued, according to the court opinion, that he was "under no clear, present, and ministerial duty to implement" board policies. The court flatly disagreed, directing the superintendent to implement specific policies, including the board's request for additional staff.

In a fascinating history of education governance in California (the first board, established in 1852, was established by the Legislature and consisted of the governor, the surveyor-general and the superintendent), the court noted that subsequent constitutional and statutory embellishments to the role of the board and the superintendent created a system designed for confusion. After a 1921 legislative reorganization that created a "unified Department of Education," the court noted, "Predictions of open conflict were realized in 1926, when a newly appointed Board refused to confirm the candidates the Superintendent appointed as presidents for the state colleges at San Francisco and San Jose." Responsibility for the state colleges and universities has long since passed to separate bureaucracies and boards appointed by the governor.

Bill Whiteneck, who was a deputy superintendent in the Department of Education from 1973-1983 and chief consultant to the Senate Education Committee from 1983-1994, served as an adviser to the Constitutional Revision Commission, which recommended abolishing the position of elected superintendent in California. Like many other top state educators, Whiteneck supports the commission recommendation, and says the "laser beam of accountability for education should be with the governor," since he controls the budget. "Most of the time, the governor gets a free ride



This is me with my horse. I am teaching horseback riding to a child. The name of the horse is Captain. It is a boy. Captain is 15 years old. He likes carrots and apples. He likes to get dirty in the mud. — Amanda Wolf

on education,” he says. “If things are going well, whether financially or programmatically, it’s very easy to take credit or leverage credit. If things are going badly, they can blame it on the state superintendent. The public has a terrible time sorting out whose cage to rattle.”

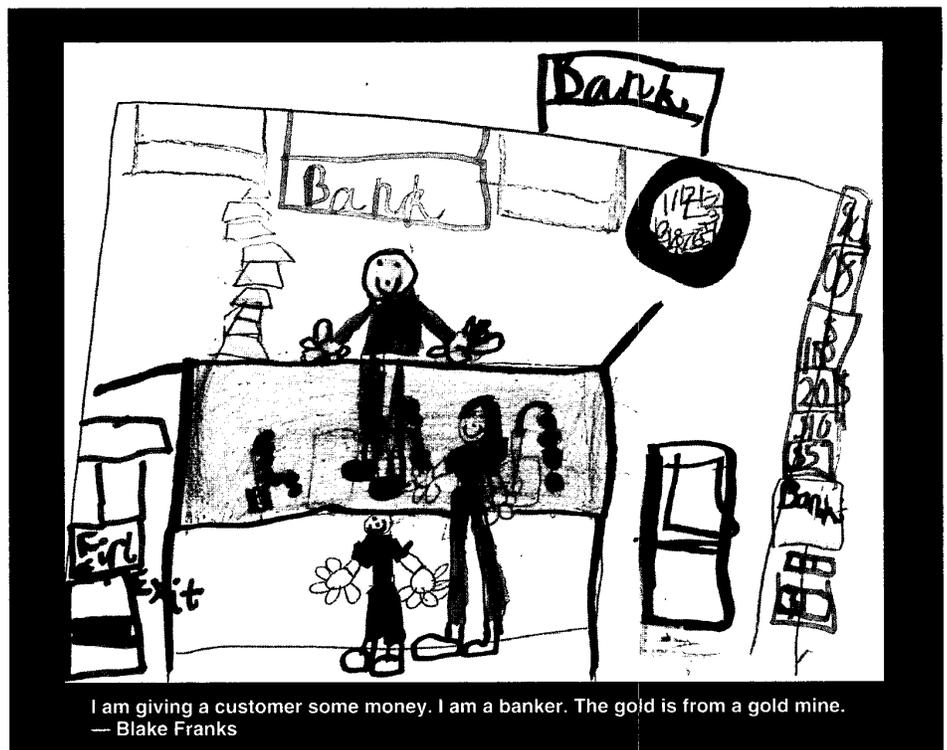
Whiteneck says the 1993 court decision “just cries out for the Legislature to do something to clean up the governance structure.” As for the role of the current elected superintendent, Whiteneck says, “You can do what Honig did, and what I see Delaine doing, running up and down the state. ...You’re not an equal in the legislative process. You have no veto authority. ...Right now we have stereophonic noise coming out from multiple offices.”

For her part, an embattled but tenacious Eastin, never one to back down from a fight, faces a recalcitrant Legislature reluctant to embrace her push for tougher high school graduation standards and a policy-setting board whose members are all appointed by a Republican governor who wants to be known as California’s “education governor” — and, with his popular class-size reduction initiative, has scored major points in the increasingly political race to shore up the state’s troubled schools. “Everybody has an opinion about a school experience,” says Eastin.

“Not everybody has an opinion about surgery because they haven’t had surgery, and they may not know anything about auto insurance because they haven’t had an automobile accident. But everybody has had a school experience.”

“It is true that my job is really to get the job done for kids,” Eastin adds, “and that is what I’m trying to do with a limited amount of authority.” While Eastin believes an elected superintendent offers an independent voice and should be retained, board president Larsen, a former school board president in San Diego, says the board provides “empowerment” to local school groups who otherwise would have a limited voice. “We are the only entity where a distraught citizen can come if they don’t get comfort from the local district, the one entity which will hear testimony,” she says. “We do give them that forum, which they don’t have with the Legislature or the governor.”

Riles says elected superintendents and appointed boards stumble when they lose sight of their constitutional roles. “Even though the superintendent is a constitutional officer, you just can’t dictate to the Legislature, to the board, but you do have a bully pulpit and can provide leadership by advocacy,” he says. “Although the board is not elected, but appointed by the governor, they set policy for the Department of Education. Some superintendents forget that, and, of course, that creates all sorts of problems.”



I am giving a customer some money. I am a banker. The gold is from a gold mine. — Blake Franks