



# State Education Agencies as Agents of Change

What It Will Take for the States to Step Up On Education Reform

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Cynthia G. Brown, Frederick M. Hess, Daniel K. Lautzenheiser, and Isabel Owen

July 2011





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On the cover: Kevin Huffman, a former vice president at Teach for America, speaks at a news conference after being named education commissioner at the state Capitol in Nashville, Tennessee in March 2011. Gov. Bill Haslam and wife, Crissy, look on.



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# Introduction and summary

Today, state education agencies and their leaders face unprecedented demands. What was once a low-profile job of managing federal aid, providing curricular guidance, and ensuring compliance with various legal obligations is now a far more visible and politically fraught task. The new roles required of state education agencies due to the No Child Left Behind Act of 2001, which required each state to adopt standards, assessments, and accountability programs, and the Obama administration's Race to the Top program, which encouraged and rewarded selected states proposing significant reforms, now push these state agencies more and more into the public spotlight. Heightened attention to issues such as turning around low-performing schools, fixing state data systems, and improving teacher evaluations all require state education officials to play a new and far more demanding role, often under the scrutiny of the media spotlight.

A decade ago, when the heads of these agencies were mostly seasoned bureaucrats, only an education savant could name more than a handful. Today, their ranks include many of the shiniest stars in the school-reform firmament. Rhode Island chief Deborah Gist was named one of *Time* magazine's 100 most influential people of 2009. Former Louisiana chief Paul Pastorek and Indiana's Tony Bennett have become high-profile advocates for transparency, accountability, and school choice. Kevin Huffman gave up his nationally influential post as Teach For America's vice president of policy to become the education commissioner in Tennessee. And other education agency chiefs, including New York's David Steiner, his successor John King, New Jersey's Chris Cerf, and Massachusetts's Mitchell Chester, are all garnering the attention once reserved for big-city superintendents or key legislators.

Broadly speaking, state education agencies, or SEAs—though they are often referred to as the state's department of education or public instruction—are responsible for administering state and federal education laws, dispersing state and federal resources, and providing guidance to public districts and schools

across the state. No two SEAs are organized in the same way, but each agency is led by a chief, called the superintendent, secretary, director, or commissioner of education or public instruction. These chiefs are now in the limelight because of the reforms of the past decade, including dramatic statewide actions addressing testing, accountability, teacher evaluation and tenure, academic standards, schools of education, and failing schools. Much of this has been accompanied by demands that the states find ways to implement ambitious new federal legislation or pursue fundamental changes when it comes to educational standards, teacher accountability, and school improvement.

These changes have put immense stress on agencies that were initially conceived as tiny departments primarily designed to funnel money to local school districts. Yet it is not at all clear that state education agencies are prepared for this demanding new role or that their leaders are equipped for the challenge. Specifically:

- What do we know about SEA capacity to be effective leaders in school reform?
- What are the obstacles that inhibit them from most effectively tackling today's challenges?
- What has experience taught the most successful state education chiefs what their role should look like?
- What can reformers or policymakers do to help prepare SEAs for these new challenges?

These questions were too rarely asked over the past decade, resulting in state agencies that are unequipped for the duties they now must fulfill. In this paper we set out to answer these questions.

Finding the available literature and analysis antiquated, and alarmed by the scarce amount of information publicly available, we turned to the people with the most understanding of the inner workings of the agencies: the SEA chiefs. We identified 13 of the most innovative and successful former and current chiefs and interviewed them about what they see as the obstacles to implementing reform and how, despite these challenges, they were able to move their agency forward. We detail our research in the main pages of this report, but briefly here is a list of our findings and our recommendations.



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## Our findings

After nearly a year of research and dozens of hours of interviews, we find the following:

### *SEAs are overly focused on compliance*

The traditional role of the SEA is to administer state and federal funds, and customarily SEA employees have worked to ensure the SEA complies with the law rather than focusing on how to best help districts and schools increase student achievement. Agency culture is stuck in outdated routines, and unfortunately most chiefs lack imagination to alter their agency's course.

### *There is a lack of transparency*

While state agencies spend millions, and in some cases billions, of dollars of public funds each year, it is difficult to find basic information on how the agencies spend this money and how they function. The agency websites are often difficult to navigate, and they rarely publish detailed information on SEA operations. This makes it impossible for researchers, the public, or even state legislators and governors to really understand what is happening at the agency, let alone analyze across agencies, which is essential to improving internal operations.

### *Federal funding can hinder SEA operations*

While vital to SEAs, federal funding arrives at the agencies with restrictions. It is exclusively tied to specific programs and employees, and the chief has little control over how the funds are allocated. For instance, offices within the agency are often siloed with little to no interaction between federal- and state-salaried employees. To battle this, leading chiefs have begun to think about how to reorganize the agency around function, rather than funding stream.

### *There are bureaucratic obstacles to reforming the SEA*

As an entity of state government, the SEA must adhere to state rules and regulations, such as hiring processes, rigid pay scales, and civil service laws, which can all impede the chief's ability to recruit talent and change agency culture. Each chief we spoke to acknowledged how limiting these laws can be and detailed how he or she creatively strategized ways to work within the system to attract talent to the agency and change the agency mindset.

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## Our recommendations

Based on our research and interviews with chiefs, we recommend the following to improve the operations of SEAs so that the agencies can better assist low-performing schools:

### *States should grant SEAs more flexibility on hiring, staffing, and salary decisions*

Chiefs are stymied by state hiring rules, salary scales and caps, and civil service guidelines, and are responsible to multiple parties such as the governor and state legislators, making it difficult to attract and recruit talented people to their agencies. We found that chiefs are already working to find creative ways around restrictive laws. State officials and reformers should learn from these chiefs, while also examining what is currently permissible under state law, and find ways to alter or work around existing policies. Without greater autonomy, SEAs will continue to find it difficult to attract and retain talented employees, severely limiting their potential for reform.

### *States should weigh giving SEAs authority to take over abysmally performing schools and school districts*

States often bump up against obstinate local leadership or unions when confronted with persistently low-performing schools. States should consider granting SEAs authority to take over failing schools and districts, now allowed under federal law, since the threat of state takeover is a powerful lever to incite change at the local level. The threat of state takeover can provide political cover to local superintendents and school boards pushing for reform as well as union leaders whose membership might otherwise reject the reform. We caution that states should not see this as an easy solution and must carefully assess their capacity before setting foot in a school.

### *The federal government should provide political cover to states to drive improvement*

The federal government has the ability to use funding, statutes, and rule writing to promote changes within SEAs. It can also provide political cover to SEAs to move forward an agenda that governors, state legislators, and state school board members would not have agreed to on their own. Reformers, however, should note that while the federal government can prod states to act, it can't force them to do something that they don't want to do. Unless officials in a given state are seeking an excuse to act, it is very possible for federal encouragement to spur compliance rather than coherent reform.

*The federal government should grant flexibility around federal strictures*

As far back as the Elementary and Secondary Education Act of 1965, bureaucrats have written rules and regulations as conditions for federal funding to SEAs. These rules have accumulated over the years and most are outdated. This creates a huge burden on the SEAs, which have to dedicate many staff hours to compliance-oriented activities. When the No Child Left Behind Act was adopted in 2001, officials became accountable for new school performance outcomes, yet they were not relieved of the rules and regulations forcing them to continue with outdated compliance-focused activities. The U.S. Department of Education, Congress, and the Office of Management and Budget need to review these rules and regulations and assess which can be loosened or removed to free SEAs from obsolete regulations.

*The federal government should scrutinize how federal demands shape culture and practice in SEAs*

Federal activity has affected SEAs in two ways that should be examined and reassessed. First, the agencies are bifurcated because federally paid employees are often physically separated from state employees and are often regarded as privileged employees, with their own networks, training, benefits, and the ability to intimidate high-level officials with the warning of potential federal disapproval. Second, SEAs are stifled by decades of federal—and often antiquated—rules and regulations. These directives are ingrained in SEA officials, stifling creativity and reform-minded activities. The federal government needs to signal its openness to creative, performance-based problem solving.

*SEA chiefs, more than anything, need to approach their job with the attitude that they'll find a way to alter routines*

Most chiefs arrive at the SEA to find an agency moving at a snail's pace and entrenched in decades of procedural work. The chief does not have to accept the status quo and must realize his or her power to spur change. Chiefs can creatively and thoughtfully change the practices of the agency, to work around or exploit existing laws. While this is not easy, it is not impossible, and the chief has the power to chart the future course of the agency.

*SEA chiefs need to regard themselves as political operators, and to build and deploy their political capital in smart ways*

Whether the chief is elected or appointed, the job is ultimately political, and the chief is charged with leading a public agency. As such, a chief must engage with his or her constituencies, building relationships with students, parents, local

leaders, state legislators, school board members, teacher union officials, and the governor, to name a few. These actions build political capital and support that enable chiefs to refocus their agency.

*SEA chiefs need to do a better job of making basic operating information publicly accessible*

Basic SEA operating information has not been collected in 17 years and such information is not readily accessible today. Most SEAs do not report clearly how much money they spend, what they spend those dollars on, what percentage of their funding is federal, how many individuals they employ, or what those employees do. Policymakers and chiefs often point to SEAs' limited capacity as a reason for prohibiting reform, but it is impossible to properly assess capacity without knowing vital information such as staffing levels and operating budgets. As a stipulation of federal funding, SEAs should be required to make this information publicly available.

*SEA chiefs need to build agency capacity and philanthropic foundations can provide the resources to change the game*

Understanding the fiscal situation at both the federal and state level, chiefs would be wise to turn to philanthropic foundations to provide support to build capacity and to tap talent they need to push the agency forward. Some chiefs have already successfully worked with foundations, using the support to boost agency salaries and attract skilled staff. "Reform-minded" foundations already support districts and nontraditional providers, and broadening their scope of support to SEAs may prove a useful and timely complement to their efforts.

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## The importance of this paper

In the pages that follow, you'll find that we have conducted perhaps the most extensive examination of state education agencies since the mid-1990s. We begin with a concise review of the research and analysis of SEAs, followed by a presentation of our own primary research, including excerpts from our extensive interviews with 13 former and current SEA chiefs from around the nation. We conclude with a detailed list of the recommendations that we summarized above. We believe this paper will provide the basis for a complete re-examination of the role of state education agencies and their chiefs in transforming the SEA into an agent of change that can assist districts in the crucial task of remaking our public schools to meet the needs of our children in the 21st century.

# History of state education agencies

There is precious little information on state education agencies before 1965, when the landmark Elementary and Secondary Education Act, or ESEA dramatically boosted federal involvement in kindergarten-through-12th grade education, prompting a related shift in state capacity. As College of William & Mary political scientist Paul Manna observes, “Comprehensive state education policy... really began to emerge in the 1970s. Before that decade, most state governments lacked [the] effective analysts and full-time policymaking bodies” that were necessary for substantive innovation.<sup>1</sup>

In particular, Title V of ESEA marked an explicit attempt to equip states to implement expansive new federal legislation by providing federal support to strengthen state education agencies’ administration of the new law. While direct federal support for SEAs through ESEA Title V disappeared in 1981, SEAs came to serve largely as conduits for federal funds with federal set-asides to the SEAs for administrative purposes. The state education agencies spent much of their energy ensuring that dollars were spent and records tracked in accord with federal requirements. Indeed, an influential 1994 study by the U.S. General Accounting Office (now the U.S. Government Accountability Office, the investigative arm of Congress, discussed later) estimated that 41 percent of SEA operating funds came from federal sources.<sup>2</sup> This created a structure heavily reliant on federal support and geared primarily toward compliance and regulation rather than on setting and implementing a coherent, student-focused, data-driven strategy for improving student learning and supporting districts to do so—legacies that state chiefs are grappling with today.<sup>3</sup>

Subsequent growth in the number of ESEA programs and in federal outlays for disadvantaged students increased state responsibility, placing new demands on SEAs and spurring their expansion. Decades of reform followed on the heels of the 1983 report *A Nation at Risk*, which challenged once-sleepy state agencies.<sup>4</sup> “The flurry of state reforms during the 1980s and the expansion of the federal role in the 1990s,” wrote Manna and Diane O’Hara, “have increased the policy pressure on chiefs and SEAs. Rather than serving primarily as a banker to transfer funds to local districts, now state agencies are playing more substantively important policy roles.”<sup>5</sup>

In the late 1980s and early 1990s, leading governors began to focus on efforts to develop standards and educational accountability systems. These governors, including North Carolina’s James Hunt, Arkansas’s Bill Clinton, Texas’s George Bush, and Tennessee’s Lamar Alexander, would dramatically boost the profile and the import of their state education agencies. Yet despite a strong economy over most of this period, little attention or additional resources were directed toward the state agencies. While states were increasing education spending, they were directing these dollars to districts and schools. State leaders were content to let the federal government underwrite most SEA-led activity even as they called for state-led reform. At the same time, they generally opposed proposals to expand the federal footprint in schooling in exchange for federal dollars.

During the 1990s, the U.S. Department of Education was concerned with bringing policy coherence to federal programs and developing a standards-based framework for public education, an immense challenge in its own right. Consequently, it paid limited attention to program implementation in the states. By the end of the decade, only two states, North Carolina and Texas, had put together key pieces of a comprehensive standards-based system with accountability and begun to staff themselves to move forward.

Clearly, the federal relationship with SEAs has evolved. While federal involvement with SEAs in the early 1970s was primarily concerned with addressing gross abuses in initial state and district implementation of the original ESEA—particularly in its major title, Title I formula grants to schools with large concentrations of low-income students—today’s federal focus on standards, assessments, and accountability did not start arriving until the 1990s. Congress linked new requirements for state actions to funding in each of the three areas in the 1994 version of ESEA, the Improving America’s Schools Act. SEAs were generally slow to respond, often because federal program administrative and compliance staff were walled off from the rest of their agencies.

So while many SEAs began to add small numbers of so-called Title I staff to assist low-performing schools receiving ESEA Title I funds, the chiefs themselves often expressed real uncertainty about the value of these staff. At meetings of the state chiefs in the aftermath of the passage of the Improving America’s Schools Act, Gordon Ambach, the executive director of the Council of Chief State School Officers, pleaded with chiefs to “own” and take responsibility for their Title I programs. But he was mostly ignored. He also asked federal Department of Education officials to turn up the pressure on states, but to no avail.<sup>6</sup>

When ESEA was reauthorized in 2001, President Bush and a bipartisan group of congressional leaders expressed their exasperation with state inaction on standards, assessments, and accountability by calling it the No Child Left Behind Act. This version of ESEA pushed states to adopt grade-level standards, state assessments in reading and math for grades three through eight and a year of high school, and rigid accountability systems in accordance with the law.

A 2003 Public Agenda study described the “torrent of local, state, and federal mandates” that hit states as a consequence of the landmark 2001 law. Public Agenda reported that 93 percent of district superintendents said there had been an “enormous increase in responsibilities and mandates without getting the resources necessary to fulfill them.” Public Agenda concluded, “School leaders say their biggest headaches are funding and the time it takes to comply with a blizzard of local, state and federal mandates.”<sup>7</sup> Unfortunately, chiefs and state agencies were not prepared to meet these demands, and it’s not clear that things got a lot better in the interim.

The mindset of state leaders has often been one of contradictions. On the one hand, governors, especially in states with severe student performance challenges, have cited the low quality of their state’s schools as a problem in attracting businesses to the state. Yet they, along with their state boards of education and state legislators, thought failing schools were a local issue not worthy of special state attention. The No Child Left Behind Act changed the state role with regard to state responsibility to focus on the lowest-performing schools.

New public reporting requirements for every school and district on academic performance by student subgroups and increasingly sophisticated technology for data collection yielded new transparency about student performance. It became clear that standards and student performance varied widely within and across states. Researchers documented the huge variety of difficulty in state tests and cut scores for measuring student proficiency. By 2009, governors and SEA chiefs had launched an effort to develop common academic standards and assessments in reading and math. Their effort has been financially supported by private philanthropists and the federal Department of Education.

The Obama administration’s Race to the Top competition added a new wrinkle to the federal and state relationship. Created with funds from the American Recovery and Reinvestment Act in 2009, the first two rounds of the competition rewarded states for implementing reform and intervening in low-performing schools. Several of the chiefs we spoke to talked about how Race to the Top spurred them to think

about how to change the agency and the approach to intervention. In fact, some chiefs in states that did not ultimately win the competition are still working to implement their Race to the Top plan, despite not receiving funding.

Indeed, the jury is still out on what the ultimate effect of Race to the Top will be, but we do know that the competition catalyzed dramatic action at the state level, led by the state chief, with 34 states going so far as to change laws in hopes of winning the Race to the Top competition.<sup>8</sup>

This is a big leap from the 1950s and 1960s, when SEAs were sparsely staffed, resource-poor agencies. Today, they house an average of over 400 employees focusing on school policy.<sup>9</sup> SEAs are now responsible for developing academic and performance standards, designing state assessments, and identifying and turning around low-performing schools, among other things. Yet, despite these shifts, very little is known about their capacity, and even less is known about the state superintendents who run them. More to the point, both chiefs and observers express concerns that the culture, skills, and effectiveness of most state departments have not grown in tandem with the SEA's new roles. We now turn to what has been said by those who have braved the subject before us, including the biggest challenges facing SEAs today.



# Literature review

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## What little has been said

Part of the problem in figuring out what SEAs can and cannot do is that there is precious little information regarding SEA capacity. After all, historically, not much was expected of SEAs.

In 2009, for the *Handbook of Education Policy Research*, University of Massachusetts-Amherst scholar Kathryn McDermott reviewed the past 50 years of research on the state role in education. In her extensive article, just a single paragraph exclusively addressed scholars who have “investigated changes in state education agencies.” Of the 200-plus scholarly works in her bibliography, McDermott identified just nine when discussing state education agencies. And, of the nine, only one was published since 2000, while half of the other eight were published before 1980.

By and large, the works McDermott cited were narrowly focused on either a specific geographic region or topic. For example, one Center on Education Policy study polled state chiefs on their views on No Child Left Behind, while a book by Susan Follett Lusi compared SEAs in Vermont and Kentucky. This is why McDermott notes, “The case-study based research on how federal education policy affects state education agencies, and how federal and state policies interact, is at this point mostly several decades old.”<sup>10</sup>

University of California-Davis professor Thomas Timar reached a similar conclusion in 1997, concluding in “The Institutional Role of State Education Departments: A Historical Perspective” that, “Little is known about [SEA] capacity to effect school improvement. While state administrative authority is deemed important to reform, policy researchers over the past 15 years have shown little interest in them.”<sup>11</sup>

SEAs have received correspondingly slight consideration in the more popular education outlets. An online search of the archives of the magazine *Phi Delta Kappan* for “state education department,” for instance, yielded a total of 10 hits since 2002. Moreover, none of the 10 articles focused on SEAs. Rather, each referenced the state education agency in relation to something else—such as one story that discussed a dispute between a principal and a superintendent over email privacy.<sup>12</sup>

Even basic organizational data on SEAs is outdated. Kathy Christie, chief of staff at the Education Commission of the States, reports that the most recent document summarizing staffing and funding data for individual state education agencies was published by the U.S. General Accounting Office in 1994.<sup>13</sup> That’s not a typo—it’s 17 years old. That GAO report, issued in the second year of the Clinton presidency, found SEAs had an average staff size of 713 employees.<sup>14</sup> SEA size ranged from 91 staff in Nevada to 3,609 in New York. For comparison’s sake, when ESEA was first enacted in 1965, the average SEA employed 75 staff and 15 states had fewer than 50.<sup>15</sup> Such comparative information is not currently available for all state education agencies, making it a bit of a puzzle to determine what states should and can do as policymakers discuss school turnarounds, data requirements, and the rest. The GAO report was so detailed and involved such an array of complex information that, Christie warns, it would be difficult to get accurate and uniform responses from the states today apart from a request from the GAO, which has the authority “to ask and receive.”

State education departments are operating in a dramatically different context than they were in the 1970s. In 1980, charter schools did not exist, the pioneering efforts at standards-based reform were a few years away, and sophisticated data systems and test-based accountability were not even a pipe dream. Absent data on SEA staff, resources, and the rest, it is hard to know what these agencies can do—much less determine whether SEAs are operating effectively or not. Such data can shed light on the oft-heard lament that SEAs are suffering under the strain of new demands with fewer resources (be it dollars or employees).

Meanwhile, accounts of what it means to be a state chief today are difficult to come by. There is little besides personal conversation to help new chiefs learn about the job or to help policymakers and reformers understand what success requires—from state chiefs, their employees, or allies in the policymaking and “reform” communities.

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## The challenges for SEAs: What the analysts say

Many factors have been flagged as responsible for the travails of SEAs. In addition to the suggestion that SEAs are the victims of inadequate budgets and staffing, there is reason to believe that SEAs suffer as much or more from difficulty recruiting and employing top talent, bureaucratic obstacles, agency culture, and a lack of creative problem solving.

### A lack of capacity

A common explanation for frustrations with state-level efforts is that SEAs are understaffed and underfunded. Back in 2001, just before the No Child Left Behind Act was enacted, the Institute for Educational Leadership concluded that SEAs are “inhibited, even victimized, by inadequate budgets, staffs of uneven (sometimes diminishing) quality, outdated tax structures, indifferent populations, irrational political expectations, and, in many states, badly outdated operational systems.”<sup>16</sup> In a 2004 piece for *The Washington Monthly* titled “Hire Ed: The Secret to Making Bush’s School Reform Law Work? More Bureaucrats,” Marc Tucker, president of the National Center on Education and the Economy, and Thomas Toch, director of NCEE Policy Forums, concluded, “States are a long way from having the capacity to carry out [NCLB’s] mandates.”<sup>17</sup>

In 2007, in discussing SEAs, UCLA’s Gail Sunderman and Gary Orfield wrote in *Phi Delta Kappan* of the “striking lack of resources and knowledge needed to accomplish [NCLB’s] extraordinary goals.”<sup>18</sup> They examined six states and found a decided lack of human, financial, and organizational capacity. They explained that while state officials “took the law very seriously and largely succeeded in implementing its demanding data-collection and testing requirements,” the results were very different when it came to the “more difficult goals of ensuring large-scale educational change and providing support to low-performing schools.” There, they reported, “the states were much less adept, their history of success in such efforts was limited, and the new resources available were small.”

Sunderman and Orield further note that it’s not merely a lack of dollars and people, but a shortage of talent and knowledge that is to blame. “For states to develop the capacity to implement anything like NCLB’s requirements it is going to take more than a massive infusion of resources. It will also require a restructuring of

how state education agencies function and the development of new expertise in areas where state agencies have not operated before.”<sup>19</sup> This is a similar conclusion reached by a number of chiefs we interviewed, discussed further below.

In 2006, the Center on Education Policy reported, “Nearly every state (47) cited providing assistance to all schools identified for improvement as their greatest challenge in implementing NCLB, while 42 states indicated that the size of the state education agency staff presented a serious or moderate challenge to NCLB implementation.”<sup>20</sup>

### Bureaucratic obstacles

While there may be legitimate concerns about SEAs’ lacking resources or personnel, there are also pressing issues regarding the organization and operation of state agencies. In the early 1990s, Steve Kaagan, vice president of the Michigan Partnership for New Education, and Michael Usdan, president of the Institute for Educational Leadership, charged that state personnel and budgeting rules “severely disadvantage a state education agency bent on supporting innovation in schools and communities. To be blunt, these practices routinely deprive state education agencies of the ability to recruit and retain highly talented people with strong substantive backgrounds in areas like research, planning, and evaluation.”<sup>21</sup>

University of California-Davis professor Thomas Timar says that states have historically had trouble “finding highly qualified individuals to serve as experts and, once they found them, had to maneuver around rigid civil service regulations to hire them.” A particular conundrum pointed out by Timar, which we heard repeated several times by state chiefs, is that, “Highly qualified and well-trained individuals could earn substantially higher salaries in school districts” than they could working for the state.”<sup>22</sup> For instance, in Vermont in the late 1990s, an entry-level consultant needed 7 to 10 years of experience and a master’s degree to earn \$30,000; a classroom teacher could earn more in the 180-day school year.<sup>23</sup> State rules on hiring and pay severely limit the ability of SEAs to find and retain top talent.

In 2007, the Center on Education Policy reported that 29 states cited an inability to attract and retain qualified staff as a hindrance to implementing the No Child Left Behind Act. “Interviews with state education officials revealed some bureaucratic factors that complicated their ability to hire and retain employees,” said the center. “Examples include uncompetitive pay scales dictated by state legislatures and the

inability to compete with the business community for highly skilled employees, especially data and technology specialists.”<sup>24</sup> State officials are blunt about the challenge. The Center for Education Policy quoted one explaining, “The minute we get [data specialists] trained, somebody out in the private world offers them \$30,000 more, and they’re gone.” Another state official explained, “People who are really savvy with technology . . . you can’t afford them on government salary schedules.”<sup>25</sup>

State leaders feel a similar crunch. In Colorado, assistant commissioners are paid in a range of \$125,000 to \$150,000 and deputy commissioners make \$150,000 to \$180,000—and that is after former Commissioner Dwight Jones negotiated a pay raise for his senior staffers. Nebraska’s top pay grade reaches a maximum salary of \$109,488; Indiana’s “Executive” classification tops out at \$135,000.<sup>26</sup>

Compare these figures to similar positions in the education agencies of large cities and it’s readily apparent that SEAs are not only competing with the private sector to retain top talent—they are often competing with large districts, as well. Case in point: the chief executive officer of Chicago Public Schools earns \$230,000; the chief financial officer makes \$205,000. Meanwhile, the Illinois state superintendent is maxed out at \$190,000, while department directors fall between \$95,000 and \$150,000.<sup>27</sup>

## Agency culture

Paul Manna argues that SEAs are limited by the fact that they are designed for compliance, which limits their ability to be engines of reform:

*“For most of their history [SEAs] have devoted their resources to compliance-oriented activities... Until recently, state departments were not asked to develop expertise in areas such as curriculum development and testing. Instead, they focused on the mundane tasks of monitoring where federal and state dollars flowed and auditing local school districts... Thus, even though state departments have become more capable, they matured with compliance-driven orientations.”*<sup>28</sup>

While much compliance-oriented activity is geared to federal programs, states also boast their own detailed regulations governing teacher salary schedules and tenure, class size, procurement requirements, and district finances. On each of these counts, SEAs are also required to play a role in terms of monitoring and policing compliance.

It is also historically the case that states with urban districts focused their federal compliance activities there, even as they sought to assist small rural and suburban districts with curriculum development and other needs. While smaller districts welcomed such assistance, urban districts that had their own curriculum and professional development specialists tended to regard such state activity as meddling and to resist it in a variety of ways. When the SEA budgets were cut, most notably in the 1990s, it frequently was the curriculum specialists that assisted suburban and rural districts who got the ax.

### Limited imagination

While state chiefs face real limits in terms of resources, statute, and agency culture, there also remains a real failure on the part of state chiefs to push beyond familiar routines or find smart ways to employ the resources they have. Marc Tucker and Thomas Toch shared a telling anecdote about the California Department of Education in 2004. Despite its having 1,452 employees,

*“The vast majority... spend their days in activities that have little or nothing to do with school reform. One hundred and fifty-five finance experts, for example, share the second floor with 144 special-education regulators; there is a whole division of lawyers, a team to draft safety standards for school buses, and many technologists. Sequestered in a section of the fourth floor are the 100 or so statisticians, experts in school leadership and others—about 7 percent of the department’s staff—in charge of the department’s most important work under NCLB: identifying and turning around California public schools that are failing to educate their students effectively.”<sup>29</sup>*

Veteran chiefs suggest that there is a great deal of additional room for a creative state chief to lead. One has explained, “We don’t have the personnel to do all that we want to do. That’s clear. But ... there’s a lot of brain power in [some existing groups, that needs to be used differently] ... There’s still a lot of people who say, ‘I can’t do that. The federal government won’t let me.’ Without ever really pushing back that envelope [to] see if, in fact, they will be able to do that ... In some instances they may be right, but in some instances they’re not. They’re just not taking on the challenge.”<sup>30</sup> To this we now turn.

# The SEA circa 2011

Given this backdrop of history and findings, we set out to get an updated picture of the SEA circa 2011.

Aside from overseeing elementary and secondary education in their state, and administering federal and state education laws and regulations, SEAs are also charged with duties that vary from state to state. NCLB added a new layer of responsibility for SEAs discussed earlier in the paper. Clearly the SEA's role has outgrown the original purpose to funnel funding to districts, and each oversees a myriad of programs.

To update the public profile of state education agencies, we collected all available information on state websites, and then we individually called each state's education agency to get a rough estimate of the agency's staffing levels and operating budgets. Since SEAs are publicly funded, we did not predict it would be a stretch for the agencies to document this information and share it with the public. In this effort, however, we found the warnings by Kathy Christie of the Education Commission of the States to be valid—it proved very tough to get precise or consistent responses from the various states.

The state education agency websites vary widely in terms of quality and ease of use, and very few contain reliable data that is easily accessible. Furthermore, many states either lack accurate records, are loath to provide the data, or do not have someone within the agency who can field such inquiries. The Center on Reinventing Public Education at the University of Washington also tried to assess SEA capacity in terms of resources and staffing, and called its search for data collection “budget forensics,” a term that encapsulates just how difficult collecting this information can be.<sup>31</sup>

Complicating staffing numbers is the fact that many states place a wide array of responsibilities and activities under the umbrella of the state education agency that are not directly related to K-12 or higher education. For instance, a number of

states have one or more schools for the deaf and blind, run vocational rehabilitation services or education programs for juvenile detention centers, are in charge of state libraries, or work with technical high schools. The New York state department of education does it all—running the New York state library, state museum, and state archives; operating two state schools for the deaf and blind; playing a role in cultural education programs; and working with public broadcasting—all, in the words of one contact, under the notion that “education is greater than just the K-12 classroom.” The problem is, even when states were able to offer a number of total employees, a surprising amount were unable to pull out those employees who focused on K-12 education—thereby making it almost impossible to ascertain the SEA workforce for school reform.

We encountered similar problems when seeking SEA operating budget information. Specifically, we wanted to know what proportion of the agency operating costs were funded by state versus federal funds, to find out if in fact SEAs are primarily federally funded entities. To our dismay, we were only able to find the operating budget breakdown for 16 states, leaving the operation budget for 35 states unknown.<sup>32</sup>

Of course, only knowing the operating budgets of less than one-third of SEAs does not allow us to do a complete analysis of agency funding. But it does provide a picture. Of the 16 states for which we were able to collect operating budget information, either from the website or through contact by phone or email, nine operate on predominantly federal funds. The recent report from the Center on Reinventing Public Education echoes this point. In its survey of eight states, it found that “federal resources support between 40 and 50 percent of all headquarters positions.”<sup>33</sup>

Some states didn’t try at all to answer our questions about staffing and budgeting. One contact at the Hawaii Department of Education, when asked for simple numbers on agency spending and staffing, said “I am unable to dedicate manpower to specifically assist you in your research.” On a follow-up call, we were transferred four times and eventually told to fax in a request. Over two months and several emails later, we finally got a response. When we called Iowa and asked if operating budget information was available online, the contact said, “I guess we don’t think it’s anyone’s business how much we operate on.” In an age of heightened calls for transparency in the use of public funds, this lack of basic structural information is discouraging, at best.



Even if this information is collected internally, it is not easily accessed by the public. When we contacted the agency in Oklahoma, we were asked to submit an open records request to the Oklahoma Department of Education. Although this does not seem like an unreasonable request, it creates one more hurdle in the quest to analyze and compare publicly funded agencies. Such agencies have a fiduciary responsibility to taxpayers to be clear about how their funds are expended.

# Findings: How chiefs get things done, in their own words

Despite the challenges previously outlined, hard-charging chiefs find ways to get things done. One chief told us state leaders are in fact able to have a big impact if they make smart decisions and use backbone. Indeed, today's roster of aggressive state chiefs includes many whose style of assertive SEA leadership would once have been regarded as remarkable. This includes a number of chiefs who are struggling to confront issues of culture, routine, and expectations, refocusing employees away from a legacy of rote compliance and toward the construction of high-powered systems for data, assessment, evaluation, and school assistance. We spoke with a number of these highly regarded leaders, to learn how they are tackling this shift.

## Our interviewees

The chief state school officers interviewed included:

- Mitchell Chester, commissioner of education in Massachusetts since 2008
- Kathy Cox, former superintendent of schools in Georgia from 2003 to 2010
- David Driscoll, former commissioner of education in Massachusetts from 1999 to 2008
- Terry Holliday, commissioner of education in Kentucky since 2009
- Dwight Jones, former commissioner of education in Colorado from 2007 to 2010
- Lisa Graham Keegan, former superintendent of public instruction Arizona from 1995 to 2001
- Lillian Lowery, secretary of education in Delaware since 2009
- Peter McWalters, former commissioner of education in Rhode Island from 1992 to 2009
- Richard Mills, former commissioner of education in Vermont from 1988 to 1995 and former commissioner of education in New York from 1995 to 2009
- Paul Pastorek, former state superintendent of education in Louisiana from 2007 to 2011
- Gavin Payne, former chief deputy superintendent in California from 2002 to 2010
- Eric Smith, commissioner of education in Florida from 2007 to 2011
- Susan Zelman, former superintendent of public instruction in Ohio from 1999 to 2008

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## Shift from compliance to performance

A number of chiefs have begun to question why the agency functions the way it does. Some chiefs expressed a desire to challenge business as usual, either in terms of legal obligations or agency culture.

When Lisa Graham Keegan, who served as the Arizona superintendent of public instruction from 1995 to 2001, entered office, Arizona was embroiled in a school finance court case, with school districts, acting as the plaintiffs, claiming they had been unequally funded. Keegan noted that such cases were common; at the time, she estimated, Arizona was one of 24 states battling school finance in the courts. Though her predecessor had defended the state in the suit, and despite opposition from Arizona's attorney general, Keegan chose to reverse sides. In doing so, she was going against the prevailing view that the state defends, not joins, inequitable funding claims from districts. But, she argues, this was just a prevailing myth that nobody bothered to examine closely. "You have *a lot* more power to do things than you think you do because so much of what happens in education is that things don't get done because of myth and excuse—everybody in any role has a lot more power to do things right than they take advantage of."

Dwight Jones was Colorado's Commissioner of Education from 2007 through 2010. For Jones, the first battle was to change the *culture* at the Colorado Department of Education, which he described as "siloeed." Jones said of his SEA:

*"I had employees that would come at 9 or 10 in the morning and leave by 2 or 3. They felt no connection to the field. So I had to change the schedule of employees to say we're going to be here when schools are open—I had to change the culture to say we were going to be [organized] around support and service [to the local school districts]."*

At the time, the local district perception—which questioned the worth of the department—greatly hampered any real reform efforts, and this became Jones's first measure of success. "There was a saying when I would speak with large groups, I'd say, 'Hi, I'm here from the Colorado DOE and I'm here to help' and the room would erupt with laughter. I'd tell the state board, 'I know we've been successful when I say that and you don't hear the laughter'... And that was the goal of creating a department where we were closer to the field."

Successful chiefs spend time making the case, to the public and to their employees, for changing deep-rooted norms. Merely making new policies open and transparent is not enough. As Elizabeth Shaw, executive director of the human capital office at the Louisiana Department of Education, explained, “Transforming an SEA is like turning around a big ship; it will take time to get everyone in agreement and moving in the same direction.”

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## Reorganize and focus the agency

State agencies have long been regarded as bureaucratic, fractured bodies without a unifying sense of purpose. This is partly due to the way that federal programs have nudged states to create a compliance apparatus that stands largely apart from the rest of the agency. It’s partly due to the proliferation of state-mandated programs SEAs house and the mix of missions that state agencies are asked to pursue. Turning these unwieldy beasts into something more agile and effective requires pointing agency offices and employees toward a common vision of improving student outcomes. This entails transforming the culture and reorganizing the agency, and frequently requires removing recalcitrant employees and bringing in new hires.

One common problem is the existence of “silos” dividing various offices *within* the agency. Several chiefs noted that there is often little or no communication between offices, so they worked to refocus their agencies around a few key goals. Terry Holliday, commissioner of education in Kentucky, reorganized his agency around its Race to the Top application components (even though his state did not win a grant), focusing on four key areas: next generation leaders, assessment and accountability, support systems, and next generation professionals. In addition, Holliday streamlined the agency, shrinking it from eight divisions (each overseen by an associate commissioner) to six divisions, cutting two associate commissioners. He cut the number of director level positions from 25 to 16.

Lillian Lowery in Delaware sought to organize and group offices together with the goal of “one stop shopping” for the people they serve. This included consolidating four branches into three (financial reform resources, teaching and learning, and college and workforce readiness). Lowery recalled that, when she arrived at the department, there was a need to refocus on the importance of serving students as effectively and efficiently as possible. She noted that reorganizing the offices within the three new branches was not painless, but has resulted in greater alignment and support.

In Louisiana, former state chief Paul Pastorek announced radical changes to the structure of the department modeled on a “delivery unit” system, which starts by identifying desired outcomes and then builds a plan backward from those outcomes. Pastorek established three new “goal” offices, around literacy, STEM (science, technology, engineering, and mathematics), and college-and-career readiness, each led by a “goal leader.” Each goal is measured in terms of three clear and measurable performance objectives. Each unit is supported by a small team that reports directly, every month, to the superintendent on that goal’s progress and challenges. The aim is “an organized approach to strengthening the Louisiana education department that would turn the superintendent into a true CEO—one who would be able to make informed decisions about clear, measurable objectives.”<sup>34</sup> The implementation involved an agency-wide reorganization that touched every single employee.

Rayne Marin, a key Pastorek deputy and chief of the innovation department at the Louisiana Department of Education, explained that a few of the employees leapt at the chance, some caught on pretty quickly, and that many others “tell you they get it, but then pretty quickly slip back into old routines.” One response is to keep up the pressure, Martin explained, and another is to aggressively recruit supportive talent.

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### Make the “federal unit” fit

Another common theme raised by the chiefs is the degree to which federal funding can fragment agency culture and derail their reform efforts. Several discussed the conflict between their “federal unit” (employees designated to handle federal funds and compliance with federal regulations) and the rest of the agency. Traditionally the federal unit has been isolated from the rest of the agency, since these employees are paid by separate federal funding sources and thus adhere to different rules.

Lisa Graham Keegan recalled being “appalled at the meetings and the showering of goodies and flowers and gifts and flattery to the staff people at the state level who manage federal funds.” In Arizona, she said, employees who handled federal funds were seen, in a sense, as “senior staffers” with a degree of independence from the rest of the office. She sought to organize the agency by function and not by source of income in an effort to have the department more unified. Her logic: “I think it’s all the public’s money, none of it is ours and I don’t care who it’s coming from; it’s serving the same purpose.”

Dwight Jones explained that he started his efforts to reorganize the Colorado SEA by tackling the federal programs unit, because that was the most entrenched and resistant. He recalled, “I started with the federal programs unit, because I said ‘Let me start with the biggest challenge first. If I can bring about change in that unit, I can change this whole department.’ So I reorganized, moved folks around, changed out leadership.” He wryly remembered the response: “People were crying, asking, ‘Who is this guy?’ They were so entrenched, they couldn’t even see themselves... They were doling out money almost based on what they thought the department was supposed to do. There really wasn’t any return on the investment.”

Paul Pastorek lamented his limited ability “to ensure [federal program money] is being spent on things that are good [because] we only have a role to make sure they are spent on ways that are legally permissible.” The consequence is that “we spend a lot of time regulating people, making sure they spend the money in the right place” and much less time on transformative reforms.

Gavin Payne, who served as a high-ranking deputy in the California state agency, explained, “The place of an SEA, especially with regard to increased federal presence in education, is a very hard place to be, because we are constantly pressured by the feds to do better and more intense monitoring, but at the same time constantly pressured by... LEAs [local education agencies] to back off and let them do their work.”

This dynamic is complicated by the fact that, for many (or most) states, the largest percentage of an SEA’s operating budget comes from federal sources. According to Payne, in California, federal funds constitute nearly 70 percent of the SEA’s operating budget. Richard Mills, a former chief in both Vermont and New York, made a similar point with regard to New York, noting that in 2008-09 almost \$70 million of the New York SEA’s \$104 million elementary and secondary education budget came from federal sources. During that same year, of 3,200 people in the agency, Mills said, just 415 were paid for with state funds. While the proportion of federal money for actual school funding is about 11 percent of total spending, the heavy reliance of SEAs on federal aid makes them into something of an arm for federal policy implementation.

Several chiefs spoke of their desire to integrate federal programs with other agency offices, and the difficulties of attempting to do so. All of that required a dramatic shift to move from the federal government’s emphasis on compliance

with federal statutes to an orientation geared to supporting district reform. The problem, of course, is that their funding situation means that SEAs are largely creatures of the federal government—creating stark obstacles for chiefs seeking to transform a compliance culture.

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## Recognize the limits of the SEA

A frustrating reality for state chiefs is the limited reach of their agencies, and the question of how to promote and support improvement without overreaching or imposing new burdens upon districts. As Paul Pastorek observed, “[Metrics like] literacy, numeracy, and graduation rates have to go up. We don’t actually own that. It’s one of the problems with SEAs—I’m responsible for that going up, but I have no authority over it.” David Driscoll, former commissioner of education in Massachusetts, observed that chiefs must be honest and strategic about what they can and can’t do.

Eric Smith, former commissioner of education in Florida, remarked that before he was chief, he thought the state role in education was somewhat meaningless, and saw the district as the real agent of change. Since becoming commissioner, he fully believes the state can be the focus of reform, noting the district’s behavior is largely driven by state and federal policy. To improve a school, you first have to get the attention of the district, because the district has to be the one that drives improvement. Realizing this, Smith divided the state into five regions, each led by a regional executive director and a small team focusing on the lowest-performing schools. While they do offer counsel to school principals, their primary role is to give advice and feedback to the district superintendent.

Chiefs report that districts and local superintendents often don’t think they have the capacity to implement desired reforms, such as data tracking, to make the state role critical. Peter McWalters, former commissioner of education in Rhode Island, would travel the state and find district superintendents and school principals agreeing that measures like data tracking and interventions were, in principle, good things, only to have failed to do a rigorous analysis and thus disagreeing that there was a problem they had control over. He responded by holding face-to-face meetings in a given district where he would bring together the school board president, district superintendent, principals, district labor leaders, and agency staff.

McWalters and his staff would show the district staff concrete examples of the kinds of data and information the district already collected, including observations from the district's disaggregated student results, financial data, school and district surveys, school visitations, and similar. This demonstrated to the district that the data clearly pointed to actions that the district had control over and could take, and which would improve student performance. With the excuses of the district staff broken down in the face of the evidence, McWalters had room to push districts to focus on how they might proceed.

Elsewhere, chiefs worked to consolidate departmental programs, eliminate superfluous positions, and otherwise empower districts to act where states could not. Terry Holliday in Kentucky thought direct services for teachers ought to be provided by the district, not the SEA. He eliminated several departmental programs and instead set standards for districts regarding professional development, teacher evaluation, and school accountability. The SEA put on a compliance hat for this effort, monitoring the response in 174 districts, rather than the state's 1,200 schools.

In Arizona, Lisa Graham Keegan gradually eliminated positions at the state level having to do with technical support, including state staff who visited schools to train teachers. Keegan believed such support should be the district's or the school's responsibility, since there was no evidence that the agency was better at knowing what schools were supposed to be doing.

Susan Zelman, superintendent in Ohio for a decade, thought SEA leadership important for all districts, especially small ones with few resources, and thus put a strong and comprehensive instructional management system in place for professionals, parents, and students. As part of that effort, Ohio moved to make much of the content available online, enabling better access to these key professional development tools for smaller school districts with fewer resources.

Kathy Cox, former superintendent in Georgia, described using a combination of pressure and support in relating to districts. For example, Cox changed the role of state agents in schools from compliance to assistance. Instead of sending agency employees into schools to simply help complete paperwork, those people were sent to help assess and diagnose problems in low-performing schools.



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## Recruit talent

When it comes to staff and staffing, the chiefs reported that two issues are foremost in their minds: dealing with civil service laws and finding ways to attract talent to the agency. Civil service considerations arose when addressing the challenge of employees who resist direction or show little inclination to buy into a transformed agency culture. Sometimes veteran staff unenthusiastic about a new direction will depart; other times it is necessary to move or remove the recalcitrant. (In other cases, of course, veteran employees flourish in a new culture, if given a chance.) While the chiefs regard these challenges as substantial, several shed light regarding how they had sought to surmount the hurdles.

Former Arizona superintendent Lisa Graham Keegan sought to increase the amount of discretionary positions she could hire. When she started, there were only 12 such positions on a staff of over 300. Her solution was to “uncover” each position when a current employee was promoted (for example, when an employee in the Arizona DOE wanted to move to a higher position, the employee would agree to opt out of civil service protection). By the time she left office, over 33 percent of the department’s positions were uncovered, meaning they were no longer positions protected by civil service, providing much greater flexibility. Keegan explained, “You can do a lot of things. You can also excuse yourself from not doing them by believing a bunch of people’s shtick about what you can and can’t do. I was told you couldn’t uncover these positions. That’s not true, it’s just nobody did it.”

Chiefs report that a particular recruiting challenge is that private-sector jobs, education foundations, school districts, and even teaching positions often offer higher salaries than state agency roles. Gavin Payne, former California chief deputy superintendent, said that “recruiting was one of my most difficult tasks” because of the workload and that the pay was lower than in most districts. Overcoming those limitations requires ingenuity. Former New York Commissioner Richard Mills kept long lists of talented people he met, and lists of contacts he could tap, in anticipation of possible vacancies.

Others reported aggressively bargaining with the state human resources department to alter salaries, or leveraging private funding in creative ways. Mitchell Chester, commissioner in Massachusetts who also worked in Ohio and Connecticut, explained that in each case the state department was squeezed by the need to work within the state’s salary schedule. Even when state chiefs were able to increase pay, they still had to navigate balky state hiring systems. “People

don't understand why you keep coming around and saying, 'I can't hire an English Language Learner Director because the only thing I can offer is \$30,000 less than what any district is going to pay this person.' Folks don't want to hear that."

Chester has two deputies who make \$140,000 to \$150,000, or less than many large district administrators—and lost a top-tasking director to the Gates Foundation, when he estimated that she was offered a raise of \$30,000 to \$40,000 to move. Dwight Jones in Colorado worked out an agreement with the state board of education to provide more competitive compensation to attract top talent, simultaneously negotiating private support from various foundations that ultimately contributed to additional key hires.

Paul Pastorek, former superintendent in Louisiana, said that when he arrived in 2007, just a single senior employee made over \$100,000. Because that threshold was considered a "magic number" for the sake of appearances in state government, five or six more of his top staff were paid "\$99,999." He explained, "If you're trying to use bureaucrats who are being paid on the civil service wage scale, which is not competitive with the [local districts or foundations], you're not going to get high quality people inside the department."

Pastorek increased the number of senior staff making over \$100,000 from a single person to more than a dozen—which, of course, raises questions about whether it makes sense to steer new dollars to state bureaucrats. "We have reduced the number of people, [but] increased the pay," he said. "I've taken it to the chin ... but I've hired some superintendent-quality material who can actually do the work we need to do."

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### Build key relationships

The path to the superintendency varies from chief to chief. Fourteen of the chiefs are elected, 23 are appointed by their state board of education, 13 are gubernatorial appointees, and the mayor of the District of Columbia appoints the state superintendent of education. They can rise through the ranks of the SEA or be recruited from out of state. But no matter how the chief arrives, they say it is vital that new chiefs spend time connecting with constituents, visiting schools, and meeting with district leaders. Richard Mills cautioned, "The commissioner's office is a very dangerous place, because you think you know, and you don't. You have to get out and listen."

In some states chiefs report directly to the governor, while in others they are accountable to the state board of education. Some chiefs are members of their state board of education, and some are members of the governor's cabinet. After all, public officials are inevitably suffused in politics. State chiefs, appointed or elected, must work with, against, or around governors, legislators, state board members (except in Wisconsin and Minnesota, where there are no state boards), local superintendents, unions, business leaders, and other interested constituents.

A number of chiefs came to the position from out-of-state and worked to prove themselves to local superintendents. When the commissioner of education in Kentucky, Terry Holliday, first arrived in the state from his previous position in North Carolina, he spent time meeting and communicating with superintendents across the state, seeking to build trust. Holliday continues to communicate with a broad audience, using an outreach strategy that includes social media, call-in radio shows, talking to editorial boards, writing letters to the editor, providing data fact sheets, and sending weekly emails.

Similarly, Peter McWalters, as he was leaving Rochester, New York, to take the commissioner's job in Rhode Island, was advised by local business partners to focus on forging relationships with local leaders. Too many "change agents," he was cautioned, are often isolated as outsiders, and when they leave, their work has not penetrated to a useful degree. Consequently, McWalters held off on shuffling agency staff and instead spent his time traveling the state and meeting with each of the local superintendents.

Early in his career, while at the New Jersey Department of Education, Richard Mills learned it was important to meet with all constituencies, including unions, college presidents, parents, teachers, students, and business groups. A chief couldn't just issue directives, he actually has to go and meet people. Mills took this with him to Vermont and New York. When he became commissioner in Vermont, as an outsider, he determined he could not simply walk in and announce, "Here is what we are going to do, and this is the vision." Instead, he spent a lot of time asking a lot of questions, engaging with leaders, and meeting with any group he could find. Mills asked each group what they thought about the goals of education, how the state department could advance those goals, how the state should measure achievement, and how to strengthen teaching.

The political nature of the job was not a surprise to Terry Holliday, although he underestimated just how limiting politics could be. Holliday found that some education issues in Kentucky are nonpartisan; other issues, however, such as the school calendar, charter schools, and teacher evaluation provisions, break down along party lines in the state legislature. Rather than fighting over the content of a bill, legislators divide along party lines.

Former Ohio chief Susan Zelman learned about political maneuvering while serving as deputy commissioner for former Missouri chief Bob Bartman. Zelman regards Bartman as a master politician, terming him “a master in the art of war.” Bartman taught Zelman how to look at issues through a political lens and how to work with the governor’s office. As second in command, she had great administrative experience with the budget, specifically learning how to lobby around budget issues and present the budget. These were skills she found essential when she took the reins in Ohio.

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## Use the levers for change

Ultimately, while chiefs have limited tools at their disposal, they are not without means. Chiefs report that the most powerful levers in their grasp involve budgeting, the bully pulpit, and the possibility of school takeovers.

When it comes to budgeting, former Arizona chief Lisa Graham Keegan observed, “Money is everything, and you are controlling who gets it.” Although chiefs have very little control over the amount of funding the SEA oversees, whether it is from federal or state sources, they do have control over how the funds are administered and allocated to districts. Terry Holliday, chief in Kentucky, controls about 40 percent of the districts’ funding, and uses it as leverage. For example, he has threatened to withhold state funding if districts are unwilling to move on certain issues.

Dwight Jones took a similarly hard line with funding in Colorado. Afraid that Title I dollars were simply being shuttled through the SEA to districts with little evidence of effectiveness, Jones told the districts, “If your plans are going to be approved, it’s going to have to be research-based—and we’re going to do progress monitoring to be sure you’re actually getting results.” Ultimately, the department became much more active in giving direction to Title I districts’ plans. Jones noted, “We really moved Title I districts to adopt some form of an interim assessment so we could monitor performance over time, and we provided grants to help get them running. Now, the majority of the state uses these assessments.”

A second source of influence is the bully pulpit, and the ability to push the public debate. When Mills arrived in New York in the mid-90s, the state had a two-tiered system of standards. There was a Regents standard for college-bound students and then a much lower high school graduation standard called the Regents Competency Test. Mills proposed assigning the Regents standard for all. The response was electric. The next day, the major newspapers ran front-page articles, including algebra and geometry questions from the Regents exam and arithmetic questions from the Competency exam. The comparison was shocking to parents, who decided they didn't want their kids to just graduate with arithmetic. The change was proposed to the Board of Regents by Mills in 1995 and took years to fully implement, but that push resulted in New York eventually adopting a Regents for All strategy.

A third powerful lever, though one that only applies in a limited number of states, is the ability to take over failing schools. Former Louisiana chief Paul Pastorek described this as the most important lever he possessed. He explained, "If you stop and think about this, most of my leverage comes in the form of being able to take over [failing] schools." Under Louisiana's accountability plan, if a school fails to meet a standard for a period of time, the state is able to take that school over using the Recovery School District. Pastorek noted that this allowed him to exert serious pressure on local schools to boost performance.

Pastorek also acknowledged the limits of this policy. "If it's your only tool, you're going to get worn out," he said. "I could take over 500 schools in Louisiana because I consider at least that many failing, but the problem is we'd put the state in the business of running schools and that's not a good idea long term." To manage that burden, Pastorek sought to create an "intermediate step" prior to state takeover, one which would include keeping the school in the local district in exchange for the school changing principals, teachers, and curriculum.

While Pastorek regarded the turnaround lever as limited, he also saw it as essential. When asked how he could effectively drive improvement in a state where he lacked such authority, Pastorek responded with a morose laugh. "I'm not sure," he said.

# Conclusions and recommendations

SEAs are limited by a host of challenges—shrinking budgets, diminishing staff levels, restrictions from state laws governing everything from pay scales to hiring practices, and an agency culture built around compliance and not imagination.

While some may see a need for an infusion of new federal support, the prospects for this are dim—even if they were desirable (an open question, at best). Washington is wrestling with a vast federal budget deficit. Policymakers have many more pressing concerns than supporting state bureaucracies, and will be hard-pressed to round up the votes to raise taxes even to limit cuts to current federal outlays.

Moreover, key congressional Republicans are dead-set against even the possibility of boosting federal outlays to support and expand SEAs. In an interview this spring, Rep. Duncan Hunter (R-CA), chairman of the House education committee’s subcommittee on Early Childhood, Elementary, and Secondary Education, rejected the possibility out of hand even before the question was completed.<sup>35</sup> Practically speaking, SEAs are going to have to find a way to do better without counting on the arrival of new federal dollars, and in an environment where states and school districts are already strapped for cash.

SEAs and their chiefs are poised to be real engines of change and to lead education reform in their state. In the preceding pages we documented how it is possible for chiefs to advance reform and aid low-performing schools. However, their plight would be much improved if officials follow the recommendations below:

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## Role of the state

*States should grant SEAs more flexibility on hiring, staffing, and salary decisions*

One chief after another tells of how existing hiring rules and salary schedules hinder their efforts to build reform-minded agencies. In particular, while operating in accord with state civil service guidelines, including pay scales, that apply across

a broad swath of entities, state education chiefs find themselves competing for talent with local school districts, reformers, private operators, and philanthropists that can pay better or more nimbly make staffing decisions. Even more, they are responsible to various public officials, such as the governor, legislature, and state board of education. Often, decisions regarding funding and senior level hiring have to be cleared by one or more of these entities. Greater autonomy and flexibility could enable state education leaders to work more effectively. Otherwise, SEAs will continue to find it difficult to attract and retain talented employees.

There is no easy way to provide the requisite flexibility, so it's important to explore how state law may allow, or might be altered to allow, chiefs to have more discretion in staffing and pay decisions. As discussed in this paper, Lisa Graham Keegan used existing rules that permitted her to “uncover” jobs as they became vacant, adding flexibility. And in Colorado, private funders helped subsidize positions to increase salaries that would have otherwise been prohibitive to attracting talent. Outsourcing some functions to consultants or contractors may allow for a degree of flexibility beyond what's currently possible. Granting chiefs greater flexibility will require state officials and reformers to take a look at what's currently possible and explore how to alter or creatively work around existing policies, possibly learning from innovative chiefs who figured out how to attract and hire talented employees, and offer competitive salaries.

#### *States should weigh giving SEAs authority to take over abysmally performing school districts*

Much of the time, there is little states can do when faced with persistently low-performing school districts. When confronted with recalcitrant local leadership or unions, SEA officials have little ability to disrupt the status quo. At the same time, policymakers should not imagine that giving states the authority to take over districts or to create a Louisiana-style “Recovery School District” is some kind of silver bullet.

States should grant SEAs the authority to take over failing schools and districts because the threat of state takeover is a powerful lever for driving change. The mere threat of such activity lends heft to state-supported reforms, can provide crucial political cover to superintendents and school boards seeking to take hard steps, and can create room for local teacher union leadership to accede to deals that their membership would otherwise reject. But it is vital to recognize the challenge of actually creating a Recovery School District, the limited expertise and bandwidth that SEAs have, and the problem with assuming that SEAs have the know-how or ability to turn around many schools.

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## Role of the federal government

### *Provide political cover to states to drive improvement*

Whether one embraces the direction of its efforts or not, it is clear that the federal government has the ability to use funding, statute, and rule-writing to promote changes within SEAs. Under the pressures brought by the No Child Left Behind Act, for example, SEAs developed state standards and assessments (of varying quality), designed accountability systems, and established data systems. Federal incentive programs like Race to the Top and the Teacher Incentive Fund offered substantial financial rewards to states that took steps toward turning around low-performing schools and overhauling data and teacher evaluation systems. These federal programs catalyzed dramatic change and gave SEAs the ability to push an agenda that many governors or legislatures would not have adopted on their own. The power of political cover cannot be ignored, and the federal government should continue to impel states to reform.

At the same time, would-be reformers would do well to note that while the federal government can prod states to act, it can't force them to do something that they don't want to do. This is less a problem for easily gauged activities such as states annually testing in reading and math or reporting subgroup scores, and becomes an issue when the measures are more subjective, such as states strengthening charter school authorizing or devising an effective strategy to turn around low-performing schools. Unless officials in a given state are seeking an excuse to act, it is very possible for federal encouragement to spur compliance rather than coherent reform.

### *Grant flexibility around federal strictures*

State chiefs make clear that SEAs would benefit from a fresh look at restrictions tied to federal funding and federal rule making. Existing rules and regulations tied to federal funding came of age in an era when there was little or no data on school and state performance, when education governance was almost entirely focused on inputs, and when de jure racial segregation was an active concern. The result was federal policy that very consciously sought to tightly regulate the use of federal funds, often with little concern for how federal requirements might handicap state and district educators.

Dating to the Elementary and Secondary Education Act of 1965, federal and state bureaucrats have written rules and regulations that remain on the books, creating a vast paper burden, forcing SEAs to spend enormous energy complying with federal rules, and hindering the ability of state chiefs seeking to move



from a compliance to a performance mindset in the accountability era. When the No Child Left Behind Act was adopted in 2001, the federal government embraced the “accountability” half of the “reinventing government” equation, but failed to free newly accountable officials from decades of micromanagement and accumulated rules. Needed is a concerted effort at the U.S. Department of Education, in the Office of Management and Budget, and in the Congress to take a public look at what the federal government demands of states and to scour those books for burdens and requirements that can be effectively loosened or dropped in the 21st century.

#### *Scrutinize how federal demands shape culture and practice in SEAs*

Federal activity has helped foster a bifurcated, stifling culture in SEAs. Bifurcated, because agency officials working on federal reporting are often regarded as something of a privileged group, with their own training and networks and the ability to intimidate even high-ranking state officials by warning of potential federal displeasure with this or that action. Stifling, because decades of accumulated rules have led to strata of procedural, restrictive interpretations of federal guidelines. State officials are forced to operate in accord with regulations developed by federal officials in the input-focused 1970s and 1980s, rather than what might make sense today.

One consequence is that federal officials can insist that they have created flexibility for state officials, but risk-averse SEA bureaucrats will continue to tell school districts and state officials that an action is impermissible—because they’ve worked at the agency for 15 years, and it’s been impermissible for that period. The flexibility promoted by political appointees at the U.S. Department of Education is not forcefully penetrating the established routines of federal career civil servants or the ranks of SEA veterans. Rethinking not only what the federal government mandates and formally requires, but also how it signals its openness to creative, performance-based problem solving, is essential.

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#### Role of the SEA chief

##### *Find a way to alter routines and change the culture of the agency*

A cookie-cutter model of SEA leadership does not exist, any more than a cookie-cutter model exists for being a governor or a private-sector chief executive. The reality is that each chief has to chart his or her own course, with an eye to the state’s educational and political challenges.

In most cases, new chiefs find SEAs that are slow moving and tangled in procedural requirements. The idea that chiefs must accept this status quo as the cost of doing business is a myth. During the interviews we conducted with chiefs, one after another told us that the rigidity of SEAs is something that leaders can tackle, with sufficient discipline, creativity, and moxie. There are enormous opportunities to exploit existing rules, revise stifling interpretations of federal law, cultivate new relationships with state officials and district educators, and enlist foundations and civic leaders as agents of change.

Chiefs can choose to keep running a compliance-based organization or to exercise their power to focus on school and district improvement. Of course, this is no easy task, although it became very clear throughout our interviews that dramatic change is no accident and is possible if chiefs are willing to alter routines and push boundaries.

*Act as a political operator, building and deploying political capital in smart ways*

Heading an agency that spends public dollars, oversees services provided by public employees, and is responsible for delivering publicly monitored results is, no surprise, a public job. This means, in a democratic nation, that it's a political job. A successful chief has to understand that and respect it.

The chiefs we interviewed spoke about how they accepted the need to cultivate constituencies, work the political process at the state level, develop their relationships with local superintendents, and regard themselves as innovative political operators. These actions enabled the chiefs to refocus their agency.

*Make basic operating information accessible*

One of the disheartening findings that emerged from our research is just how hard it is to make sense of what happens in SEAs. Most SEAs do not report clearly how much money they spend, what they spend those dollars on, what percentage of their funding is federal, how many individuals they employ, or what those employees do. There is no national repository of this information, and before this current effort, the last systematic effort to collect this kind of data took place about 17 years ago.

This makes it difficult to have an informed discussion of SEA capacity, salary levels, responsibilities, or needs, which are frequently pointed to as obstacles to agency reform. Even when the occasional state does report this information publicly, it is difficult to locate. States should devise a consistent framework for reporting these data. As a condition of federal support for SEA functions, they should be required

to annually publish this information in a user-friendly fashion. An entity like the Council of Chief State School Officers, the Education Commission of the States, or the National Governors Association should collect and disseminate those data in a systematic fashion. Such transparency is essential to holding SEAs accountable and cultivating their capacity to support school improvement, and ought to be regarded as a minimal requirement for the collection of federal aid.

*Build agency capacity by working with philanthropic foundations*

More money will not solve all the problems chiefs and their agencies face. However, the agility that philanthropic support provides can enable chiefs to tap the talent they need and to launch reform efforts that require transitional expenses, which are difficult to glean from ongoing operations. For instance, one reason that state agencies were so excited by Race to the Top despite the relatively modest dollar figures attached is that these funds provided discretionary dollars that could prove pivotal in developing new teacher evaluation or data systems.

As we mentioned earlier, the support of philanthropic foundation permitted Dwight Jones to create hybrid jobs that allowed him to hire staff in Colorado who he couldn't have attracted or retained under the traditional civil service salary schedule. "Reform-minded" foundations have long invested in districts and nontraditional providers, and, increasingly, in advocacy. Taking a hard look at increasing their support in state agencies may prove a useful and timely complement to those efforts.

# Conclusion

In the end, state education agencies are perhaps the place in the education system where we have seen the greatest mismatch between attention and impact in the past two decades. In the past decade, enormous attention has been paid to the federal role, despite its modest financial contribution and relatively limited ability to affect school quality. Substantial attention has been paid to school districts, especially high-profile urban systems such as New York, Chicago, and Washington, D.C., mirroring their critical day-to-day role.

Yet, state agencies, which are nominally responsible for coordinating state and federal aid, and which have been charged with driving state reform efforts from teacher quality to data systems, have gone almost entirely unnoticed. It is long past time for that state of affairs to change, and for policymakers to learn from the most effective state chiefs, to understand the constraints in today's SEAs, and to ask what can be done to make state education agencies full partners in educational improvement.

# Appendix: State education agency staffing levels

The levels indicate the amount of staff at each state education agency devoted to K-12 education policy as of May 2011, and the student population in each state.

As noted before, the agency staff size numbers stem from phone calls to each state department. While every attempt was made to ascertain accurate and reliable figures, that wasn't possible in every situation for reasons listed on pages 17-19 of the paper (including how each state tracks and collects data, that many SEAs do not have a point person in the department to field such requests, and so on). Still, we find it a useful gauge for current staffing levels.

## State education agency staffing levels

State	Agency staff size	Public school enrollment	State	Agency staff size	Public school enrollment
Alabama	888	744	Montana	166	143
Alaska	634	131	Nebraska	215	291
Arizona	481	1,087	Nevada	100	429
Arkansas	366	479	New Hampshire	284	201
California	1,200	6,070	New Jersey		1,380
Colorado	369	802	New Mexico	245	328
Connecticut	325	568	New York	519	2,765
Delaware	222	123	North Carolina	779	1,458
District of Columbia		78	North Dakota	101	95
Florida	1,128	2,667	Ohio	582	1,822
Georgia	537	1,650	Oklahoma	300	642
Hawaii	215	180	Oregon	268	559
Idaho	128	272	Pennsylvania	493	1,788
Illinois	487	2,113	Rhode Island	133	146
Indiana	239	1,046	South Carolina		712
Iowa	225	482	South Dakota	135	120
Kansas	251	468	Tennessee	695	964
Kentucky	315	666	Texas		4,673
Louisiana	650	681	Utah	328	576
Maine	139	191	Vermont	158	92
Maryland	548	846	Virginia	265	1,231
Massachusetts	500	963	Washington	400	1,030
Michigan	460	1,666	West Virginia	675	283
Minnesota	400	838	Wisconsin	437	874
Mississippi		494	Wyoming	135	86
Missouri	251	917			

Public school enrollment source: U.S. Census Bureau, "The 2011 Statistical Abstract," Table 240. Public Elementary and Secondary Schools and Enrollment—States: 2007 to 2008.

Note: we were unable, after multiple attempts, to determine staffing levels for Mississippi, New Jersey, South Carolina, and Washington, D.C.

Note: Enrollment in thousands of students

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