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ABSTRACT

This case study deals with the process of educational policy formulation at the State level for public elementary and secondary schools in New York. The social, economic, and political context is described since it provides a backdrop from which to view the structure of State government and education. The enduring pattern of State educational politics, as reflected by other studies of New York, are summarized; and action or attempted action in each of four major State educational policy issue areas are described. For the most part, the issue areas--school finance, desegregation of schools, teacher certification, and educational program improvement--provide a means of looking at educational policymaking at the State level. Analysis of both the policy issue areas and the policy process serves to explain, in greater detail, the process of educational governance. Some important and larger themes are discussed as illustrated by the analysis, and interpretive comments about emerging roles and relationships in the governance of education in New York State are presented. (Author)

STATE POLICY MAKING FOR THE PUBLIC SCHOOLS OF NEW YORK

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This report is one of twelve case studies growing out of the Educational Governance Project. In addition, two major reports, a comparative analysis across states and an explication of alternative models of state governance of education, are in preparation. The Governance Project began in January, 1972 and is to be completed in August, 1974. The work was funded by the U. S. Office of Education under Title V (Section 505) of the Elementary and Secondary Education Act (OEG-0-73-0499). The Policy Board for the Project was composed of three chief state school officers: Martin W. Essex of Ohio, Jack P. Nix of Georgia, and Ewald B. Nyquist of New York, with the State of Ohio serving as fiscal agent. An Advisory Committee composed of eleven persons concerned with general and educational governance also served the Project. Contract for the work was let to the College of Education, The Ohio State University and Roald F. Campbell and Tim L. Mazzoni, Jr. were the directors.

January, 1974

Foreward

New York State provides a rich data base for a researcher. Compared to many states the structure and process for state government and education in New York have received considerable attention from scholars through the years. Without the cooperation and assistance of knowledgeable individuals, the tasks of data gathering and interviewing become onerous. The generous assistance given freely by nearly all those who were contacted as part of this larger study is acknowledged. The cooperation of the staff of the New York State Education Department and especially by those in the office of Lorne H. Woollatt, Associate Commissioner for Research and Evaluation, is appreciated in view of the detailed and critical nature of this examination. The principal writer remains indebted to the Directors of The Educational Governance Project and to Peggy M. Siegel for their substantive and technical contributions and to Norma Elliott for her energy in preparing the manuscript. The ultimate responsibility for the analysis and interpretation, however, remains with this researcher.

Edward R. Hines
January, 1974
Columbus, Ohio

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Introduction

Participants and scholars of state educational policy making have recognized that New York State has a tradition of providing leadership in both state government and education. The decade of the 1970s has shown that the institution of education in American life has come under unprecedented criticism from the public and governmental leaders who are uncertain that increasing dollars for education will produce demonstrable results in either the schools or the students. Recent events in the Empire State have shown that it, too, has entered a new era. Governor Nelson Rockefeller's proposal for an Inspector General to serve as a state government watchdog over eduction and the merger of the New York State Teachers Association and the United Federation of Teachers into the New York State United Teachers with a membership of a quarter million are two specific illustrations of the degree to which the educational enterprise has become more visible and attuned to action in a broader political arena. This particular period, therefore, has provided a most appropriate time for an examination of the education policy process.

The Educational Governance Project has enabled the educational policy formulation process at the state level for the public elementary and secondary schools to be examined in twelve states. In this case study dealing with New York State, the social, economic, and political context will be described as it provides a backdrop from which to view the structure of state government and education. The enduring pattern of state educational politics, as reflected by other studies of New York, will be summarized. Action or attempted action in each of four major state educational policy issue areas will be described. For the most part, the issue areas--namely school finance,

desegregation of schools, teacher certification, and educational program improvement--will provide a means of looking at educational policy making at the state level. Analysis of both the policy issue areas and the policy process will serve to explain, in greater detail, the process of educational governance. Some important and larger themes will be discussed as illustrated by the analysis. Finally, interpretive comments about emerging roles and relationships in the governance of education in New York State will be presented.

It is important to realize the time dimensions of this report. In New York State, background research began in June 1972, and the field research was conducted in November 1972, January 1973, March 1973, and April 1973. More specific dates are enumerated in the APPENDIX to this writing. In dealing with the policy issue areas, research centered on the 1972 legislative session but included events going back to the 1960s, where necessary, for clarification. Some limited attention was given to events during 1973 in areas needing an update. The reason for choosing the 1972 legislative session was to permit examination of the most recent entire legislative session. Thus, this study was neither longitudinal nor historical in scope. By a cross-sectional examination of highly relevant state education policy issue areas, it is intended that greater insight may be provided into the policy process in the formulation and enactment stages.

Unlike many states the state board of education in New York, the Board of Regents, has broad policy responsibilities for both higher and lower education. In this Project the focus was limited to public elementary and secondary education. Therefore, full justice was not given to the entire range of actors and topical concerns in higher education, private education, and other such areas which in New York might have provided a more comprehensive

treatment of educational policy making. It is quite conceivable, for instance, that some of the greatest achievements of the Board of Regents have been in the rapid growth of New York's public higher education, the inception of the external degree, and the implementation of open admissions. While our focus has delimited the study by its exclusion of higher education, the additional efforts given to examining public elementary and secondary education hopefully will elucidate this vital level of our educational system.

SECTION I - THE CONTEXT OF STATE EDUCATIONAL POLICY MAKING IN NEW YORK

Demography and Social Characteristics

On nearly any parameter, the State of New York can be expected to rank at or near the top. For over a century and a half, the Empire State was the nation's most populous state. The 1970 Census revealed that New York's 18,241,266 people ranked behind only California in population.[1] New York's citizens are spread from the nation's largest city to the obscure hamlets of the Adirondack Mountains. Beginning in Buffalo, a major flour milling center, an urban-suburban chain of cities extends eastward along the Governor Thomas E. Dewey Thruway and historic Erie Canal.[2] At Albany, the state capital, the population corridor then turns southward and parallels the Hudson River and several highway arterials terminating in New York City. An old capital city, Albany remains a port for ocean vessels and is connected to the Atlantic by 150 miles of the Hudson River.[3] The Hudson River Valley offers both scenic grandeur and national history including the home of the Roosevelts at Hyde Park, the Vanderbilt mansion, and the United States Military Academy at West Point.

From many perspectives it is common to regard New York in terms of downstate versus upstate. The dominance of New York City in state as well as national affairs is not without foundation. As Table I shows, New York State ranks above the national average in several employment categories. It is no secret that New York City is dominant within the state in each of these categories. New York City is preeminent as a center of finance, commodities and retailing, manufacturing and wholesaling, and headquarters for corporations. The port of the City of New York offers the world's greatest docking capacity, and John F. Kennedy International Airport is the largest air cargo and import-export center in the nation. At the same time, New York City has the highest

TABLE I

PER CENT OF EMPLOYED PERSONS BY SELECTED INDUSTRY, STATE AND NATIONAL

	New York	United States
Banking and other Credit Agencies	2.4	1.7
Communications and Transportation	2.3	1.4
Insurance, Real Estate, and Other Finance	5.1	3.3
Manufacturing, Printing and Publishing	2.4	1.6
Manufacturing, Textiles	3.6	2.9
Wholesale Trade	4.4	4.1

SOURCE: 1970 Census of Population, United States Summary, General Social and Economic Characteristics.

crime rate of any city in the country save one, an alarmingly high air pollution rate (in 1966, 168 people died during a temperature inversion),[4] and telephone and electrical services which have become renowned for their breakdowns and brown-outs. For the uninitiated, a subway ride will serve as an unforgettable experience.

It is apparent that New York City is a center for finance, business, and commodities, and it is certain that the city is a Mecca for culture and the arts. Although more than a few of the legitimate theaters in New York have closed in recent years, Broadway shows still draw audiences to Manhattan. The Metropolitan Museum of Art, which is the largest museum in the Western Hemisphere, Carnegie and Radio City Music Halls make the city a focal point for the arts. Foundation headquarters such as Carnegie and Ford abound in New York. With major communications networks, news media, and publishing houses, it is easy to see why New York City has gained the reputation as the cultural hub of the nation.[5]

While the population of New York City rose to 55 per cent of the state population in 1930, the figure declined to 43 per cent in 1970. Yet, if one

includes the New York metropolitan area, it represents over three-fifths of the state's population. These statistics are revealing because in the two decades prior to 1970 suburban New York City growth was up 120 per cent while the population of the city itself remained roughly static. Interestingly, had New York City maintained itself at the nation's 34 per cent growth rate during 1950-1970, the city would now have more than 10.6 million inhabitants. According to the 1970 Census, the population of New York City was nearly 7.9 million.[6] The effects of urban decay, services of increasing cost but declining quality, and a host of urban afflictions caused many who might have chosen city residence to move into the suburbs.

Suburban growth is related to urban out migration patterns. Since 1950, New York City's white population has declined from 87 to 63 per cent while the black population has nearly doubled. During the same period, the number of Puerto Rican and Hispanic peoples increased five-fold. New York City's remaining non-white population, most of whom are Chinese, has increased eight-fold since mid-century.

At the state level the effects of urbanization and migration to the suburbs have resulted in similar patterns of shift. From 1960 to 1970, New York State's total population increased eight per cent. The black population increased 52.9 per cent during the same decade. Table 2 indicates some urban and rural residential patterns for the total population, blacks, and people of Spanish heritage. One could conclude that most blacks and those of Spanish heritage reside in urban areas. The presence of foreign born people in New York is evident from Table 3.

Economic Characteristics

From an economic perspective, New York is a study in contrasts. The

TABLE 2

RACE BY URBAN AND RURAL RESIDENCE

	Per Cent Urban	Per Cent Rural, Non-farm	Per Cent Rural, Farm
Black	98.2	1.6	.1
Persons of Spanish Heritage	99.2	.7	.04
Total Population New York State	85.6	12.8	1.6
Total Population Northeast Region	79.5	19.0	2.0
Total Population United States	73.5	21.3	5.2

SOURCE: 1970 Census of Population, United States Summary, General Social and Economic Characteristics

TABLE 3

SELECTED STATISTICS OF HERITAGE, STATE AND NATIONAL

	New York State	United States
Per Cent Foreign Born	11.6	4.7
Native Population, Per Cent Residing in State of Birth	77.0	68.0
Native Population, Per Cent with Foreign or Mixed Parentage	21.3	11.8

SOURCE: 1970 Census of Population, United States Summary, General Social and Economic Characteristics

splendor of Park Avenue condominiums and Saratoga summer homes stand in sharp contrast to the tenements of East Harlem, Bedford-Stuyvesant, and the camps of migrant workers only a few miles from Lake Chautauqua. Nonetheless, the median income of New York families at $10,617 stands well above the national average of $9,590.[7]

The State of New York ranks second, as of 1970, in total personal income, and per-capita personal income.[8] Table 4 reveals that New York State has fewer people unemployed than the national average, and fewer families with an income below the poverty level. At the same time, there is a larger proportion of families in New York than nationally whose earnings exceed $15,000 per annum. One would expect to find an ample number of white collar workers, and in fact Table 5 shows that more than half of those employed in the state are classified as white collar. New York has a lower proportion

of blue collar workers than nationally and many fewer farm workers with only one per cent of the work force being categorized as farmers.

TABLE 4

SELECTED ECONOMIC STATISTICS, PER CENT STATE AND NATIONAL

	New York State	United States
Civilian Labor Force Per Cent Unemployed	4.0	4.4
Families, Per Cent Less Than Poverty Level	8.5	10.7
Families, Per Cent Earning $15,000 or More	26.5	20.6

SOURCE: 1970 Census Population, United States Summary, General, Social and Economic Characteristics

TABLE 5

PER CENT OF EMPLOYED PERSONS BY BROAD OCCUPATIONAL CHANGES

	New York State	United States
White Collar Workers	55.2	48.2
Blue Collar Workers	30.8	35.9
Service Workers	13.0	12.8
Farm Workers	1.0	3.1

SOURCE: 1970 Census of Population, United States Summar, General, Social and Economic Characteristics

Political scientists, taking census data, utilized the more relevant characteristics in constructing socioeconomic dimensions of industrialization and affluence. Using the technique of factor analysis, Hofferbert devised a dimension of industrialization where high scoring states tended to have larger populations, an emphasis on employment in manufacturing, and a densely distributed population. On this dimension, New York ranked third behind only Connecticut and New Jersey, themselves having a significant portion within the New York City metropolitan area. Another socioeconomic dimension was affluence which was based on factors such as educational attainment, real property values, and per capita income. The State of New York ranked 18th on this dimension.[9]

Political Context

One approach to understanding the context of state educational political

systems has been suggested by Elazar who described states in terms of the pattern of political cultures.[10] Using the typology of individualistic, moralistic, and traditionalistic political cultures, Elazar portrayed New York as individualistic especially in New York City and Buffalo. The individualistic political culture may be thought of as one in which government is viewed as a marketplace, i.e. one in which private initiative thrives, economic development is favored, and new programs will be initiated in response to economic need. In the individualistic political culture, bureaucracy tends to be regarded ambivalently, and politics is regarded as the world where political professionals act in accord with party demands.

Other than the New York City and Buffalo areas, much of New York State was characterized as a combination of individualistic and moralistic. The moralistic political culture is one in which government is viewed as a commonwealth organization where programs are evaluated as they serve the public interest. In the moralistic political culture, bureaucracy is regarded positively because it tends to neutralize political activity. Political parties are seen as vehicles in attaining goals in the public interest. Political competition tends to be over issues and is subordinate to the content of issues itself.

In the individualistic culture, one might expect to find a lower voter turnout than in the moralistic political culture, because in the individualistic political culture political activities tend to be left to the politicans. While New Yorkers always turned out at the polls at a rate better than the national average, the percentage in turnout has declined since 1960, and in 1968 a lower per cent of New York State residents than the national average turned out to vote in the Presidential election.[11] This lower voter turnout is consistent with the individualistic political culture.

Voter turnout can be related to the degree of inter-party competition. Several political scientists have shown that the more vigorous the competition among political parties, the greater the citizen interest and the larger the voter turnout. In 1963, Dawson and Robinson measured the degree of inter-party competition according to voter turnout in state elections between 1938 and 1958. New York was ranked 12th at that time.[12] More recently, Ranney updated the figures for the period 1956 through 1970, and of the states classified as two-party including New York, twenty five states out-ranked New York according to inter-party competition.[13] Thus, the degree of inter-party competition decreased in New York State during the period 1956 to 1970.

One could conclude that New York State, in recent years, seems to be exhibiting a somewhat lower degree of voter turnout along with less inter-party competition. Observers of New York State politics, recognizing the increase in the power of the current Governor and the concomitant dominance of the Governor's political party (Republican) in the legislature, might agree that indeed the state recently has experienced less inter-party competition and a lower voter turnout. Going back to Elazar's typology, one might surmise that New York State has become more individualistic in its political culture in recent years. Congruent with the individualistic political culture, government is more of a marketplace than a commonwealth, politics is more of a necessary evil than a healthy mechanism for citizen involvement, inter-party competition occurs more often between parties than over issues, and political party cohesiveness is rather strong.

Another variable related to political context is party cohesion. Based upon research by LeBlanc in the late 1960s, Thomas Dye reported that New York Democrats ranked 10th among all states on party cohesion, which was the tendency

of legislators to vote with their own party majority on roll calls in which a majority of one party votes in opposition to the majority of the other.[14] Republicans in New York, according to Dye, outranked all but four other states on party cohesion. Dye conjectured that cohesive party votes could be expected on organizational matters affecting government agencies as well as the important issues of the day, including education.

Party cohesion was one of many areas included in the Jennings and Milstein study of educational policy making in New York State.[15] In the area of party discipline, over one-third of those who were interviewed felt that party discipline was tight but nearly one-half felt that party discipline was not tight. Of those believing that party discipline was not tight, reasons included that legislators vote their own conscience, and the party leaders were unable to impose discipline. With regard to education, nearly 40 per cent of the responding legislators generally saw education as an apolitical, non-partisan issue.

A final dimension of political context to be considered is innovation. Walker theorized that the performance of state governments could be evaluated according to the speed with which new ideas and programs were accepted.[16] By analyzing eighty-eight different programs including several in education, Walker devised a composite innovation score for the American states. New York ranked first. In other words, other states may well regard New York as a pacesetter in state government. By the method of correlation, Walker also learned that the more innovative states tended to be those which were larger in population size, wealthier, and more industrialized.

The structure of state government and education, and the state educational policy process cannot be fully understood without some attention to factors of demography and social, economic, and political background.

New York State is populous with many of its people situated along a population corridor from New York City to Albany to Buffalo. Great suburban population growth, an out migration from the cities, and concentration of minorities in urban areas are demographic factors which have implications for education. The dichotomy of downstate and upstate interest was portrayed and will be discussed later. As a highly industrialized and relatively affluent state, New York is not without problems associated with urbanization. While some of the most affluent suburbs in the nation may be found in the New York City metropolitan area, the city also holds some of the nation's most decayed ghettos. Thus, education in the Empire State is affected by diverse socioeconomic settings.

Along with its high degree of industrialization and urbanization and relatively high affluence, New York State's political culture was seen to be individualistic especially in the two largest urban centers. While in other areas of the state the individualistic political culture was tempered somewhat by the moralistic political culture, both voter turnout and interparty competition have decreased in recent years. Political party cohesion was seen to be greater in New York State than in many other states. On some issues including education, party cohesion may not be as critical a factor as the merits of the issue itself. Particularly on the innovation dimension, it became evident that New York had what may be termed as a pacesetting state government. This characteristic of state government in New York to include the state education agency* will be discussed later in this report.

*In this report state education agency refers to the Board of Regents, Commissioner of Education, and State Education Department.

SECTION II - STRUCTURAL CHARACTERISTICS OF STATE GOVERNMENT IN NEW YORK

The Governor

At the apex of state government in New York is the Governor. Long considered a position of prominence in both state and national politics, the current Governor is no exception. Nelson A. Rockefeller has built what Neal Pierce termed "the most complex, fascinating, and socially advanced state government in U. S. history."[17]

One aspect of the Governor's standing is his formal power. Schlesinger, in a combined index of the Governor's formal powers, ranked New York at the top along with Illinois and Hawaii.[18] In potential for tenure in office, Schlesinger ranked New York along with sixteen other states in the highest category because terms are four years with no restraints on re-election. In power of appointment the Governor not only can choose individuals for key positions but also can select those who will be loyal. New York was ranked seventh in power of appointment. In a ranking of budgetary powers, New York and thirty-six other states were ranked highest, where governors retained the power of budget preparation and shared this power only with their appointees. Finally, in veto power over the state legislature, New York and twenty-five states were ranked highest because of the governors' line item budgetary powers. Schlesinger showed a relationship between governors' powers and population size. The more populous, urbanized states tended to have governors with greater formal powers. Additionally, the more highly politically competitive states tended to concentrate powers in their governors.

Noting that anyone of sound mind and politics could adequately function as New York's governor, Warren Moscow wrote in 1948 that the primary job of the New York Governor was in the area of policy making. Contrasting the

Governorship with the Presidency and Office of Mayor of New York, Moscow went on to say that it was mainly in the winter months during the legislative session that the New York Governor worked hard. During the remainder of the year, Moscow felt the job of being Governor was a "soft snap."[19]

More recently and in contrast, political columnists have written that "Rocky power" is more fact than fiction. From the perspectives of family influence, party leadership, and legislative leadership, Rockefeller's influence in the state is without equal. Although in recent years the New York legislature has been strengthened with more staff who have expertise, one journalist wrote that the legislature "still does the Governor's bidding on most issues without so much as a murmur of protest."[20] A repeated contender for the Presidency, Nelson Rockefeller, according to one writer, felt that "he was capable of being, could be, should be President of the United States."[21]

Rockefeller's position of influence which has been enhanced over his four terms in office has been under some attack during recent legislative sessions. As New York entered the 1970s, the state was buried in a deep fiscal crisis. Causal factors for this situation included some of the nationwide economic difficulties of the late 1960s which in New York meant the slow-down or shut-down of defense and aerospace installations on Long Island. The state's revenue sources without additional federal assistance were simply unable to keep pace with ever-growing local fiscal demands. Leading in the percentage of tax dollars returned to local governments and having the highest tax burden in the nation, New York found itself running out of money. During the 1971 legislative session, the Assembly Speaker emerged as "a serious challenge" to Rockefeller's power in leading a more than $700 million cutback to the Governor's Executive Budget.[22] For some observers, this event

marked the possible demise of Rockefeller's eminence and the emergence of another Republican contender for the governorship in 1974. The impressive victory of Democratic U. S. Congressman Samuel Stratton, in the November 1972 elections, and his subsequent pronouncements that "The people are tired. They're looking for a new face and new leadership," gave Democrats reason to speculate about recovering from their statewide political setbacks of the 1960s.[23]

For a variety of reasons, New York and its Governor recovered from the lean period of the early 1970s. Because of the Governor's leadership in a "near zero growth" budget in 1972, agency expenditures were slowed from their spiralling growth pattern. Tax collections were up considerably from the previous year because of increases in certain taxes. The advent of federal revenue sharing, long advocated by the Governor, brought $450 million to the State during its first fiscal year. Additional revenues accompanied by slowed spending patterns even resulted in a fiscal surplus in the state coffers. The Governor, in his Executive Budget for 1973-1974, gave indications that the surplus might be in the $9 million range. Enraged Democrats accused Rockefeller of devising fiscal gimmicks to hoard up to $500 million for later political benefit from income tax reductions. Should the Governor decide to run for a fifth term in 1974, a tax cut at the appropriate time could reap substantial rewards.

Much of the Governor's recovery is related to this improved state fiscal picture. Additionally, there are other signs of personal and political renewal. Late in 1972, the Governor initiated a series of town meetings across the state. After an absence of two years of these town meetings, the free-wheeling sessions were begun in 1972 to increase Rockefeller's visibility with the state's citizens. In a program termed Modern State, Rockefeller assigned to his cabinet the challenge of assessing the

opportunities and problems of the state for the coming two centuries. Finally, the Governor named an aide to direct his state gubernatorial pre-campaign activities a year and a half in advance of the 1974 election.[24] Already New York's only four, four-year term executive, Nelson Rockefeller apparently has some rebuilding to do. A telephone survey revealed that 59 per cent of those polled disapproved of the Governor's job performance.[25]

While Nelson Rockefeller may have some rebuilding to do before testing his political viability in the 1974 gubernatorial election, it is clear that he has leadership strength and political party control of both houses in the legislature. Even though the Governor possesses considerable personal influence in his own right, his executive organization includes a loyal and energetic staff who carry on much of the daily work of the Executive Chamber. Although the state education agency has been a unit with considerable autonomy and a sizeable staff, the Governor's personal staff also includes functionaries in education. At the current time, furthermore, there are signs that the Governor's interest in education is on the increase.

The composition of the Governor's personal staff is of particular significance for these personnel bring much of the strength and dynamism to the Executive Branch. The Governor's "first tier of advisers," as one staff aide put it, includes his Secretary, Counsel, Budget Director, and Appointments Officer. Described as "the most powerful non-elected official in the state...the man who formulates much of state policy,"[26] the current Secretary to the Governor is the only remaining member of Nelson Rockefeller's original cabinet. Those on this "first tier" are the Governor's closest political and policy advisers who, themselves, are heads of staffs. In the program area, the Secretary to the Governor and a staff of eight have broad responsibilties in program development and policy formulation.* Some

*As of January 1973; since that time the staff has changed to include two additional full-time professionals with responsibilities in education.

of these program areas include higher and lower education, health, mental hygience, human resources, police and corrections, public works, and transportation. More important, the program staff work in a variety of areas reflecting current state problems and concerns of the Governor. In the legal area, the Counsel to the Governor and seven assistants are actively involved in reviewing all enacted legislation needing approval or veto by the Governor. In reviewing legislation for its legal as well as policy ramifications, the legal staff may contact state agencies and interest groups to solicit their opinion about the merits of the legislation. The legal staff will give their recommendations to the Chief Counsel who in turn will consult directly with the Governor on the matter in question. In the Budget Division, there are two full-time analysts for lower education and others for higher education. A Chief Budget Examiner and the Budget Director are also involved in budgetary concerns dealing with state agencies and in making recommendations to the Governor. In addition to these basic staffs, there are consultants and others on special assignment in the Executive Chamber. The Governor maintains a staff in New York City as well as one in Washington, D.C. The Governor's total staff, therefore, consists of several separate staffs with specific areas of responsibilities. The Executive Chamber includes a fluid and sizeable number of individuals assisting the Governor in his policy-making and executive responsibilities.

It would appear that Nelson A. Rockefeller has actuated the formal and informal powers which, undoubtedly for some governors, remain largely latent. Without a state legislature favorably disposed to translating the Governor's policy formulations into legislation, however, much of the Governor's leadership would be diluted. We will now turn to a consideration of the state legislature.

The Legislature

Several years ago, Grumm constructed a professionalism index as a means of ranking state legislatures.[27] On this dimension, a highly professional legislature was well-staffed, informational service was readily available, legislative services such as bill drafting were maintained, and the legislators were well paid and regarded their office as full-time. Grumm's other variables were biennial compensation of legislators, staff expenditures, number of bills introduced, length of sessions, and a legislative services score. The data were collected during the period 1963 through 1966. On this dimension of legislative professionalism, New York ranked third behind California and Massachusetts.

In the late 1960s, the Citizens Conference on State Legislatures undertook an examination of the legislatures for two basic reasons: not enough was known about legislatures and comparative information was virtually nonexistent. A Legislative Evaluation Study was conducted on the decision-making capabilities of all state legislatures. Nine basic areas of performance were specified: staffing, compensation, time, committee structure, facilities, leadership, rules and procedures, size, and ethics. By means of an extensive questionnaire, these nine criteria were refined into five broader categories: functionality, accountability, informedness, independence, and representativeness. Each category was measured by criteria relevant to questionnaire items.

In comparison to other states, New York's overall rank was second only to California, and the individual categories were ranked as follows:

Functionality.....4
Accountability.....13
Informedness.....1
Independence.....8
Representativeness.....1[28]

Interestingly, Illinois was ranked third, and Massachusetts ranked 29th. Recalling Grumm's work on legislative professionalism, Illinois was ranked 7th, but Massachusetts ranked second. The overall correlation between Grumm's work and the Citizens Conference, therefore, is not impressive but admittedly the two studies used different yet related variables. Grumm's conceptual notions were utilized and updated by the Citizens Conference in their Legislative Study.

Before discussing the New York State legislature in greater detail, it might be helpful to review recent trends in political party line-up in New York. The Republican Party in New York has steadily increased its hold over the legislature in recent years. Ironically, there are 800,000 more registered Democrats than Republicans in the state. As Table 6 clearly shows, however, in the final tally the Republicans are increasingly coming out on top.

TABLE 6

COMPOSITION OF NEW YORK STATE LEGISLATURE

	Assembly		Senate	
	Democratic	Republican	Democratic	Republican
1966	80	70	26	31
1968	72	78	24	33
1970	71	79	25	32
1972	67	83	23	37

SOURCE: Book of the States, 1972-1973, Council on State Governments, Lexington, Kentucky, 1972.

Political observers trace the ebb of the Democratic party to 1958, the year the current Governor was first elected. At that time the Democrats "owned the two most powerful and patronage-loaded posts in the state: Governor and Mayor of the City of New York."[29] The deposition of Averell Harriman by Nelson Rockefeller, an internal Democratic split over U.S. Congressional seats, and the retirement or defeat of some of Tammany Hall's

stronger leaders such as Carmine DeSapio led to the beginnings of Republican strength. Despite exceptions such as upstate Democrat Sam Stratton who manages to win consistently in a Republican area, the Democrats are clearly in a subordinate position, statewide, to the G.O.P.

One of the reasons why it is important to consider the party line-up and relative strength in each of the legislative chambers is that political party line-up is essential as a backdrop to a discussion of legislative leadership. In New York the legislative leaders are selected by the respective party caucuses. In turn, the majority party leadership appoints all committee chairmen. Thus, political affiliation and seniority are the two most important factors in committee leader selection.

Because each political party and each house has its established positions of leadership, one might surmise that there are several leaders in each legislative house. It will become evident, however, that considering interrelationships and patterns of influence, the effective leadership is centralized within each house.

A member of the Assembly since 1960, the current Speaker was elected Minority Leader in 1966 at the time the Assembly was controlled by Democrats. After the Republicans regained control of the Assembly in 1968, Perry Duryea was elected Speaker and has since remained in this influential position. As interviews during the field research of this project progressed, it became evident that when state Assemblymen and Assembly staff made reference to "the leadership," they meant Perry Duryea. There is, nonetheless, a designated Majority Leader who has served with the Speaker since being appointed by him as Minority Whip in 1967. Both Speaker and Majority Leader are Long Island Republicans. The Assembly leadership has not been without problems, however. Until recently, the Republican margin of victory was rather slim. As smaller factions of Republicans such as the upstate "apple-knockers" and

a conservative Syracuse-based group coalesced over issues where they felt party interests were dominated by downstate forces, the leadership has gone to the opposition party for support in the enactment of legislation. In the 1969 legislative study, Assemblymen assessed the roles of Speaker as seen in Table 7:

TABLE 7

ROLES OF THE SPEAKER, ASSEMBLY

	Frequency of Response	Per Cent*
"Runs the Show"	1	63
Controls Committee Appointments	2	34
Controls the Party	3	33
Controls Bills	4	32

*Frequencies total more than 100 per cent because the 90 legislators who were interviewed gave multiple answers.

SOURCE: Robert E. Jennings and Mike M. Milstein, "Educational Policy Making in New York State with Emphasis on the Role of the State Legislature." U. S. Office of Education, Washington, D. C., December, 1970. ERIC ED 052 544, Table 32.

Even though the phrase "runs the show" was not completely defined, it is clear that the Speaker of the Assembly, with assistance from the Majority Leader, is the dominant force in the Assembly.

The Senate presents a different picture. Serving in the Senate for twenty-four years, Earl Brydges rose to a position of prominence in state affairs. As a former school board member and Chairman of the Senate Education Committee, Earl Brydges retained an interest in educational affairs at both local and state levels. Serving both as Temporary President and Majority Leader, the Niagara Falls Senator was a low-key but strong leader from 1966 through 1972. Writers have mistaken Brydges' low profile leadership and a "club-like" atmosphere in the Senate with his real control of the Republican Senators.[30] As a testimony to Brydges' leadership, he seldom

had to invoke the Rules Committee as a mechanism to tie up or kill a bill because he could count on party support when it was needed.

Much of Earl Brydges' support in the Senate came from his close relationship with Warren Anderson, then Finance Committee Chairman and current Majority Leader. John Marchi, a downstate Republican leader on the Senate Finance Committee and a confidant of Earl Brydges, was then moved to Chairman of the Finance Committee. As the current leader of the Senate, Anderson's strength as leader will be proven with the test of time. The "methodical and conservative" Binghamton Republican's relationship particularly with the Governor will be watched as the 1974 election draws near.[31]

The nominal head of the Senate is Malcolm Wilson, New York's Lieutenant Governor. Elected to office with Nelson Rockefeller in 1958, the Lieutenant Governor has remained in the capacity of assisting the Governor and serving as the President of the Senate.

In each house of the legislature, the party out of power selects a Minority Leader. A recent study showed that the roles of the minority leaders are primarily to represent the views of the party out of power.[32] Legislators viewed minority leaders in positions comparable to the majority leaders in each house. In general, New York legislators tended to see their own role as representing the interests of their own constituency much more than speaking for statewide interests. As such, 46 per cent of those legislators interviewed noted that a "great deal" of consideration must be given to constituency attitudes when voting. Only 13 per cent felt that "going along with the party" would be considered one of the rules of the game. Keeping in mind that 46 per cent of the legislators believed that party discipline was not tight, it is understandable that 76 per cent of those interviewed would feel that there was either "sufficient" or "extensive"

cooperation between majority and minority party leaders in the resolution of issues in the legislature.

At the core of the legislative process is the committee system. Prior to enactment of legislation by floor vote, the committees receive a voluminous amount of legislation for initial consideration and review. Meeting in closed sessions, the committees determine the outcome of any piece of legislation. Interest groups and state agencies, in getting legislation before the committees, may be disposed to an early meeting with the chairmen in hopes that bills will meet with a favorable reaction. Toward the end of the session the Rules Committees and leadership play an even more dominant role in passing or not passing legislation.

In the area of education, the respective chairmen of the Assembly and Senate Education Committees are key positions. For any piece of educational legislation with fiscal implications, ultimate decision-making authority will rest with the Assembly Ways and Means and Senate Finance Committees although the Education Committees will give educational finance bills at least perfunctory review for their policy implications. The recently established dual reference system in New York, however, effectively means that an educational finance bill must meet the rigors of fiscal review by the legislative fiscal committees, even more than by the Education Committees.

For years New York legislators, like their counterparts in many other states, were nearly overwhelmed by the volume of legislation which they had to consider and vote upon. Reliance upon reliable and detailed information provided by outside groups was a key factor in the influence attained by interest groups and agencies. Over time, a legislator could grow to trust the information provided by an outside group. Predictably, the educational finance specialists in the State Education Department, the New York State School Boards Association, and the New York State Teachers

Association came to be known as knowledgeable sources of information in their respective content areas. While the Governor through his Budget Division retained much power in financial matters, the influence of outside groups was considerable in the legislature.

In recent years, a new series of interrelationships of particular interest to education have emerged in the legislative arena. This change will be mentioned briefly, and later will be explained more fully. Teacher militancy has increased over issues of salaries and employment benefits. For years, the New York State Teachers Association and New York City-oriented United Federation of Teachers could be relied on to generate considerable internal friction over teacher issues. In an expression of unity the two organizations merged in 1972 into the massive New York United Teachers, and now represent a powerful force in Albany during legislative sessions. The older leaders of some of the other organizations at the state level have retired leaving something of a void. In the face of burgeoning educational costs and growing taxpayer resistance to property tax increases, the legislature was faced with the need to be more knowledgeable and responsive to their constituency. One means to this end was to become more expert in the ability to analyze legislation. These factors resulted in the legislature's increasing the size of its staff.

The area of legislative staffing is a most difficult one to examine because of the turnover in staff and changing assignments which often occur annually with the turnover in legislators. In the area of education, there is a variety of staff personnel working with committees. The Assembly Education Committee has two full-time analysts. The Senate Education Committee had a staff member located in the State Education Building. A full-time Executive Secretary to the Senate Education Committee also serves as a personal assistant to the newly appointed Chairman. Both legislative

fiscal committees have full-time education budget analysts. In the case of the Assembly Ways and Means Committee, the education budget analyst formerly worked in educational finance in the State Education Department. These legislative staff personnel are well paid and if the reactions of interviewed legislators can be a guide, the legislative staff tend to be both widely utilized and respected as experts in education, finance, legal matters, and bill drafting.

The utilization of legislative staff is a topic worth some attention. In New York, one might assume that each committee would handle appropriate concerns through their staffs. In education, one might refer an educational policy question to either Education Committee. While this structural arrangement has been established, members of the minority in each house apparently find themselves effectively excluded from the legislative communications network controlled by the majority party. While this situation may not represent a refusal of the Republicans to cooperate in enabling Democrats to become aware of pending legislative matters, key areas of concern and supportive documents were apparently not always available to Democrats. Therefore, the minority party has hired its own staff to keep abreast of current legislative developments and formulate minority positions on pending pieces of legislation. The minority staff was especially evident in the fiscal area, and minority staff members were closely associated with the minority leadership.

The New York State legislature, then, was seen to be highly effective according to other studies. It was ranked very high in the categories of informedness, representativeness, and functionality. In terms of political party li e-up, the Republicans have gained increasing hold over state politics through their legislative successes. This Republican strength was seen in firm control over both houses of the legislature and the manner in which

political party and legislative leadership were centralized in the Assembly Speaker and Majority Leader of the Senate. By means of control over committee chairmen, close ties between legislative and fiscal committee leadership, and the legislative committee staff who in effect work for the majority party leaders, the Republican legislative leadership has provided a base of support for the Governor's programs. In terms of influencing those who control the legislative process in the Empire State, the message to educators is clear. Relationships might well be fostered with Republican legislative and committee leadership, and harmony could be maintained with the Governor who, with legislative support, is in a position to enhance or diminish support for education.

The Board of Regents

Shortly after the achievement of American independence from England, the commonwealth of New York created a statewide system of education under the name of the University of the State of New York. Even before adoption of the first state constitution, the New York State Legislature had created the Regents of the State of New York to act as a governing body for Kings College. The Regents have continued as the governing body for "the most comprehensive education organization in the world."[33]

The initial responsibilities of the Regents of the University of the State of New York were in higher education. This governing body more commonly known as the Board of Regents or simply, the Regents, recognized the need for a strong elementary program of education even before the turn of the 19th century. The Common School Act of 1812 laid the groundwork for the state educational system by vesting education in two authorities--the Board of Regents and the Superintendent of Common Schools.[34] Forty-two years later, the State Department of Public Instruction was created and

headed by the Superintendent of Public Instruction who replaced the former Superintendent of Common Schools.

There was considerable overlap in function between the Regents and the Superintendent because of their dual authority structure. The public high school was the locus of conflict because both the Board of Regents and the Superintendent of Public Instruction claimed control. The conflict was resolved by the Unification Act of 1904 which joined both authorities into one organization. The Board of Regents became the governing board and the State Superintendent, now called Commissioner of Education, became the chief executive officer of the Board of Regents as well as the chief administrative officer of the State Education Department.

The Constitution of New York State insured that the Board of Regents would be an independent body and remain separate from the other constitutional officers, the Governor, Attorney General, and Comptroller. This structural autonomy, while having the advantage of separating education from state government, has caused increasing concerns among legislators and the Governor. These concerns as they have affected the relationship among the state education agency, Governor, and legislators will be discussed further in the analysis.

At present there are fifteen Regents, one from each of the State's eleven judicial districts and four at large. Elected by a joint legislative session, Regents serve for 15-year terms and are retired at age 70. Although the State Constitution and Education Law provide for the separation of education from politics, the recruitment and selection process for Regent candidates is not apolitical. At the sign of an impending vacancy on the Board, legislative leaders contact local county party chairmen to recommend candidates. Preferred individuals appear to be those with considerable community standing who have some knowledge of or experience in education.

Prior school board members, for instance, may make attractive candidates. It may be preferred that a candidate for the Board is of the same political party as the legislative leadership or at least is able to meet the test of scrutiny by both parties. During the selection process, the candidate favored by county and local political leaders has been chosen well in advance of the floor vote. After extended plaudits by appropriate leaders in the legislature, the potential Regent is voted upon in a joint session. In an unprecedented incident in 1972, a Regent was persuaded not to seek re-election because local legislators and party leaders wanted a Regent who was more amenable to conservative voices in the community.

Serving without compensation, members of the Board of Regents are reimbursed only for expenses incurred during their monthly three-day meeting in Albany. Members of the State Education Department spend considerable time preparing documentation for consideration by Regents prior to the monthly meetings. Several individual Regents advised that with the homework sent by the Commissioner and his staff, the job of being a Regent encompasses about one week monthly. The on-going work of the Board of Regents is accomplished by the State Education Department preparing staff reports, discussion within an appropriate subcommittee of the Board, and decisions are made by the entire Board in closed session. The work of the staff of the State Education Department is directed and coordinated by the Commissioner or his Executive Deputy Commissioner, a man who has been delegated considerable authority and responsibility because of many other demands on the Commissioner's time. The full-time Secretary of the Board of Regents is a State Education Department staff person who is primarily involved with administrative duties associated with the Regents.

Having legislative, executive, and judicial powers, the Regents' authority has the full force and effect of law. A descriptive brochure

states that "The Regents are responsible for the overall planning, the development, supervision, and protection of the largest state educational system in the world."[35] Albany observers note that the Board of Regents, using the full advantage of its stature, attempts to articulate the broad educational needs of the state. Legislation may then be drafted by the State Education Department. In recent years the Board of Regents has released position papers dealing with such major educational issues as finance, integration, education of the handicapped, and access to post-secondary education. In the present Commissioner's inaugural Address, he noted advantages of the New York system including the ability of marshalling resources under one agency which then can serve as a bridge between education and the public. At the same time the Commissioner cautioned that "its only weakness may well be the failure to realize the full potential inherent in its legal structure."[36]

The Commissioner and State Department of Education

Concurrent with this title, the Commissioner also serves as President of the University of the State of New York. This higher educational function is not to be confused with that of the Chancellor of the State University of New York or with the individual Presidents of institutions within the system. As the most highly paid chief state school officer in the nation, New York's Commissioner stands with the Board of Regents at the apex of a massive educational system. By state statute the Commissioner has been assigned two broad functions: administrative and judicial. In the exercise of his powers, the Commissioner makes use of the resources of a State Education Department of nearly 4,000 employees as well as a multitude of advisory bodies. A multi-tiered structure of experienced staff in the State Education Department, many of whom are recognized experts in their own right, work closely with the Commissioner in the exercise of his responsibilities.

The Commissioner's administrative powers are limited in two respects. The voters have final decision in communities affected by reorganization plans such as establishing new central school districts, enlarging districts, or annexing districts. The Commissioner's administrative determinations are subject to judicial review in the same manner and in accordance with the same standards as those of any other state department or agency head in New York State. On the other hand, the decisions of the Commissioner rendered in his judicial capacity have been held by New York's highest court to be subject to a much narrower scope of judicial review, and will be set aside only where found by the courts to be "purely arbitrary."[37]

In recent years the Commissioner has made important judicial decisions regarding desegregation of school districts which have been upheld by the highest court in the nation. While his judicial powers are clearly defined, it would appear that wherever possible the Commissioner has chosen to work cooperatively with local districts to assist in local desegregation efforts, rather than to mandate desegregation by judicial decision. The political climate in New York, reflecting the national scene in the early 1970s, was not one favoring local desegregation of schools. The reaction of the legislature, in particular, to this power of the Commissioner was predictably negative and represented a point of contention between the legislature and Commissioner. This issue will be discussed more fully later.

The state education agency in New York, from its inception, has been endowed with considerable structural autonomy. Structural autonomy, alone, would not insure a pacesetting agency for the education of New York's citizens. The Board of Regents has been composed of citizens of distinction from a variety of fields including education, and has been integrally involved with the Commissioner of Education in the development of state educational

policies. With the resources available in the State Education Department, the largest state education department in the nation, the Commissioner and Board of Regents have brought New York's state educational system to a position of leadership among the states.

The context for policy making and the structure for state government and education have been presented and will serve as a framework for the remainder of this case study. The ensuing account of educational policy making in the Empire State will draw upon this background material. New York has provided an ample data base for writers who through the years have described and analyzed education and state government. A brief review of some of their writings will be presented in the next section of this report.

SECTION III - NEW YORK STATE EDUCATIONAL POLITICS

Context

The context of state educational politics is reflected, in part, in data already presented in this study. New York is a populous, highly industralized, relatively affluent state where the Governor and state legislature are ranked high in terms of power, influence, and performance. Table 8 shows that New York is a state of large pupil enrollment. Its commitment to education may be seen in the resources allocated for schools, the number and salaries of teachers in the schools, and the number of pupils per teacher. Table 8 reveals low ranks for New York State in school population as a per cent of total population and state and local government educational expenditures as a per cent of expenditures for all functions. There is a high resource commitment in New York State to areas other than education.

In a word the system of education in New York can be described as a pacesetter. The Board of Regents was the nation's first State Board of Education, and New York was the first state to have a chief state school officer. The New York State Teachers Association is the oldest continuous state teacher's organization in the nation[38]; it was also the first to merge with its union counterpart, the United Federation of Teachers.

The Pattern of State Educational Politics

Drawing heavily on New York because it has served as a bench mark, Stephen Bailey et. al. described the politics of educational finance in New York and seven other states of the Northeast. With reference to a point once made by the economist, Keynes, the authors theorized that state aid legislation in New York had its origins in "academic scribblers" at Columbia University.[39] These academicians, namely Mort, Strayer and Haig outlined the need for the additional fiscal support for education and the means by

TABLE 8

SELECTED EDUCATIONAL STATISTICS, NEW YORK STATE AND NATIONAL

	Rank	New York State	United States
Estimated School Age Population, 1971-72	2	4,328,000	52,266,000
Estimated Average Daily Attendance in Public Schools, 1971-72	2	3,165,300	42,626,558
Total Instructional Staff in Local Public Schools, October, 1970	1	22,471	2,349,049
Pupils per Teacher in Public Elementary and Secondary Schools, Fall, 1970	6	19.6	22.3
Estimated Average Salaries of All Teachers in Public Schools, 1971-72	4	$11,404	$9,690
Personal Income Per Pupil in Average Daily Attendance, 1970	1	$27,740	$18,832
Estimated Current Expenditures for Public Elementary and Secondary Schools per Pupil in Average Daily Attendance, 1971-72	1	$1,468	$929
Estimated School Age Population as Per Cent of Total Population, 1971-72	48	23.8	25.7
State and Local Total Government Expenditures for All Education as Per Cent of Direct Expenditures for All Functions, 1969-70	48	33.3	40.1

SOURCE: Rankings of the States, 1972, National Education Association, Washington, D. C.

which it could be administered equitably. These men and other consultants planted cognitive seeds from which grew legislative proposals.

From an academic inception, an idea was further formulated under the aegis of a state agency, for nstance the New York Board of Regents or State Education Department. It was not only in the state b eaucracy that public needs were translated into policy proposals. Interest groups and coalitions played a role in policy formulation. In New York these organizations included the state school boards' and teachers' associations, the administrators' organizations, the parent-teacher affiliate, and the New York City-based Public Education Association. The strength of these statewide associations, over time, has been enhanced not only by each organization's leadership but also by the cultivation of support at the local level throughout

the state. In 1963, Usdan wrote that "Without strong local support for education, the various statewide educational leaders and organizations would lose much of their political currency."[40] Local educators functioned in a tripartite role of sensitizing communities to existing educational needs, coordinating local needs through state agencies, and building rapport with local legislators for later support when a bill was being considered.

One measure of success in the legislature, then was cooperative effort between schoolmen and legislators. Cooperation occurs on several levels. Without the sympathetic ear of the state-level organization, a locally-based proposal may be an isolated community demand. By the same token, a loss of local support could render a policy demand impotent in the legislature, because legislators ultimately must answer to their local constituencies. For years, the Educational Conference Board in New York played the role of mediator between divergent groups and unifier of organizational demands into broad state educational needs.

In the last analysis the arch to the keystone of state educational politics rests in the political leadership. Without the recognition and support of education by the Governor and key legislators, education would not have attained its present state of development. The Governor's support for education has been most visible in increases made possible through the Executive Budget and the Governor's willingness to approve educational bills enacted by the legislature. Legislator support has been evident through local representatives who bring pieces of legislation for committee review, through the willingness of legislative leadership to support education, and through those who over time have become friendly to education.

Unlike others who advocate the separation of education from politics, Bailey conceived of schoolmen attaining their goals through politics. Taking ideas from academics and other energizers, schoolmen articulated

needs by working cooperatively with appropriate individuals and organizations having interests in education. Formal coalitions such as the Education Conference Board played a vital role in statewide consent-building activities. At the same time the strength of and support by the grass roots constituent organizations helped get proposals into the legislative arena. This arena has been a contentious one where educational demands are tempered by political realities. Legislative leaders played key decision-making roles in the final enactment of a bill because these solons chart a cautious course between issues and politics.

Writing more recently, Jennings views the interst group-legislative relationship as one which strategically aims to reduce conflicts using the tactical approach of access points.[41] A natural contention exists among Governor, legislators, and political parties. The passage of a bill will be dependent upon the extent to which conflict can be reduced among these actors to the point where a bill can successfully be negotiated. Success of educational advocates will depend on the location of the particular access point which will prove most successful in getting a bill through the legislature.

By tracing events dating back to the turn of the century, Jennings viewed the early activities of educational interest groups and the Regents as entrepreneurial, i.e. an organization individually defining its own legislative proposals and pursuing its own access points in the state legislature.* As conflict between the legislature and the Governor increased, it became necessary for educationists to adopt co-optive activities to insure the success of educational proposals in the legislature. Activities involving the State Education Department, New York State Teachers Association, and the New York State School Boards Association typified these co-optive

*Characteristic types of political life style, i.e. entrepreneurial, cooptational, competitive, and coalitional were contained in Laurence Iannaccone Politics in Education, 1967.

activities. The zenith of these activities occurred after the formation of the Educational Conference Board in 1934. As a rather monolithic mechanism for the unification of disparate interests into broader areas of need, the Conference Board seemed most effective in calling for more state aid to education, a cry made regularly in Albany.

In the late 1960s, however, there were signs that the enduring pattern of state educational politics was beginning to change. Jennings wrote of the bankruptcy of the Conference Board's strategies for a variety of reasons. First and maybe foremost, Governor Rockefeller steadily increased his hold over the political parties and legislature in New York making his office the control point into the legislative process. Next, the political activities of the Conference Board were reported in the press. Finally, in the latter part of the decade, the Governor made effective reductions in state assistance to schools because of other budgetary needs and overburdened resources. Rockefeller's five per cent cut in his 1969 budget marked the beginning of several lean fiscal years for education and the waning of the Conference Board as the effective spokesman for education.

Based upon their 1969 legislative survey, Milstein and Jennings described the perceptual mismatch between politicians and schoolmen.[42] To interest group leaders, the Governor's Office was the control point to the policy process. Legislators felt there was more policy-making initiative within the state legislature than the Executive Chamber. Interest group leaders perceived the legislature as highly controlled by the few who carry the Governor's programs. Legislators believed that these party leaders had less influence than ascribed to them by outsiders. Regarding access to information, interest group leaders felt that providing information to legislators was their potent weapon. In contrast, legislators believed that they relied on

many information sources other than interest groups. Finally, interest groups concentrated their activities on the few individuals with whom they felt they had rapport in the legislature, expecting that other legislators would be swayed by a few influentials. Legislators saw a broader range of influential persons, particularly at the local level. Without constituency interest and support, an idea originated at the state level will not get far in the policy process.

In 1972, Wirt wrote about the changing interrelationships in New York as follows:

> The opposing perceptions questioning the power of organized schoolmen may well arise from a kind of cultural lag among the latter. Since (the Bailey and Usdan studies) immense new forces have entered the educational scene--taxpayer revolts, desegregation challenges, widespread complaints about educational outputs and the difficulties of achieving educational accountability, and a more demanding and less quiescent generation of teachers. Any one of these was enough to disrupt traditional relationships between educator groups and state authorities, but to have them all at once, especially when magnified by the special distorting effort of New York City, goes far to explain differences between earlier and newer accounts.[43]

The convergence of several forces, acquisition of new policy capabilities by agencies such as the state legislature, and the contentious interplay among these competing groups have resulted in new demands upon schoolmen who wish to affect state policy making.

In a critical study of the implementation of Title V, Murphy saw a reduction in the State Education Department's independence and a growing ambivalency by politicians toward the S.E.D. Combined with the ebb in influence of the Educational Conference Board, Murphy viewed the short run effects of these changes as the S.E.D. being "off the gravy train," and the long range prospects as "far from certain."[44]

To this point, the social, economic, and political context, and structure for state government and education have been examined. To provide

a dimension of depth to this case study, the enduring pattern of state educational politics was described. Some sense of imminent change is evident as one views the impact of the fiscal crisis on state government in New York, a growing public criticism of education, and changes within the interest groups. The extent of change and emerging relationships will become evident as we look at the selected policy issue areas and their analyses, to which we now turn.

SECTION IV - SELECTED POLICY ISSUE AREAS

Introduction

In the Empire State where a premium is placed on leadership in state government and education, the policy process is to be examined with some care. An examination of the state education policy process not only includes description and analysis but also illustrations of that policy process as seen by recent examples of action or attempted action by the legislature, the Governor, and the state education agency. Four policy issue areas were selected for their recency to facilitate data gathering by the research team and to maximize accurate recall by those who were interviewed. With the aid of informed sources in the State, the policy issue areas chosen were school finance, desegregation of schools, certification of teachers, and one policy issue within the general area of the improvement of educational programs. It was clear that the issues of school finance and desegregation involved not only educators but also citizens and officials of state government. The certification of teachers was an issue of particular significance to professional educators in New York. In the improvement of educational programs several issues could have been selected including the regionalization of educational services through the Boards of Cooperative Educational Services or the statewide testing program. Project Redesign was chosen, however, because in this issue area the leadership of the State Education Department has been evident as well as the broad-based involvement of people from the communities in which prototype areas have been established for Project Redesign.

After a description of the recent chronology of each of these four issues, analysis will permit consideration of the broader implications of each issue. The data presented for each issue will then be available for an analysis of policy roles and relationships.

School Finance

This treatment of school finance will be oriented more to policy implications than to technical dimensions. This discussion will be more cross-sectional than longitudinal which is a direction congruent with the research conducted early in 1973 about events which took place in 1972. School finance studies generally do not treat the issue within the larger context of state-level policy issues and consequently, school finance is more often viewed as a technical matter. This discussion, by regarding school finance as one major issue of state policy, will relate school finance to larger fiscal realities.

Before examining the economic constraints affecting New York State in the early 1970s, the reasons for the near zero-growth budget in 1972, and the political expediency of the save-harmless provision, some brief attention should be given to two areas: (1) some of the reasons why the existing school foundation formula has proven increasingly inadequate, and (2) the state budget process for education. The problems in school finance, it must be recognized, are related to inadequacies in the present method of resource allocation as well as to fiscal constraints of a larger economic situation. The education budget is large in size and complex in composition; its ultimate passage by the legislature represents well over a year of preparation, planning, and compromise. Thus, knowledge of the budgetary cycle is important to an understanding of the passage of the education budget in any given year.

The Budget Process for Education. The fiscal year in New York State is on an April 1 to March 31 basis.[45] By law the state legislature must enact a budget bill no later than March 31. Education in New York State is affected by three types of budget bills enacted by the legislature. Early in the session, if the operational costs of the state cannot be met

within budget guidelines, a deficiency budget may be enacted. The regular budget is incorporated in the Executive Budget which must be passed by March 31. Because of the Governor's strong veto powers on a line item basis, the state legislature seldom can add major items within the Executive Budget, but they may delete items. Finally, supplemental budget bills are introduced into the Assembly Ways and Means or Senate Finance Committees after action is taken on the Executive Budget.

The budget planning in the State Education Department is a lengthy and continuous process. The initial budget planning for the school year will commence at least eighteen months prior to the beginning of the school year. The Executive Deputy Commissioner, in consultation with the Assistant Commissioner for Long-range Planning, formulates for the Commissioner's approval a preliminary guideline for internal use by department officials. By late spring, the Regents approve the department's preliminary formulations. Appropriate staff of the State Education Department, in close consultation with their Office of Counsel, turn their energies to working on legislative proposals commensurate with initial budget projections. It is at this same time, however, that budget guidelines arrive from the Governor's Budget Division. If Budget Division guidelines differ greatly from what the Department already has accomplished in planning, difficult choices must be made. The Department can continue to develop its own proposals realizing the risk of being out of line with the Executive Budget Division. On the other hand, the Department by conforming to the Budget Division may subordinate its own goals. By early fall the Regents formally approve the department's work, and the Board of Regents publicly release their legislative recommendations. Shortly thereafter, the Governor's Budget Division Director holds informal hearings with state agency heads to review budget requests for the coming fiscal year. These initial hearings are private

and afford each agency head an opportunity to emphasize his agency's fiscal needs. The balance of the fall season is devoted to formalization of the Executive Budget by the Budget Division with additional conferences with agency heads as necessary. The new year is heralded by the Governor's State of the State message to the joint legislative session in early January, and his Executive Budget is formally submitted to the legislature on or before February 1. After public legislative budget hearings, the legislative fiscal committees begin the process of consideration, trade-offs, and ultimate settlement of the Executive Budget, a process to be completed by March 31.

Background and Current Problems. Some of the more salient developmental aspects of school finance will be mentioned as it helps set the stage for recognizing the inadequacies of the current foundation formula and the effects of the fiscal crisis of the early 1970s. Beginning with the monumental Unification Act of 1904, already referred to in this report, the state's share in funding local schools began to grow. In 1925, the Cole-Rice Law was enacted which provided for state aid including an equalization grant to be distributed on per teacher basis.[46] Two years later, the Friedsam Law was enacted enabling equalization funds to increase appreciably while keeping local contribution at a low rate for tax relief purposes. This principle of equalization became the basis for public school finance for decades to come.

Although state aid was increased considerably in the 1940s, by the late 1950s the existing aid formula grew increasingly inadequate in meeting mid-century needs. Suburban growth brought legislative reapportionment and a decreased tax base for the cities. The upward economic spiral accompanied by a high population growth rate resulted in new educational needs throughout the state. At the initiative of the Board of Regents, the legislature

created the Joint Legislative Committee on School Financing. Headed by Charles Diefendorf, the Committee paved the road for enactment of New York's present aid formula in 1962.

Known as the Diefendorf Formula, the present system is based on the principle of state-local cost sharing. To determine the extent to which the state will support local districts, it is helpful to understand the aid ratio as follows:[47]

$$\text{Aid Ratio} = 1.000 - (0.51)\ \frac{\text{(district full valuation per resident student in weighted average daily attendance}}{\text{state average in full valuation per resident student in weighted average daily attendance}}$$

As an example, in 1968-1969 a school district had an aid ratio of .490 where the district full valuation per resident student in weighted ADA equalled the state average in full valuation per resident student in weighted ADA. With this aid ratio the state shared 49 per cent of the approved operating district expenses up to the ceiling of $860 per pupil. The local district, in this case, paid the remaining 51 per cent. The ceiling clearly represents a limitation on the equalizing ability of the aid formula.

There are two other areas in which the state's share fails to achieve equalization among local school districts.[48] The state in effect gives a flat grant of $310 per student to all school districts regardless of wealth. In a sense, monies going to school districts theoretically able to support schools without state assistance are precluded from being distributed among poor districts. The other limitation is the existence of a host of correction factors and supplemental aids which apply to particular local districts. These factors were established by the legislature and include those for district size, growth, budget, building expenses, transportation expenses, high tax rates, reorganization incentives, and save harmless. By means of qualifying under these correction and supplemental factors, a district can

receive additional funds. The enactment of these factors became a means to supplement the method of distribution of funds to districts as well as a means by which legislators could increase educational funds for their districts. Well over 90 per cent of the state aid goes to these general correction and supplemental factors, the flat grant, and the funds designed to equalize. The remainder of state money is in categorical aids for special programs such as those of the Boards of Cooperative Educational Services, and for textbooks, urban and vocational education, school lunch, as well as other categories.

The state's share in funding local schools has decreased from nearly one-half as recently as the mid 1960s to 40.2 per cent in 1972-1973. The federal share in funding local schools is consistently under 5 per cent in New York, with the remaining half or more coming from local district funds.

Because state aid is provided for tax relief as well as equalization, more than 60 per cent of the state aid is provided uniformly to all districts regardless of wealth. In order to reach the average statewide operating expenditure of $1319 per pupil for 1972-1973, a district under $10,000 of assessed full value per pupil needed a tax effort three times greater than a district having over $60,000 in assessed full value per pupil. A frequently-quoted illustration of this tax differential is the Fleischmann Commission's comparison of two districts on Long Island during the 1968-1969 school year, as follows:

TABLE 9

COMPARISON OF WEALTH, TAX RATES, AND SCHOOL EXPENDITURES, 1968-1969

	School District	
	Levittown	Great Neck
True Value Per Pupil	$16,200	$64,000
Tax Rate Per $1000 Full Value	27.20	27.20
Revenue From Property Tax Per Pupil	410	1,684
State Revenues	764	364
Expenditures Per Pupil	1,174	2,048

SOURCE: Report of the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, Volume 1, New York, 1972, pp. 2.7 - 2.9.

Because of variations in wealth, the amount of money spent per pupil varied from $1,174 in the poor district to over $2,000 in the wealthy district. In the wealthy district the high property valuation permitted the property tax revenue alone to exceed the average revenue available per pupil throughout Long Island from all sources.

Public school finance, therefore, relies largely on local property taxes as the revenue base for school districts. The amount raised and spent in a district will vary according to the real property wealth of the district and the commitment of the district to education. Taxation rates are determined locally with a state-established minimum of $11 per $1,000 of real property. In theory, the state contribution should close the gap between wealthy and poor districts, but because of the limitations in the method by which funds are distributed to local school districts, as discussed, New York State does not successfully equalize its funds to local schools.

The Fiscal Crisis. Shortly after Governor Rockefeller's fourth inaugural address, the New York Times commented about his not having announced any innovative programs. Instead, the Governor was seen as having acknowledged New York's "approaching fiscal bankruptcy" and the state's inability to create new programs and continue present programs.[49] Reasons for this

state of affairs related to impressive growth in state services as well as national economic conditions.

The services of the Empire State had grown in many areas.[50] Enrolling 235,000 full-time students, the State University of New York is the nation's largest higher educational system. When Nelson Rockefeller took office in 1958, the entire University had an enrollment of only 38,000 and was comprised of a small number of institutions with barely a regional appeal. The growth of higher education has been one of the Governor's major achievements, and the current budget for these institutions is well over $500 million. On the advice of John Mitchell, then a New York City lawyer, Rockefeller created the Housing Finance Agency in 1960 which has since made over a billion dollars available for a variety of medium and low-income housing facilities. The Governor advocated highway and mass transit construction which, despite high fares and questionable service, has grown into a giant system. Several years ahead of other states' efforts in environmental protection, New York in 1965 approved a one billion dollar bond issue to enable municipalities to build modern sewage treatment plants. In 1960, Rockefeller created the nation's first state-sponsored Council on the Arts which brought cultural activities within reach of nearly every state resident. Rockefeller's 1973 State of the State Message received national attention because of his proposal for a hard crackdown on drug pushers and hard drug traffickers. The Governor's leadership has given New Yorkers a pacesetting, dynamic state government. The price of pacesetting is evident when taxes must be paid.

With the state giving 63 cents of each dollar back to local governments,[51] the highest combined state and local taxes in the nation, burgeoning costs for services, and the failure of the federal government to enact revenue sharing at a time when New York needed it most, the Empire State indeed was in dire straits. As the decade of 1960s came to an end, the

Governor proposed a five per cent across the board reduction in state expenditures. Education suffered only about a three per cent reduction, in part because school aid is paid on the school year, half from one state fiscal year and half from a second state fiscal year. Even so, the stage was set for fiscal retrenchment.

Zero Growth for 1972-1973. The fiscal crisis facing the State of New York as it entered the 1970s placed state government in the difficult position of allocating less dollars to agencies which, if anything, were demanding larger appropriations if only to keep abreast of normal increases in current programs. In his Executive Budget for 1971-1972, the Governor proposed a budget of $8.4 billion which, if enacted, would have required large tax increases. In a conservative mood, the state legislature cut $760 million from the Executive Budget but even with the reductions, New York had its second largest tax increase in history.[52]

As the State Education Department was preparing its budget recommendations for the 1972-1973 fiscal year, the Governor sent a budget policy letter to the Commissioner which read, in part, as follows:

> .....My Budget Policy Letter has reminded you to prepare your next budget request within the framework of disciplined program priorities and strict economy and efficiency, with an eye toward eliminating programs that have become ineffective.
>
> .....Because of this assessment, it is imperative that you develop your 1972-1973 budget request with the utmost care and responsibility. Budget requests for mandatory and obligatory expenditure increases should be made only on the basis of the narrowest possible definition of these terms. Proposed budgeting for program enrichment or for new programs should be advanced only in combination with proposals to achieve compensating cash savings through the reduction or elimination of lower priority programs administered by your agency.[53]

The Commissioner and Regents were faced, therefore, with a three-part dilemma. Should they continue to develop their legislative recommendations in the face of a possible budget freeze by the Governor, thereby ignoring the hold-the-line

budget posture set forth in the above letter? Second, should the Regents submit legislative proposals under conditions of a total budgetary freeze without any of the normally expected increases for previously mandated programs? For instance, enrollment growth would itself account for considerable fiscal increase in existing programs. Third, should the Regents bargain for at least an incremental increase as would be suggested by normal growth? To remain within the confines of a budget freeze and to have possible federal revenue sharing yield additional funds would leave education in an undesirable position. Therefore, the Regents made not one but two sets of legislative recommendations, one for near zero growth conditions and one commensurate with projected educational costs for the coming fiscal year.

Several events occurred during the Fall of 1971 which had direct bearing on the education budget for 1972-1973. The budget for public elementary and secondary education is comprised essentially of two major sections, a state purposes fund to support state-level activities including the State Education Department itself, and a much larger local assistance fund consisting of revenue for local districts for operating expenses. It became evident to the Governor that an across-the-board education budget freeze would by definition mean reductions in the local assistance fund. Reactions from legislators, constituencies, and interest groups were clearly predictable. In addition, 1972 happened to be an election year. If the Governor wanted to maintain or increase his Party's hold in the state, drastic cuts in the education budgets of local school districts would not aid the cause. Early in December 1971, the Governor made the following statement:

> Under existing laws and aid formulas, State programs and State assistance to local governments and school districts would increase automatically in the next fiscal year without any new programs being launched. To avoid this built-in escalation of the State budget, I shall ask the legislature to freeze both State Purposes expenditures and local assistance payments at the dollar level of the present fiscal year.[54]

Using this statement as a test, the Governor received immediate and negative feedback from education advocates throughout the state. Shortly thereafter, another statement was released, reading as follows:

> Because of increasing enrollments and rising costs, a freeze of education aid would result in a 3½ per cent cut in school aid. The education of our children is too important, and the end result in many instances would be an intolerable added burden on real estate taxpayers. Therefore, the estimated saving through the freeze is reduced $105,000,000 on account of this item.[55]

Ultimately, the legislature, after prolonged analysis of the proposed budget and its effects, was responsible for the final educational increase of $117 million, somewhat higher than the Governor's original proposal.

The primary reason for the increase over the Governor's original proposal was another "save harmless" provision, which along with the near zero growth concept, proved to be the most significant educational fiscal development of the year. "Save harmless" is the means by which the legislature can mandate that school districts will receive funds for operating expenses which will be no less than the district received in the preceding year. During periods when districts project less state revenue for reasons such as smaller enrollments, district spokesmen will work hard to get a "save harmless" measure enacted by the legislature. Because of shrinking school enrollments and declining property values particularly in suburban areas, many school districts under the 1972 near zero growth education budget stood to lose considerable money over the previous school year. Nowhere in the state was this situation more prevalent than on Long Island in the suburbs of the metropolitan New York City area. Long Island legislators are known to have considerable influence in the legislative chambers in Albany. Both the Assembly Speaker and Majority Leader are Republicans from Suffolk and Nassau counties on Long Island. At the initiation of a Nassau Republican, a "save harmless" bill was passed in the Assembly. While some State Education

Department officials were opposed to the principle of a "save harmless" clause, vigorous opposition was absent because the provision did mean additional funds for some districts in a very lean year.

The increase in the local assistance fund for 1972-1973, in combination with a "save harmless" provision, enabled school districts to get by for another year while waiting for major changes in the aid formula. The State Education Department was not so fortunate.[56] Beginning in December of 1970, travel funds were restricted and new appointments were curtailed. In the following State fiscal year beginning April 1, 1971, travel funds were sharply reduced, over one hundred and fifty positions were eliminated, and approximately 200 vacancies could not be filled due to limitation of funds. Because of the continuing State fiscal crisis only limited relief through a slight increase in State funding was provided in 1972-73. Compounding the fiscal problems for the Department in both 1971-72 and 1972-73 was the elimination of a budgetary provision which previously had allowed a transfer of funds among major programs. While State Education Department officials attempted to maintain a modicum of personnel flexibility, their efforts were in the main thwarted by the actions of the Budget Division.

By the time the Executive Budget reached the legislature, it was clear that its justification as a means to holding expenditures to a minimum had been well established. The main policy issue for legislators was how to live within the guidelines of an austerity budget in a way in which the fiscal constraints to local districts could be minimized. The "save harmless" provision, already described, was the legislative response to this mandate by the Governor.

During the legislative session, however, the Regents sent an additional proposal to the legislature which, if enacted, would have increased the

estimated operating aid multiplied by the state aid ratio for each district, thereby increasing the local operating funds.[57] An amount of $40 multiplied by the total number of children qualifying for aid to federally dependent children in each school district would have increased the state aid to poorer districts. This provision would have provided for special education needs within the general aid formula. Neither Education Committee in the legislature took positive action on the proposal, however.

Proposals for Major Change. A primary reason for the lack of legislative response to the manner in which New York public schools are funded has been due to the anticipation that innovative proposals for school financing would come from some of the major study efforts in this area over the last several years.

The inequities in New York's financing public schools, as shown previously in this report, arise from the established ceiling on expenditures which causes local districts to raise additional needed revenues almost solely from the local property tax. Taxpayer resistance to additional property tax burdens may be seen in the percentage of tax levy defeats by local districts, as follows:[58]

Year	Total Tax Levies Voted	Tax Levies Defeated	Per Cent Defeated
1968	763	76	10.0
1969	690	137	19.9
1970	678	82	12.9
1971	679	132	19.4
1972	672	103	15.3

Several study groups and a blue ribbon commission have attempted to provide solutions to the questions of how to equalize and who should pay.

Created in 1969 jointly by the Governor and the Board of Regents as the New York State Commission on the Quality, Cost, and Financing of

Elementary and Secondary Education, the Fleischmann Commission, its common name, was given the mandate to conduct a searching examination of schools. Its areas of concern were the quality, relevance, cost, efficiency, and financing of public and non-public elementary and secondary education. During 1972, three large reports were released. In the area of school finance, the Commission called for state assumption of the full cost of financing public schools through a uniform statewide property tax. If implemented in 1972-1973, its recommendations would have cost over $700 million.[59] Full state funding would enable "leveling up" of poorer districts and "leveling down" of more wealthy districts to at least the 65th percentile in per-pupil expenditures. Distribution of revenue would be dependent on a weighting scheme according to specified areas of learning problems and would be based upon enrollment, not weighted average daily attendance.

Reaction to the Commission's recommendation was mixed. The negative feelings apparently were based on a fear of loss of local control over the schools. During a period of fiscal crisis, however, any proposal costing $700 million would have been unpalatable to state finance experts and politicians.

In early 1973, the five-man team of budget specialists on the Assembly Ways and Means Committee prepared a report dealing with a variety of proposals for reform.[60] Their examination included discussion of the concept of district power equalizing whereby a school district would spend an amount per pupil that it chose while not having to tax itself higher than any other district spending at the same level. Spending would become a function of a school district's interest in education as measured by tax effort. Other alternatives included modification of the present Diefendorf formula by changing the operating expense ceiling or flat grant provision. Finally, the study

group considered uniform taxation of commercial, industrial, and utility properties as a means to narrowing the wide range in district wealth.

The Board of Regents and State Education Department, in their 1973 legislative proposals, recommended raising the state aid ceiling, limiting local spending, and giving additional assistance to handicapped and disadvantaged students.[61] While wealthier districts were "saved harmless" under the Regent's proposal, these districts would have been limited to an increase of $62 per pupil above the new state aid ceiling. This restriction on wealthier districts met with negative reaction by many of the residents of wealthier areas.

Other approaches to restructuring school financing were offered by groups such as the Educational Conference Board. Supported by the New York State United Teachers, the Conference Board proposal also would have established a state-local cost sharing program by means of a statewide property tax collected on a county basis.[62] The Democrats submitted still another proposal.[63] Claiming their plan could be financed easily from "hidden surpluses" in the Executive Budget, Democratic leaders emphasized its "circuit-breaker" provision. This mechanism would have allowed for state reimbursement of all local property taxes, income, and sales tax payments over ten per cent of the income of anyone reporting taxable earnings under $16,000. Finally, the Governor's own staff prepared a study where large cities would have been treated as separate districts.[64] The state was to be divided into fifty regions, and any region spending in excess of 125 per cent of the regional average could not receive state funds for additional spending for school operating expenses.

In sum, the variety of proposals by major agencies and groups dealt with the ways in which New York could achieve greater equalization of its revenue for schools. Changes in the state aid ceiling, flat grant, special

corrections, and generation of new revenues were in one way or another incorporated into most plans. The legislature, hesitant to act quickly because the issue of school financing is politically sensitive, decided to hold proposals in abeyance for further staff study and political deliberation. Major decisions are expected during the 1974 legislative session.

Analysis of School Finance. The school finance issue in New York State has been an issue in which the state education agency has shown leadership by its proposals for increasing fiscal support. The issue has also demonstrated the pacesetting nature of state government because of the supportive manner in which both legislature and the Governor have turned innovative proposals into legislative enactments. As described by Bailey, the school finance issue demonstrated the creativity of academic scribblers working in consort with education advocates. The Cole-Rice and Friedsam Laws were landmark pieces of legislation which established state fiscal support for education and included funds for equalization, and these actions occurred at a period when most other states had not yet conceived of such broad fiscal support for public education. The consent-building activities of the Educational Conference [illegible] and the identification of legislators friendly to education helped form a pattern of state educational policy making which lasted for decades.

The enactment of a new aid formula in 1962 again illustrated the manner in which state leaders were able to respond to a growing crisis in school finance. The cooperative efforts of the Board of Regents and the legislature and the selection of a blue ribbon committee to devise a more satisfactory funding scheme for the state's schools were continuing evidence that leadership and broad-based support for education were hallmarks of educational policy making in New York State. Interestingly, this principle of state and

local cost sharing for education would have served to distribute funds to schools equitably were it not for limitations such as the ceiling in the state's share for school support.

As the Diefendorf aid formula became increasingly unable to meet the demands by schoolmen for increased revenues in the late 1960s at a time when there was increased awareness of the need to distribute revenues to schools more equitably, the Governor and Board of Regents responded with the formulation of another blue ribbon commission. Composed of distinguished citizens and a capable research staff, the Fleischmann Commission gained national recognition for its work. It appeared that New York State was again providing a laboratory for problems now increasingly encountered by other states in school finance and other critical education policy issues. During the year following the Fleischmann Recommendations, the inability of the legislature to translate the Commission's recommendations into viable educational policy occurred as school finance acquired dimensions of larger significance.

As a major policy issue in education, school finance has attracted an audience far larger than educators and state policy makers. A growing fiscal crisis in New York State was precipitated not only by larger national economic conditions but also by increasing agency demands on shrinking revenues. There are now fewer dollar increases to be allocated among agencies which during the 1960s grew immensely in the scope of their services. Citizens and state officials, who formerly were either not interested in education or gave perfunctory approval to fiscal increases for education, now find themselves involved in monitoring nearly any fiscal educational increase which may well mean less money for another area.

As these fiscal concerns grew in the early 1970s, the pattern of consent-building among educational groups began to break down. More than a diminution

in influence, the roles of groups such as the teachers' organization and the Educational Conference Board showed signs of changing as our later analysis will show. One state official experienced in educational and legislative matters advised that rather than being looked to for what will be enacted in educational finance, the teachers' organization, Educational Conference Board, and even the Board of Regents serve to set the outer limits of fiscal policies.[65] The real fiscal decisions are formulated by the legislative fiscal committees and leadership whose members can be relied upon to interpret educational demands more in keeping with the State's overall fiscal picture. Changes in organizational leadership and the inability of state educational organizations to effect legislative enactments substantially have resulted in increased contention among the educational groups as the locus for decision making in education has shifted into the legislature. It would appear that those who wish to effect legislative decisions in educational finance must intersect with a broader base of support and seek to influence a wider range of legislators and state officials.

Additional discussion of these emerging relationships will follow the descriptions of other critical educational policy issue areas.

Desegregation of Schools

It is not difficult to convince most people of the ideological advantages of equality of educational opportunity. In being more definitive about the interpretation of the phrase, however, equal educational opportunity may involve busing or redistricting. In these instances, rationality can be transformed into emotion and politics. Such has been the story of many communities throughout the nation.

The State Posture. The busing issue is by no means a recent one in New York.[66] The Cole-Rice Law of 1925 provided state funds for reimbursement

of one-half of the cost of pupil transportation. Since 1962, the state has assumed 90 per cent of the approved transportation expenses of each district. Over a decade ago, the Regents recognized the adverse effects of racially imbalanced schools in saying "Public education in such a setting is socially unrealistic, blocks the attainment of the goals of democratic education, and is wasteful of manpower and talent whether this situation exists by law or by fact." When he was Commissioner of Education in New York, the late James E. Allen wrote to all local superintendents and boards asserting the Regents' position, asking for a statement from the local school officials regarding any problem of racial imbalance in their districts, and requesting progress reports in cases where racially imbalanced schools existed. The New York State Education Department defined a racially imbalanced school as one having more than one-half minority student population.

The Board of Regents more recently affirmed their pro-integration position by publishing major position papers including those on Urban Education, Minority Access to and Participation in Post-Secondary Education, and Integration and the Schools. The latter policy position, appearing in 1968, was reaffirmed by another statement one year later:

> We are convinced that the elimination of racial segregation in the schools can enhance the academic achievement of non-white children while maintaining achievement of white children and can effect positive changes in interracial understanding for all children. The latter consideration is paramount.
>
> We note that those in positions of educational leadership must not wait for other social, business, and political forces to remedy the ills. We must take initiative to overcome the lack of understanding and respect which is at the root of those ills.[67]

In implementing this policy, the Commissioner of Education in his capacity as the Regents' chief administrative officer is able to bring his powers to bear. Unlike most chief state school officers, the Commissioner of

Education in New York has the judicial power of review in instances where citizens believe themselves "aggrieved."[68] In enforcement, the Commissioner has the power to remove school officers and withhold public monies to districts after appropriate hearings at which defendants have the right to representation by counsel.

Segregation in New York State. In spite of the firm posture taken by the Board of Regents and Commissioner of Education, statistics reveal that segregation patterns in the state have increased in recent years. The following Table shows that in the period 1968 to 1970, minorities including Spanish-surnamed Americans and especially blacks have increased in the percentage attending racially imbalanced schools.

TABLE 10

PERCENTAGE OF MINORITIES ATTENDING SCHOOLS WITH MORE THAN 50 PER CENT MINORITY ENROLLMENT

	1968	1970
Blacks in the South*	81.6	60.9
Blacks in New York State	67.7	71.2
Spanish-surnamed Americans in New York State	82.4	83.4
Total, all minorities, New York State	72.1	74.7

*Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

Source: Report of the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, 1972, Chapter Four.

As shown earlier in this report, the state's minority populations are concentrated increasingly in urban centers. Of New York's non-white population, 86 per cent reside in the New York City Standard Metropolitan Statistical Area. Similar residential patterns occur in the other five major cities, i.e. Albany, Buffalo, Rochester, Syracuse, and Yonkers. Over 96 per cent of the state's non-white population resides in these six cities.[69]

In the schools, 621 of the state's 760 school districts are considered

white isolated, i.e. not enough minority students are enrolled to permit racial balance. Therefore, 45.2 per cent of the state's public school children attend schools in districts which are 98.6 per cent white. One district on Long Island is minority isolated with 96.3 per cent minority enrollment.[70]

The failure of desegregation efforts such as open enrollment, free choice transfer, and pairing are a matter of public record. The historical account of these efforts is beyond the scope of this report. Other volumes are available including David Rogers' accounts of desegregation efforts in New York City. In a critique of the efforts of the Board of Education in New York City, Rogers concludes that there existed "a widespread pattern of sabotage by principals, teachers, and field superintendents and a very limited publicity campaign from headquarters."[71] In a study of the feasibility of desegregating elementary and junior high schools in New York City, Dodson remarked that "the more one examines the matter, the more convinced one is that the physical aspects of correcting imbalance in New York City are not the determining ones. They are matters of emotion, of prejudice, and of politics."[72]

The Response of State Government. From 1966 to 1971, the state legislature appropriated $13 million to help school districts pay the additional costs involved in promoting school desegregation.[73] Twenty-four districts implemented racial integration programs, and nineteen additional districts were supported in programs. In 1970, the Regents requested $7 million to help reduce racially imbalanced districts, an amount reduced more than half by the legislature. In 1971, the Regents again requested $7 and received no funds. In 1972, the same amount was again asked for but no funds were appropriated.

The growing conservative mood of state government and the attitudes

about busing have been evident in legislative activities. In 1969, the Education Law was amended by Chapter 342 which allowed only elected school boards the authority to assign pupils for the purpose of racially balancing school districts. This measure, in effect, brought to a halt the efforts of the Commissioner and appointed school boards to make progress in eliminating racially imbalanced schools. Two years later, the decision was declared unconstitutional by the U.S. Supreme Court (Lee v. Nyquist, 402 U.S. 935, 1971).

Early in 1972, the first volume of the Fleischmann Commission's report was released which, among other topics, dealt with school finance and integration. In the Fleischmann analysis, a district was designated as racially imbalanced under the following conditions:

1. When minority enrollment in one or more schools in the district varied from the district-wide minority percentage by more than ten per cent, or

2. When minority enrollment in two or more schools exceeded the district-wide minority percentage by more than five per cent.[74]

Accordingly, school districts throughout the State were identified as being racially imbalanced and were selected by the Commission as target districts for implementation of the desegregation plans. If the Commission's recommendations had been accepted, local districts would have been required to demonstrate efforts to achieve greater racial balance. The Fleischmann Commission's recommendations involved many areas including eliminating housing and employment discrimination, implementing multi-ethnic hiring practices, using multi-racial curricular materials, and district consolidation. Some observers found that the Commission also advocated cross-building, where and when necessary, to help reduce racial imbalance. Wasting no time, a delegation of seventeen Republicans from Nassau County issued the statement, "We cannot, and shall not, be a party to any legislative proposals which

could eventually lead to the complete destruction of our present school systems and which would remove control of these schools from the local level."[75] Forces quickly chose sides on the volatile issue. The Congress of Racial Equality took issue with the Commission on several points.[76] Public reaction grew increasingly negative.

Accordingly, the Nassau group of legislators initiated legislation in the Assembly which would have imposed a one-year moratorium on school busing for racial balance. Taking the lead from statements favoring a busing moratorium by the President of the United States, the bill passed in the Assembly, 99 to 44, and then passed in the Senate, 40 to 16. The burden of proof was on the Governor for executive action. Rockefeller had remained outside much of the busing dispute and given the fact that 1972 was an election year, his actions were understandable. The Governor received encouragement from many educators and groups to veto the enactment. A lengthy memorandum was submitted to the Governor by the President of the New York State Teachers Association which cited the unconstitutionality and divisive nature of the bill. The Governor, noting the similarity between the anti-busing bill and the 1969 Law declared unconstitutional in 1971, vetoed the measure at the advice of his Attorney General, "This act would also be clearly in violation of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States."[77]

Positions of Other Groups. To be openly against equal educational opportunity in a progressive state like New York might be a bit like being anti-American. Supporting equal educational opportunity, if it does not affect the individual and does not involve mass busing is a comfortable position to take. It is progressive, human relations-oriented, and fashionable. The interest groups in New York have published various proclamations,

resolutions, and memoranda giving support to equality of educational opportunities and the courageous actions of the Commissioner of Education. When accolades have terminated, the Commissioner and Regents have been generally left with the brunt of the argument favoring cross-busing.

There is another substantive reason why the actions of interest groups have differed from the efforts of the Regents and Commissioner. Because the Commissioner is dealing with the issue of racial imbalance in districts throughout the state, it is logical that many of his efforts have been directed to relocating students in order to attain racial balance. Therefore, efforts have been directed toward desegregating systems perhaps as much if not more than integrating systems. Without dwelling on semantics, there is a substantive difference between desegregation and integration. Officials in the State Education Department appear sensitive to this difference, and seem to be attempting to accomplish as much in the area of integration as desegregation.

The Advisory Committee on Instruction and Equal Educational Opportunity, a committee of the New York State United Teachers, but also including several State Education Department officials, has existed as a forum so common concerns could be discussed and cooperative efforts could be supported. This is one of the better examples of cooperation between teachers and the State Department. The New York State United Teachers organization has been supportive of the efforts of the State Education Department toward attaining racial balance. Additionally, the teachers have worked in the areas of human relations and curriculum development. A newsletter prepared by the teachers' organization is concerned with equal educational opportunities.[78] In 1972, considerable interest was generated throughout the state for a teachers' seminar in the integrated classroom as well as

two statewide human relations conferences. Aimed at a broader audience, the human relations conferences involved people from the community, parents, and students in addition to teachers.

Responses at Local Levels. The Board of Regents and Commissioner of Education have made efforts to deal with desegregation and integration in local communities throughout the State. Their actions, however, have been primarily to assist local districts to define the extent to which schools are racially imbalanced and to devise solutions toward the resolution of imbalance. The issue of school desegregation in New York, therefore, is one illustrating a relationship primarily between the Commissioner of Education at the state level and the particular local district of concern. Two local districts will be mentioned not in great detail, but as each exemplifies a particular relationship with the State Education Department.

In Utica, the Board of Education passed a policy statement in 1970 dealing with equality of educational opportunity.[79] Two board members were chosen to organize a broadly-based committee in hopes that a desegregation plan might be implemented in 1971. The Fall 1971 deadline passed. After extensive deliberations and rejections of possible plans, much of 1971 and 1972 were devoted to resolving an impasse arising between the Utica Board of Education and the Commissioner in Albany. The dynamics involved the busing issue, and a prime feature of one plan, "Plan H," was its choice of minor adjustments in the per cent of black students who would be distributed among the public schools and its rejection of any busing to achieve racial balance. A local newspaper released an editorial commenting on "Plan H":

> The board was ordered by Commissioner Nyquist to submit a plan by November 1, 1971. It had three options: (1) to devise a racial balance plan and submit it to Nyquist, (2) to refuse to come up with a racial balance plan and satisfy what it feels is the majority of parents, (3) to pass the buck to Mr. Nyquist and let him come up with a plan. It took all three options.[80]

Because the plan failed to alter the racial composition of the most racially imbalanced school, the Commissioner predictably rejected this plan and asked his officials to go to Utica to assist in developing an acceptable plan. After State Education Department officials spent 34 man-days in Utica, the Board of Education promptly rejected the plan and made a move to put the issue on the November 1972 ballot for referendum. A nearby newspaper, having once claimed that Utica would become another Pontiac, Michigan, printed a series of anti-Nyquist editorials including one which read:

> So what has (Rockefeller) done by his veto (of the anti-busing bill)? He has turned over the cities of Mount Vernon and Utica to the dictates of Ewald B. Nyquist, state education commissioner who has no intentions of following President Nixon's recommendations, turning them over to the Board of Regents which is not known for its ability to recognize realities and turning them over to the "think tank" troops of Mr. Nyquist in the education office. So Mount Vernon and Utica apparently are slated to be guinea pigs, despite the fact that Utica especially is hard-pressed financially and needs every cent it can spare for the actual processes of education rather than spend a great deal of money on social experimentation.[81]

Utica's own media seemed to be a bit more objective in assessing the situation. The Utica story, however, has been one fraught with controversy, split factions, and bitter opposition to the power of the Commissioner of Education. Energies were devoted to stalling integration plans in favor of bringing the issues to a head with the Commissioner by forcing him to take firm action. The State Education Department's approach of facilitating local initiative by giving technical state assistance often proved fruitless.

With a population of nearly 500,000, Buffalo is New York's second largest city. Its history of desegregation has been one of community internal strife, conservative city government, a split Board of Education, and continually missed deadlines established by the State Education Department.[82] Between 1960 and 1970, Buffalo's minority student population in the

schools remained relatively stable. An increasing migration of whites to the suburbs, however, has resulted in an increase in the proportion of city schools' minority to white enrollment of about 1.5 per cent per year. In 1965, the Commissioner of Education ordered Buffalo to develop a plan to desegregate its schools. Buffalo's plan relied heavily on the creation of twelve middle schools; two were opened by 1971. The number of racially imbalanced schools rose steadily toward the late 1960s. In 1971, there were extensive student disturbances at the beginning of the school year. One complaint dealt with the low number of minority teachers and administrative staff, a percentage less than ten. A redistricting plan calling for cross-busing was rejected by the Buffalo Board of Education. The Superintendent, with support from the Conference of Large City Boards of Education, called for a temporary halt to further desegregation efforts until the issue could be resolved at the national level.

Feelings in the greater Buffalo area were exacerbated because of developments in the adjacent industrial community of Lackawanna. An Overseer with broad powers over the Board of Education had been appointed by the Commissioner. Called a "watchdog" by local press, the Overseer was to try to regain order out of a situation described by the Commissioner, as follows:

> It is clear that a majority of the members of the Board have little understanding of or concern for the public trust which has been reposed in them, and little desire to depart from the cynical attitudes and disingenuous practices which have become characteristic of their regime.[83]

The Board's capabilities were further diminished by the resignation of three of its seven members because of charges of misconduct in office. These resignations occurred during the aftermath of a local scandal which brought prison sentences to six former Board members.

Amidst this general turmoil, the Buffalo schools experienced one of its smoothest school openings in 1972.[84] Credit for the peaceful opening was given in part to the New Visions Unlimited, a black youth organization working in the schools. Midway in the school year, however, racial disturbances flared again. The Buffalo Superintendent and a city councilman accused a local black legislator of helping incite trouble in the schools by his public call for state observers to come into local high schools.[85] Finally, a local Assemblyman sponsored a bill which was enacted which will put the question of election of the Board of Education, as opposed to appointment by the Mayor, on the November, 1973 ballot.

Analysis of Desegregation of Schools. Similarities exist between the policy issues of school desegregation and finance. Both issues have conceptual origins in education, but both issues have aroused public concern from a much broader audience than educators. Changes in the racial patterns of school attendance and in school funding have become issues affecting nearly every American citizen. Some critics of school desegregation would advocate that schools are being used to accomplish what society has not achieved in such areas as housing and child rearing.

In the State of New York, there are important differences between school desegregation and finance in terms of the arena in which major policy decisions are being made. While school finance has moved into the more open and contentious arena of the legislature, desegregation decisions have remained within the confines of the education establishment. The policy-making authority of the Board of Regents ard the quasi-judicial powers of the Commissioner in the enforcement of Regental authority certainly have been a cornerstone for the autonomy of the educational establishment. If necessary, the Commissioner has the authority to compel a local school district to action. While the Commissioner, sensitive to the nature of

this authority, has chosen wherever possible to provide technical assistance to local districts who are strongly encouraged to take voluntary action, it must be recognized that the legal power of enforcement is his. Much of the contention currently existing between legislators and state officials and the Commissioner appeared to pivot on this sensitive issue of the Commissioner's authority.

There is another important aspect to the authority of the Commissioner and Board of Regents in school desegregation. In other states one may find that the state education establishment has not acted in school desegregation because of a lack of authority. In cases where educators are unable to act with authority in school desegregation, the decision-making onus may rest with legislature and governor. The emotional nature and political sensitivity of school desegregation, in instances where the legislature and governor are faced with decision alternatives, place them in an untenable position. Liberal and conservative positions tend to solidify, and blacks are pitted against whites. Politically, it is nearly impossible to assume a middle ground. Thus, the autonomy of the education establishment in New York State has afforded other state policy-makers refuge from the storm surrounding this issue. If the political winds prove unfavorable no matter what decision is made by Regents and Commissioner, state solons can favor the other side of the issue. Recent experience has shown that in the enforcement of decisions favoring reduction of racial imbalance, the state legislators have sided with the more conservative national trend to oppose busing and redistricting for the purpose of achieving greater racial balance. In his veto of the 1972 legislative attempt to enact an anti-busing bill, however, the Governor demonstrated his willingness to weather state political reaction in favor of support of the 14th Amendment to the U. S. Constitution.

Educational interest groups in New York State have supported the stand taken by Regents and the Commissioner favoring school desegregation. In some cases, for instance by the teachers' organization, classroom efforts have been made toward achieving greater integration in the schools. The overall effort has been less than united because the very negative reaction by some citizens to educational decisions favoring desegregation have focused upon the Regents and Commissioner. For self-preservation the other educational groups have chosen to let the Regents and Commissioner take the brunt of the conflict.

While the two local areas reported involved considerable turmoil over desegregation, it must be recognized that not all New York State communities have followed the leads of Buffalo and Utica. In Niagrara Falls, a 1970 voluntary "perimeter plan" involved busing in order to attain a ratio of 80 to 20, white to black enrollment for city schools. In another part of the state, a Long Island school district in Huntington was able to implement a district-wide plan to bring all schools into greater racial balance beginning in the Fall of 1973.

Not all school districts, therefore, have experienced the bitter struggles evident in some of New York's cities. It would appear that in instances where state-local conflicts have been particularly evident, early efforts may have been unproductive because the communities were unable to resolve this critical issue. Where there have been plans to reduce racial imbalance involved busing and redistricting, more conservative fringe districts and suburbs have united in a drive based upon the fear that an influx of urban students will lower educational quality. Where fear has led to emotionalism and political sensitivity, educational goals have become subordinate to political realities.

Descriptions of two additional educational policy issues will follow prior to a complete analysis of policy roles and relationships.

Certification of Teachers

In many states, teacher certification is essentially a routine process by which a State Education Department examines the credentials of prospective teachers to insure they have met the minimum state requirements. Some states have developed alternative procedures such as competency-based certification according to prescribed performance criteria. A few states have even enacted legislation requiring that certification be based on performance or competency. In New York teacher certification is a leadership area for the State Education Department. The Department has taken the initiative in the development of a plan for assessing teacher competencies by performance-based criteria. There have been mixed reactions by other groups to this Departmental initiative, and they will be discussed as it relates to the development of this major policy position.

With approximately three-quarters of the operating budgets of school districts devoted to supporting professional staff, the importance of the ways in which teachers are selected, trained, certified, and evaluated cannot be underestimated. In New York, the requirement of five years of college preparation for secondary teachers began in 1943 and was extended to elementary teachers in 1963. Authority for the certification of teachers has been given to the Regents by the state legislature. The Regents' goal for the preparation and practice of professional personnel in the schools is as follows:

> To establish a system of certification by which the State can assure the public that professional personnel in the schools possess and maintain demonstrated competence to enable children to learn.[86]

Traditionally, the concept for the basis of certification was the assumption that teachers would be minimally qualified if exposed to sound academic training programs. More recently, dissatisfactions with teacher training as well as education in general are increasingly visible among citizens, legislators, and the teachers themselves. Since 1967, officials of the State Education Department have been involved in examining alternative ways of certifying teachers including the development of performance-based criteria. Underlying convictions exist about teacher preparation, according to the State Education Department, and they are summarized as follows:

1. Pupil performance should be the underlying basis for judging teacher competence.

2. The basis for certification should be teacher competence, rather than total reliance on college courses.

3. Preparation of teachers should involve a number of pertinent agencies and individuals, including schools, higher educational institutions, professional staffs, and relevant agencies.

4. The demands of teaching require that professional personnel undergo continuous training; consequently, teachers should be expected to demonstrate competency periodically to maintain certification.

5. The separation of preparation, certification, and employment must be maintained.

6. Efficient use of staff talents and organizational flexibility can be accomplished by differentiating the roles and functions of staff members including the use of paraprofessional personnel.[87]

To the State Education Department, performance-based teacher certification occurs when competencies, i. e. teachers' knowledge, skills, and behavior, are explicit, measurable, and public. The criteria used in assessing teacher competencies must also be explicit and public. Further, the assessment of teacher competencies must use teacher performance as the primary source of evidence. The assessment must be objective. Since the assessment of teacher competencies lies at the core of this method of

certification, the State Education Department advocates that the potential teacher's rate of progress in teacher education programs be determined by demonstrated competencies. The teacher training program, therefore, must facilitate the learning of these competencies.

During recent years, the State Education Department has taken a leadership role in the development of competency-based teacher certification. It is evident that both the teachers and higher educational institutions have a stake in the products of the State Education Department's efforts. Both the teachers' association and universities have been involved in the development of competency-based teacher certification. Some of their reactions will be discussed later.

In 1971, the Regents sanctioned twelve trial projects designed to bring State Department efforts to the local level. Bringing together teachers, students in teacher preparation programs, school board representatives, higher educational staff, and State Education Department officials, each trial project was devoted to study of a particular certification area. In the Buffalo Region, for instance, the focus was industrial arts, and in Rochester it was secondary school science.[88] In each trial project, the study groups worked through a four-step process, summarized as follows:

1. Formation of a policy board composed of representatives from public schools, higher educational institutions, teachers, and teacher education students. The policy board worked on a parity relationship regarding the power to influence the project's plans, development, monitoring, and evaluation.

2. Resolution of the objectives and priorities of the schools involved, and teacher competencies necessary in each school.

3. Establishment of explicit criteria and procedures in demonstrating necessary competencies as a teacher.

4. Establishment of a management system to provide data, determine accountability, and serve as a basis for program evaluation.

The initial attempt at parity proved to be a difficult one, because the diverse groups were not used to working together on common goals.

At the end of the first year, some progress had been made in nearly all trial projects although one project was still in the process of re-organizing its policy board. At this same time, the 1972 Regents' requests for legislative appropriation met with difficulty in a yea of near-zero budgetary growth for education. Funds for the projects were nearly eliminated, and progress slowed considerably. The State Education Department has released newsletters dealing with competency-based certification, and will continue with the program as far as possible.

A timetable has been developed by the State Education Department which projects the developmental plans for accreditation, certification, and continued education for the preparation of staff over the next twenty years. In the area of certification, the timetable is summarized as follows:

1972	Begin review of comprehensive assessment techniques. Establishment of potential alternatives to permanent certification.
1975	Certification by assessment available (limited) for non-program people.
1976	Assess potential of comprehensive assessment techniques. Major assessment of trial project potential.
1980	Certification for program personnel only on competency. Certification for non-program personnel only on eliminating of permanent certificate and establishment of periodic assessment for newly certified on basis of competence.[90]

The State Education Department has affiliated with a federally-funded multi-state consortium on performance-based teacher education. California, Florida, Minnesota, New York as well as five other states joined in the program. A quarterly newsletter published by the U. S. Office of Education has aided in sharing information among the nine states.[91]

Responses of Other Groups. The Fleischmann Commission, among its other charges, dealt with teacher training, certification, evaluation, and promotion. The Commission's major recommendations are summarized as follows:

1. Reduction in the number of education courses required for certification.
2. Marked increase in practical work in teaching during the training period.
3. Development of extensive internship programs in both professional and "lighthouse" schools.
4. Award of permanent certification after successful completion of a minimum of two full years of internship.
5. Evaluation and promotion of teachers based on output.
6. A system of intern, classroom, special, and master teachers to work in schools.[92]

A marked difference between Fleischmann and the State Education Department is that the Fleischmann Commission recommended evaluation and promotion based on teacher behavior rather than pupil performance. To meet the Fleischmann Recommendations in assessing teacher output, measurable behaviorable results would have to be developed for each role and subject specialization within a school. The goal would be the definition of teacher behaviors that promote learning. Therefore, there would have to be consensus among practitioners and college faculty regarding the definition and measurement of competence. The Fleischmann Commission noted that educators do not agree on precisely how children learn, or how teachers should act to enhance learning. The Commission concluded that the State Education Department should not adopt competency-based certification procedures at this time.

Another frequently-quoted source in New York is the Regents' Statewide Plan for the Development of Post Secondary Education, released by the Board of Regents on November 1, 1972. In the area of certification,

competency-based measures were recommended in accordance with the six State Education Department convictions about teacher preparation set forth earlier in this section of this report.[93]

According to State Education Department officials, there was little support, prior to 1970, for developing competency-based certification. College faculty appeared to be generally disinterested, and teachers seemed mildly negative. Since that time, however, more interest has been generated. National activities have motivated academic staffs who are researching and writing about alternatives to teacher certification. A standing advisory board, comprised of teachers and college personnel, was formed to aid the State Education Department in its efforts. A dean in a New York City higher educational institution, a recognized authority on teacher education, released a major study on competency-based teacher education.[94] In a detailed analysis, the report rejects pupil performance as the criterion for judgment of teacher certification. Training programs are recognized as being held accountable for changing teacher behavior. The most appropriate criterion level for accountability in teacher education, according to the author, is demonstration of teacher competency under actual classroom conditions. The report was more palatable to teachers than either the Fleischmann or Regents' approaches, because it supported the retention of such incentives as salary increments, meeting teacher needs, and eliminating the cost of taking additional graduate courses.

Most of the disagreement with the State Education Department's plan has come from teachers and their statewide organization, the New York State United Teachers. Teachers' disagreement is based on the issues of content and control. Regarding content, the teachers believe that competency-based certification cannot be based on pupil performance until extensive knowledge

is available about pupil performance. The validity of pupil performance as a measure and its relationship to teacher behavior is undetermined, in the opinion of the teachers. The leadership shown by the state education officials is, for the teachers, another example of the State Department's move toward control over the certification procedure. Considerable disagreement exists between teachers and the State Education Department regarding both content and control. One Co-President of the teachers' organization claimed that competency-based certification was "being promoted as the newest education and political fad."[95] The other Co-President shortly followed with "We believe that your (the Regents) recommendations on faculty productivity, collective bargaining, and tenure would serve to compromise the education quality, deteriorate classroom environment, and threaten legal faculty protection."[96]

The N.Y.S.U.T. leaders called for a period of vigorous research and development lasting a number of years. Noting that the competency-based certification proposal undermined tenure and teacher rights to due process by what amounted to a revocation of license, a teachers' organization officer remarked that "it is impossible to base an evaluation for recertification on unscientific premises and unvalidated competencies."[97]

Teachers' concerns relate to a number of issues not the least of which is job security. Other concerns include the reliability of an unproven instrument and procedure for judging teacher competence. Revamping certification procedures will mean re-examination of teacher training, evaluation, and promotion. These issues strike at the heart of the work of the teacher, and it is on these issues where objections have been expressed.

Certification of teachers has been a cause of conflict between teachers and administrators in the state. The Education Law specifies that districts employ only certified teachers. One section of the law provides

a loophole for the Commissioner to allow a local board to employ an uncertified teacher in cases where no qualified teacher may be located. To some certified teachers, this procedure allows the Commissioner to extend favors to local school authorities, as the following statement of a N.Y.S.U.T. Co-President indicates:

> It was a sleight-of-hand procedure involving a rubber stamp. Not having created sound plans that would have anticipated the teacher shortage (following World War II), the Department resorted to stretching the loophole wide open to admit, without prior approval, thousands of persons with inadequate preparation. This school year, more than 9,000 persons with no certification at all are teaching...while thousands of certified teachers are unemployed...[98]

Now that alternative methods of teacher certification are being considered, teachers at both local and state levels are expressing concern that their professional interests may be compromised. At the local level, teachers are working to convince local school authorities that additional research is needed before alternate certification methods are implemented. At the state level, efforts are being made to insure that legislation will not be enacted which will speed the acceptance of competency-based certification.

There has been limited legislative interest in the teacher certification issue. While one bill dealing with competency-based teacher certification was introduced into the Assembly, the bill did not pass. Evidently, legislators would prefer to leave the certification issue to the resolution of professional educators.

Analysis of Certification of Teachers. Unlike the issues of school finance and desegregation, teacher certification has been a professional issue of primary concern to educators and the state educational agency in New York State. There are reasons for the lack of a wider audience in teacher certification. The certification issue is without the widespread

fiscal and social implications found in the issues of finance and desegregation. Those most keenly interested in certification are those most affected by its policies. Therefore, legislators recognize a lower degree of political saliency to the issue and have preferred that the educational groups internally resolve whatever disagreements might exist.

The fact that teacher certification has been an issue among those in the educational community has not meant that the issue has been without conflict. The teachers' organizations have been sensitive about the extent to which local administrators have been allowed to employ non-certificated personnel on a temporary basis. As educational positions have moved from a seller's to a buyer's market, unemployed certified teachers have grown more vocal about their state of affairs.

New York State has provided leadership in teacher certification as attested to by the early fifth collegiate year requirement, by pronouncements by the Board of Regents, and especially by the degree to which the State Education Department has chosen teacher certification as one of its areas of leadership. When State Department officials began working on competency-based certification according to performance criteria in 1967, the issue had a rather low interest among others in education. More recently, the surge in interest in the quality and accountability of education has brought teacher certification, along with other professional issues, to the foreground. The development of several trial projects in New York State and the work of the Fleischmann Commission in certification demonstrate the importance of this issue. At a time when increased dollars for education are scarce, educators and even citizens have become more interested in the ways in which existing revenues are distributed. Teacher certification will remain a vital area of concern for both teachers and administrators.

If the State Education Department can continue to develop competency-based teacher certification in a manner where the job security of teachers is not affected to the extent that the teachers' organization enters the arena with its political clout, the issue will remain with the educational community and gain internal resolution over time. If teachers decide that their self-preservation is threatened and bring their collective strength to the fore or if the State Education Department gets the issue moved into the legislative arena because of increased interest in educational quality and accountability, the issue of teacher certification could become issue of major significance. The political strength of the teacher merger, heretofore untested in the legislative arena, and the combined weight of the state educational agency and its allies could give wide-reaching dimensions to this professional issue.

Educational Program Improvement-Project Redesign

One policy issue illustrating the improvement of educational programs was selected for examination, and that issue was Project Redesign. In his inauguration speech in 1970, the current Commissioner of Education affirmed the goals and ideals of the University of the State of New York. One goal was to enlarge educational opportunities for all state residents. One objective in attaining this goal, in the Commissioner's words, was to recognize that "all of the educational resources within the State, both formal and informal, (will be considered) as constituting the living current reality of the University of the State of New York."[99] With an eye on the future and the goal of creating an educational system to meet future needs, the State Education Department conceived Project Redesign.

The late 1960s in New York was a period of fiscal retrenchment and thinking for the future. As noted previously, the Governor and Regents

created the Fleischmann Commission to examine New York's educational system. A new Commissioner of Education had been appointed. Two internal State Department task forces were formed to examine the State Education Department and its role in the state educational system.[100] The Mission Task force began to reshape and redefine the State Department's role in elementary and secondary education, and the Program Task Force began developing approaches to carry out the Department's mission. The combined results of the task forces formed the basis for Project Redesign, a long-range planning effort with the goal of creating a new system of education in New York. The Commissioner summarized some of the characteristics which New York's educational system might have:

1. Redesign is a strategy, one that adapts a comprehensive systems approach to planning.
2. Strategy should include criteria for evaluating proximate goals and the tactics proposed to meet those ends.
3. Redesign means redesigning the total system of education.
4. Redesign means starting by looking ahead, that is, engaging in an analysis of the future.
5. All segments of the community participate in this analysis of the future definition of needs and statement of goals.
6. All community segments will participate in specifying the characteristics of the new system of education.
7. Characteristics represent goals as well as criteria for judging the progress of the district and for choosing among possible program components.
8. Emphasis on local redesign requires a different kind of community involvement.[101]

Role of the State Education Department. An explanatory brochure reads "Traditionally, the Department has been the definer of goals, the setter of standards, the enforcer of regulations and laws on education."[102] In Project Redesign, therefore, a somewhat different role is suggested. The major components of this role are as follows:

A. To provide resources and support for prototype districts and the regional redesign effort.

B. To plan a strategy for reshaping the Department role and capabilities for greater effectiveness in the new system of education.

C. To evolve with the legislative and executive branches of state government a new pattern of laws and regulations.

D. To win wide support from the people of the State for the new system of education, a system which will be an educational environment relevant to the last third of the 20th century and beyond, at a price within the means of the people.[103]

An organization had to be established for the implementation of Project Redesign. An Assistant Commissioner was chosen to head a seven-member Executive Redesign Council, the key policy-making body for the Project. Those on the Executive Redesign Council are either State Education Department or Redesign administrative staff. A Statewide Coordinator who reports to the Council is the executive officer for Project Redesign. One of the prime functions of the Statewide Coordinator is to coordinate the efforts of the prototype districts.

Early in the planning for redesign, it was determined that a three-pronged, simultaneous effort would be launched. Redesign would be initiated in a number of local communities.[104] At the intermediate level, the agencies for the Boards of Cooperative Educational Services (B.O.C.E.S.) and Regional Centers would act to develop redesign capabilities at a level above the local districts. Finally, the State Education Department would assume its new role relative to the redesign effort. In 1970, three prototype school districts were selected to include small city, suburban, and rural communities. In 1971, a New York City local district was selected as the fourth prototype. One year later, a B.O.C.E.S. intermediate level district was selected. More recently, forty-nine local school systems have been formed as part of a secondary network to discuss the redesign program looking toward future involvement.

The thrust of Project Redesign lies at the local level and the ability to bring together community residents and educators. Future educational goals are selected, and ways of meeting the goals are outlined. Through the work of subcommittees and planning groups the ongoing work of Project Redesign is reported to the State Education Oepartment. Redesign activities in the community are reported to a coordinator through the local school superintendent. The coordinator, one for each prototype district, reports to the state coordinator. One coordinator for each prototype district, together with necessary support services (management teams), a regional network coordinator, and the coordinator for S.E.D. development report to the state coordinator.

Prototype Activities. Some of the activities in two of the five prototype school districts will be discussed. The rural school district consists of four villages serving 1,800 students. The problems are those of rural America: sparce population, emigration of the young, and a declining agricultural economy. The community and its educational leaders were receptive to the concept of redesign. After the district was selected as one prototype, a number of redesign committees were selected, including the following:

1. A citizens' committee of sixteen: three parents plus one citizen from each of four villages.
2. A students' committee of eight including six elected and two appointed.
3. A nonteaching staff committee of ten.
4. A teachers' committee of sixteen including elected representatives from all buildings in the district.[105]

The chairman and vice-chairman of each committee, the local school superintendent, a B.O.C.E.S. representative, the local redesign coordinator, and the S.E.O. coordinator comprise the local redesign planning council.

Because the local redesign planning council recognized the inadequacy of old management structures and techniques, a management consultant was made available to the district by the State Education Department. This particular district was selected as a prototype, in part, because a local campus of the State University of New York was located nearby. College resources were available to the community. The local redesign planning council brought a futurist as a consultant into the community who conducted an eight-session workshop for members of the redesign committees, which by this time had grown to include several study groups and task forces supplementing the four basic committees.

An early result of the work of the study groups and task forces was to afford alternative learning experiences for high school students. Students were able to obtain release from regular classes to work in such capacities as volunteers in a hospital, nursing home, retarded children's center, newspaper, and city hall. Some students chose to become aides in the elementary schools. Others elected options in place of physical education classes. An adult course was instituted dealing with modern educational trends. As a means of enlarging the participants in Project Redesign, the State Education Department made its Community Communications Consultant available to the local redesign planning council. A communications subcommittee worked to make video-taped workshop sessions available for news releases. A mobile community communications center was planned to disseminate the activities of redesign to all four villages.

The urban prototype presented a very different situation. The urban school district was scarcely larger in area than one of the rural villages, yet it had 17 times as many students as the rural school district. The composition of the student population was roughly 65 per cent Puerto Rican and

30 per cent black.[106] Years of governmental neglect and changing ethnic patterns had brought the community to the edge of its patience. One-third of the resources in this school district came from federal programs. It seemed to be difficult obtaining resources for the Redesign endeavor. This particular district was affected by the decentralization law, and the local board had a newly acquired status in determining education policy for its students. According to State Education Department officials, there was some hesitancy among local educators to become involved in Redesign for fear that local initiative would be lessened. Another special concern was the bilingual nature of the district. Supplies, including an electric typewriter and materials, had to be geared for communication in Spanish.

A series of public meetings were held throughout the district. A large number of community groups expressed interest and wanted to become involved in the project. A policy group was selected to report to the board of education. An initial effort was the district-wide assessment of reading programs. Community representatives trained as reading specialists were secured to work in this area.

Responses to Project Redesign. The State Education Department has tended to exercise a directive role in most programs in which it has been involved. A basic question, therefore, is the extent to which the State Department can redefine its own role in a way to encourage community initiative in redesigning an educational program to meet future needs. Some resistance to redesign efforts have come from within the State Education Department from those used to the more traditional State Department relationship with local districts.

One critical newspaper reporter, in talking about Project Redesign, wrote:

> Education, via experimentation, is being invented daily. And because the State Education Department in Albany evidently does not think the inventions are coming fast enough, the Department has decided on a project called "Redesign." The purpose of Redesign is to find out from the people, through committees, what the community wants for education. This purpose is certainly worthwhile. Unfortunately, however, it is part of a bureaucratic plan, not a people plan, and as such it will not succeed.[107]

The reporter felt the State Department's role would not be altered by Project Redesign. The reporter went on to say that "committees dance to the tune of educators...maybe the people don't want a new system...maybe the people have had enough of experimentation." This individual was critical of the very purpose for the Project Redesign and felt the educational system should return to the "basics."[108]

Other groups have voiced concerns about Project Redesign. The New York State United Teachers released a communication to their membership reading:

1. Redesign cannot succeed unless teacher organizations are fully involved in the change process.

2. Redesign can become a serious threat to professional development if teacher groups do not immediately seize the opportunity for sharing the decision-making power because other groups in the community also are being asked to become more involved and in many places are doing so.[109]

The key to understanding reactions to Project Redesign is to realize that redesign activities are focused at the local, not the state level. At the local level, Project Redesign involves teachers but more on an individual basis than on a collective basis. In a column in the weekly New York State United Teachers' newspaper, a Co-President made the following statement:

> Diffusion of both leadership and decision-making was therefore determined to be the central organizational theme in Project Redesign. But as the program moves into its second year this fall (1972), there are signs that school districts and elements within the State Education Department are moving away from the concept of collective leadership and are reverting back to the traditional and outmoded vertical hierarchy for ideas and decisions. Our

> Instructional Improvement Division reports that out of the hundreds of districts now involved in redesign projects, very few are including locals in the decision-making process. In many districts, there is deliberate exclusion of local teacher organizations, based on the false inference that locals are organized only to bargain for welfare items.[110]

As shown in this report, the management of Project Redesign seemed to channel communications through existing administrative structures. There is no doubt, however, that teachers are involved in local redesign activities, but their involvement is more individual than collective.

Project Redesign has been supported by federal monies and New York State Education Department personnel. Neither the Governor nor the state legislature have become involved with Project Redesign either on a funding or policy-making basis. While the legislature could be approached as a funding source for the project, there appears to be some hesitation among Department officials in going to the legislature. Some officials believe that the legislature might perceive Project Redesign as an accountability effort. From a policy viewpoint, it is questionable whether the state legislature could appropriately help define goals and programs which, by definition, are locally-based. In this instance, legislative involvement might be a deterrent to local initiative.

Analysis of Project Redesign. Of the four policy issue areas chosen for examination in this study, Project Redesign as one example of educational program improvement has remained an issue involving the State Educational Department and the prototype districts in which specific Redesign activities are occurring.

Project Redesign was conceived by a respected former Commissioner and formulated under the leadership of the present Commissioner at a time when the decade of the 1970s was rapidly approaching. It could have been a time when thinking about the future was a more productive activity than reflection on the past. Project Redesign involved a healthy renewal process in the

efforts of the two Department task forces to examine missions and strategies. The rhetoric of Project Redesign was indicative of some searching activities which were taking place. Futuristics, change strategy, goal setting, community involvement, long-range planning, and program assessment are action words to the organizational developer. In the prototype districts, there appears to have been some real progress made not simply in defining educational needs and program alternatives for the future, but in the involvement of diverse community segments in an ongoing effort to design an educational system relevant to future needs.

One might wonder, why, in view of the nature of Project Redesign, the issue has not attracted a wider audience. Many of the legislators and Governor's staff and two individuals quite knowledgeable of state educational politics who were interviewed had very little knowledge of Project Redesign other than recalling the name. It was not uncommon for interviewees to ask what Project Redesign was. This limited knowledge of Redesign appears somewhat incongruous given one of the Project's major components of evolving "with the legislative and executive branches of state government a new pattern of laws and regulations." The answer to this question possibly is related to recent events in education where available revenues had to be allocated to local assistance to maintain the schools rather than devise a new educational system for the future. Additionally, the press for assessment of educational results is directed more to present realities than future possibilities.

Should Project Redesign be continued, some basic questions must be directed to the nature of the role of the State Education Department and the involvement of educators and citizens in Redesign at the local level. Some of these questions are the following:

1. Can the State Education Department, as it claimed, alter its own role to consultation rather than direction when local communities are capable of taking over direction of goal-setting and program implementation?

2. Does the present structure of Project Redesign at the local level facilitate balanced viewpoints in the local Redesign Planning Council so that decision-making is truly representative of diverse community segments?

3. Does the absence of collective teacher involvement through organized locals preclude meaningful teacher input into Redesign?

4. Will the state teachers' organization continue to perceive the absence of collective teacher involvement as a serious shortcoming to the entire Project?

The answers to these questions will portend much of Project Redesign's future as a community-directed change strategy for education in New York State.

One scholar of state education politics predicted no future for Project Redesign, as follows:

> I predict that not one word of request to fund or bless Redesign will ever go to the legislature. The Project will quietly die with an appropriate press release from the State Education Department.[11]

While Project Redesign might not meet such an inglorious termination, the future success of Redesign activities may lie in related areas such as the concept of regionalization of state educational services through the existing Boards of Cooperative Educational Services. By an effective use of these intermediate-level organizations more closely associated than the State Department with local educational programs, the output of present efforts in Project Redesign may well be utilized in the continuance of other State Department activities.

SECTION V

POLICY ROLES AND RELATIONSHIPS

In New York State, chiefly by state statute, the Board of Regents and Commissioner of Education are to maintain and support a system by which all children in the state will be educated. Many states have similar statutory mandates, but the difference in New York has been the scope of the Regents' and Commissioner's authority and the nature of their powers in policy making. With educational responsibilities for the total educational system throughout the entire state, the Board of Regents and Commissioner of Education emerge as unique in American education. The structural autonomy of these state officials and the extent to which state government has supported education by legislative fiscal enactments, however, have not made education immune from external criticism. New York is experiencing what many other states have encountered in the early 1970s. The halo effect around education has been replaced by a heightened public interest in the enterprise and a criticism of a lack of accountability in education. Perhaps the accountability issue is most visible in the current interest in implementing fiscal controls over educational expenditures and establishing measurable performance results for both students and staff.

These new events in the 1970s have particular meaning for the policy roles of actors in both education and state government. An analysis of these roles will illustrate the areas in which new relationships are beginning to be seen.[112] Interpretive remarks about these emergent relationships will be made as they relate to the direction of the state education policy process in New York.

Role of the Board of Regents

As the top governing body for the entire educational system in the Empire State, the Board of Regents operates in its own style. Unlike some state boards of education, the individual prestige accorded to members as community leaders and the collective stature of this fifteen-member body have resulted in considerable visibility and influence. On an individual basis, members of the Board of Regents are well known in their respective regions. Acting as spokesmen for both the Board of Regents and the state's educational establishment, individual members are contacted as a communications channel to the State Education Department and serve to submit ideas to the Board for discussion and examination. Collectively, the work of the Board goes on largely behind closed doors but the results of their monthly meetings in Albany are given ample media coverage. The release of major policy papers, the submission of legislative recommendations, the adoption of policy decisions, and the conferring of academic degrees in higher education are accompanied by press releases and television interviews. The Board's spokesman is its Chancellor who is a familiar figure during public sessions, and the Chancellor can be seen on these occasions in the company of the Commissioner of Education, the Executive Deputy Commissioner, as well as appropriate members of the administrative staff of the Department.

As part of this study, nine of the fifteen Regents were interviewed. Those who were interviewed had compiled ninety-five years of service as Regents with the average tenure being 10.5 years. Terms are fifteen years, and considering that people elected as Regents usually have served full careers in areas such as law, banking, business, or education, one can expect to reach the mandatory retirement age of seventy at or prior to serving one complete term. It is noteworthy that several Regents have

become nationally-known figures in education in their own rights.

It was noted earier in this report that the process of becoming a Regent is anything but apolitical, but the ongoing work of the Board is conducted as though it is beyond or above partisan politics. Nearly all who were interviewed mentioned that their candidacy had been suggested by someone else, frequently a member of state government or a local party official. People are selected to be Regents not because of political party activity, but because they have distinguished themselves as "citizens with honor." One Regent observed that "You become a regent like a judge; because you know a politician." Clearance on the acceptability for the position is determined early in the process, because campaigns as such do not really exist. During periods of candidacy opposition is rare and the joint legislative vote can be routine along party lines. The current Republican majorities in the legislature, however, do not mean that only Republicans are elected as Regents. The lengthy Regent terms, the Democratic-controlled Assembly in the mid-1960s, and the apparent Republican willingness to select either Republicans or Democrats as Regents have resulted in the Board containing members of both parties.

The ongoing work of the Board of Regents is accomplished through the use of committees of which there are five. Ideas and proposals in draft can be brought before a committee by an individual Regent or prepared by the staff of the State Education Department. Board members advised that most commonly the Commissioner of Education will present an outline of his own ideas or those developed within the State Education Department to a Board committee for reactions and study. The Commissioner might also discuss an idea with the entire Board, but less frequently will he present a fully developed proposal to the entire Board without prior reaction by a Board committee. The Commissioner does not solicit reactions of individual

Board members to his own fully detailed proposal prior to presenting the proposal to the Board for consideration. The relationship, then, between the Board and the Commissioner may be described as collegial and open. This collegiality was evident in Board members' saying that while individual members may oppose the Commissioner and his ideas, factions are not formed and conflicts in public are minimized. Those interviewed said that the Board was usually in agreement, but there were individual members who sometimes dissented. Dissent was related to the content of an issue, however, and was not indicative of factions within the Board.

There are other important aspects of the ongoing work of the Board of Regents. Communications between the Board and the interest groups appear rather formal and occur at an annual dinner meeting or hearing. Interest groups do not lobby, as such, with the Board, and individual communications are generally infrequent. Regents felt that the views of local and state administrator and school board groups were communicated to the Board somewhat more than by other interest groups including teachers. Those Regents who were interviewed felt that the teachers, rather than other groups, most often attempted to influence the Regents' major policy decisions, but that the school boards' association and the Educational Conference Board actually were more effective in influencing the Board. The views of other Board members and the views of the Commissioner were assessed as being of greatest importance in helping the Regents in their work.

The relationship between the Board of Regents and the Commissioner and his staff was described as collegial. Congruent with this reported collegial relationship between the Regents and Commissioner is the favorable Regents' assessment of the views of the Commissioner and his staff. One Regent reported that the position of the Board of Regents cannot be separated from the position of the State Education Department. The Board of Regents,

in defining the educational needs of New York's citizens, makes extensive utilization of staff input from the State Education Department as well as input from local educators. Even with this assistance, the work of the Regents can be accomplished only with considerable homework prior to the monthly meetings. The Regents make what are commonly referred to as "pronouncements in education." Their annual written legislative recommendations are circulated widely, and then are translated into specific pieces of legislation by Department experts. Just as it takes Department input to furnish the Board with necessary educative materials, so it also takes the Department to draft Regental actions into legislative proposals. It is within the context of this Board-Department interrelationship that the present Commissioner's remark about the Board of Regents serving as the bridge between education and the public in New York may be better understood.

The policy roles of the Board of Regents and the relationship between the Regents and other state policy makers may be placed into sharper perspective by understanding the broad dimension of influence and its implications. Some important aspects of the dimension of influence are communication patterns and the Regents' self-perception of the ways in which members of the legislature and Governor's staff may be influenced. Table 11 shows the results of addressing an open-ended question to the nine Regents who were interviewed regarding the ways in which Regents believed they could communicate with legislators. In particular, interviewers were trained to probe for any personal involvement of the Regents on either a collective or individual basis. The three Regents who did believe that there were informal contacts with legislators were those who had established some contact with their local legislators in their judicial districts.

TABLE 11

RESPONSES OF REGENTS ABOUT THE WAYS IN WHICH THE BOARD OF REGENTS COMMUNICATES WITH LEGISLATORS (N=9)

Category of Response	Frequency of Response*
Public statements by the Board including written legislative recommendations	6
Formal meetings with legislators and legislative committees including the annual Board dinner for legislators	6
Communications with legislators through the Chancellor of the Board of Regents or top State Education Department staff	4
Informal personal contacts by individual Regents with legislators	3

*As an open-ended question, more than one response was accepted and coded into four categories.

The reamining sixteen of the nineteen responses, however, dealt with more formalized means of communication. The nine Regents who were interviewed were then asked by what means the Board could influence the actions of the legislature. Table 12 indicates the responses to this open-ended question.

TABLE 12

REGENTS' PERCEPTIONS OF THE MEANS BY WHICH LEGISLATORS MAY BE INFLUENCED (N=9)

Category of Response	Frequency of Response*
Through the power of persuasion	4
Through the State Education Department	3
Through formal meetings	3
By encouraging the support of other organizations	2

*As an open-ended question, more than one response was accepted.

While some of these responses involved using the power of persuasion, generally these responses were qualified to include persuasion based on

the content of the issue rather than political persuasion. Two of the twelve answers, however, did deal with gaining the support of other organizations. Two of the nine Regents mentioned that any influence possessed by the Board was to be considered "limited," and one Regent said that "Our personal views are of no value." One Board member responded as follows:

> Aside from the accidents of personal contacts with legislative leaders, the Board does not attempt to influence the legislature because exercising political influence is not our job. The Commissioner of Education does this and has a number of ways of influencing the legislature.

Members of the Board of Regents were even less optimistic about any influence the Board had in working with the Governor. Three of the nine Regents who were interviewed believed that the Board did not influence the Governor. Another Regent said that any influence the Board might have was limited. Table 13 illustrates the ways in which the remaining five Regents felt that the Governor might be influenced.

TABLE 13

REGENTS' PERCEPTIONS OF THE MEANS BY WHICH THE GOVERNOR MAY BE INFLUENCED (N=5)

Category of Response	Frequency of Response*
Persuasion based on issue content	3
Through the State Education Department	1
Through the formal, annual meeting with the Governor	1
By use of the public media in coverage of Board of Regent actions	1
By the promise of public support or opposition	1

*As an open-ended question, more than one response was accepted.

These nine Regents were asked if either the Board or individual members could be considered to be among the Governor's close education advisers. All but one responded in the negative, and the one Regent who mentioned that the Board might be considered as a close education adviser noted that New York's current Governor was far less sympathetic toward the state education agency than his predecessors.

In summary, it could be concluded that the Board of Regents generally seeks to influence the Governor and legislators by more formal means. The Board of Regents does not maintain a close working relationship with the Governor and with the legislature. This factor, it will be seen, lies at the core of much of the criticism of the Board of Regents. The Regents are perceived as a formal body which does not really maintain a working relationship with these other state policy makers. The Board of Regents appeared to be viewed as being unapproachable. While some Regents insisted that their role was more in defining state educational needs than creating legislative proposals, others outside the state education agency appear to be viewing the Board of Regents increasingly as being fiscally unrealistic.

Perceptions of the Board of Regents were offered by members of interest groups. Members of the New York State United Teachers and the United Federation of Teachers said the Board did not take the lead in promoting educational legislation, and they reported that their organizations did not work directly with the Board when education policies were being considered. On the other hand, most of those who were interviewed from the school boards' and administrators' associations, and the Educational Conference Board did believe that the Board exerted leadership in promoting educational legislation. These representatives of non-teacher associations also felt that their organizations worked directly with the

Board when policy was being considered. The school boards and the administrator associations, as well as the Conference Board were mentioned most frequently by interest group leaders as being influential with the Board of Regents. The teachers' association was either not mentioned as frequently, or interest group leaders apparently believed that teachers had less influence than did other interest groups with the Board. A somewhat cautious or negative perception of the Regents by teacher groups, given the rising teacher militancy in recent years, might be expected. Of the ten interest group leaders interviewed, three felt that the Board of Regents merely formalized the Commissioner's policy recommendations but seven believed that the Board gave real direction to the Commissioner. Two of the latter group mentioned specifically that the Board did not act "as anyone's rubber stamp."

Members of the legislature were questioned about the role of the Board of Regents. Nineteen members of the legislature including staff were interviewed, and the focus of the questions dealt with the dimension of influence. Specific questions concerned the methods of communication and the means of influence used by Regents in their relationship with the legislature. Legislative members were also asked to assess the importance of the Board of Regents in formulating and working for educational legislation. Table 14 summarizes responses by legislative members regarding methods of communication.

Seventeen of the twenty-two responses indicated that communications with the legislature were formal, usually in writing, and often limited to the annual Regents' written legislative recommendations. Only one legislator felt that communications included private exchanges between Regents and legislators.

TABLE 14

LEGISLATIVE MEMBERS' PERCEPTIONS ABOUT THE WAYS IN WHICH THE BOARD OF REGENTS COMMUNICATES WITH THE LEGISLATURE (N=19)

Category of Response	Frequency of Response*
Written legislative proposals and formal communications	17
Communication through the Commissioner of Education and the State Education Department	4
Private communications with legislators	1

*As an open-ended question, more than one response was accepted.

Legislative members were asked about the means of influence used by the Board of Regents in dealing with the legislature. Table 15 shows that nearly one-third of the legislative members believed that Regents do not become involved in exercising persuasive influence with legislators. About the same number indicated that persuasion was used infrequently and depended upon the particular individual or issue involved. These legislative perceptions tended to be in agreement with the Regents' self-perception that the Board's means of influence was limited to formal expressions. Legislative members said that the Board of Regents' influence was related more to a particular legislator-Regent relationship than any overt attempt of the Board of Regents to exert persuasive influence in the legislature.

A more structured question was directed to legislative members asking for their assessment of the Board's importance in formulating and working for educational legislation. Table 16 indicates the responses to this question.

TABLE 15

LEGISLATIVE MEMBERS' PERCEPTIONS ABOUT THE WAYS IN WHICH THE BOARD OF REGENTS EXERCISES PERSUASIVE INFLUENCE WITH LEGISLATORS (N=19)

Category of Response	Frequency of Response*
Neither the Board of Regents nor individual Regents is involved in exercising influence with legislators.	6
The use of persuasion is infrequent but might occur depending upon either the specific Regent or issue involved.	7
The Board of Regents exercises influence in the legislature through personal friendships between particular Regents and legislators.	3
The influence of the Board of Regents is limited to actions taken by the State Education Department in the legislature.	2
The Board of Regents attempts to exercise influence at their formal functions such as the annual dinner for legislators.	1

*As an open-ended question, more than one response was accepted.

TABLE 16

LEGISLATIVE MEMBERS' ASSESSMENT OF THE IMPORTANCE OF THE BOARD OF REGENTS IN FORMULATING AND WORKING FOR EDUCATIONAL LEGISLATION (N=19)

Category of Response	Frequency of Response*
The singlemost important participant	0
One of the most important participants	9
A participant of minor importance	3
Not important at all as a participant	7

*Respondents were asked to choose one of four answers.

None of the legislative members saw the Board as the single most important participant and seven felt that the Board was not at all important as a participant. Of the nine who believed that the Regents were one of

the most important participants, three qualified their responses by saying that the Board was an important participant in formulating educational legislation but was less important in actually working on legislative concerns. Those who stated that the Board was an important participant appeared to be saying that the Board of Regents was important because of the structural significance of its position. In other words, the Board was seen to be important because of what it was rather than what it did. Some of the members of the fiscal committees and the Assembly leadership, in particular, saw the Board in a more negative light by saying that the Board was not important at all as a participant in policy formulation because of the Board's unrealistic fiscal pronouncements and grandiose educational positions. Members of the Education Committees including staff, seemed to be more favorably disposed to consider the Board of Regents as an important participant in formulating educational policy. The reason for the more favorable disposition of the Educational Committees might relate to their more frequent contact with the State Department on a variety of topics including those of a non-fiscal nature. A pressing fiscal crisis in the Empire State, the lack of communication between the Board and the legislature, and a negative legislator perception about the Board's fiscal recommendations apparently have combined to decrease the impact of the Board upon the legislature. The negative feelings about the structural autonomy of the Board have grown in recent years. The Board and the State Education Department are seen by many legislators to be a thorn in their sides because the educational establishment is not directly accountable to state government.

There are signs, other than legislative assessment, that cracks are appearing in the pedestal on which the Board of Regents has been placed for

so many years. In an unprecedented move, a Regent desiring re-election in 1972 was by-passed by local party officials and the legislative leadership in favor of someone else. While this particular Regent would have had to retire in two years because of reaching the mandatory retirement age, his support of the Regents' pro-busing stance met with negative reaction among conservative community elements. Therefore, under pressure the Regent was replaced by a more conservative community leader who was successfully elected by the legislature to the Board.

Recent actions by state government have demonstrated a more visible concern for the manner in which members of the Board of Regents are selected. In the 1972 legislative session, one Assemblyman proposed an amendment to the State constitution to provide for the public election of the Board of Regents based on representation throughout the state. In commenting on the Regents' stand favoring busing, one reporter in 1972 wrote:

> If school board members are elected by the people, in most cases in New York State, why not the Commissioner and the Regents? It would be refreshing, to say the least, to have these awesome positions accountable to the electorate.[113]

In the 1973 legislative session, one Assemblyman, a long-time critic of education in New York, made the following observation:

> .....Unfortunately a majority of them (Regents) are led around by the nose by the unspeakable Nyquist (the Commissioner). It seems to me that the (Regents') meetings that affect the state's entire school system and millions of children should be held publicly. These Star Chamber proceedings where decisions are made in secrecy should be discontinued.[114]

Again in 1973, a state Senator proposed reduction of the Regents' terms from fifteen to five years as a means of making the Regents more responsive to changing education concerns at the local level.[115] Some Democrats argued against the measure stating that it did not go far enough in marking the Regents' selection a public process. The bill did not gain the necessary support for passage, however, because many Republicans conspicuously were absent during the floor vote.

Legislators are not the only state government officials who have made public criticisms of the Board of Regents. In January 1973 in his annual State of the State legislative message, the Governor proposed the:

> Establishment of the Office of Education Inspector General in the Executive Department to review performance in relation to expenditures under present programs and to recommend means of improving their effectiveness and efficiency.[116]

Albany observers have noted that the Governor has become increasingly frustrated with the autonomy of the Regents. The Board of Regents, in a sense,speaks for state government in their articulation of the educational needs of state citizens but their legislative recommendations, designed to meet those educational needs, are seen to be fiscally impractical because of the shrinking availability of state dollars to meet agency needs. The Governor's proposal reflected his frustration with the independence of education and his belief that there is a lack of fiscal accountability in education.

Some additional insights about the Governor's frustration with the state education agency were evident from the interviews with five members of his staff. They were asked about the Regents' communication with the Governor's Office, and all five answered that communications were limited to formal legislative recommendations and position statements by the Board of Regents. In a question about the Regents' use of persuasion either on a collective or individual basis, one staff member was unable to respond, two felt the Regents did not attempt to use any means of persuasion with the Governor and his staff, but two did believe that the Regents sometimes used persuasive means but such contacts were limited to only those policy advisers of the Governor at the highest level. Two of the five members of the Governor's staff were helpful in expanding on their responses. One staffman noted that the Regents head an agency known to be more independent than other

state agencies and as a policy-making body, the Regents were a force to be reckoned with because of their visible public stature. Another staff person advised that the Regents worked closely with the Commissioner, but it was the Commissioner and his staff who carried on the necessary legislative and policy follow-up for the proposals adopted by the Regents. Because of the statewide constituency of the Board of Regents and State Education Department, one Governor's aide felt that strong client groups were able to be enlisted by the state education agency in the support of its legislative recommendations. While the state education agency was increasingly frustrating to the Governor because of its fiscally untenable proposals, the agency nonetheless had to be listened to and their proposals weighted against the press of other fiscal demands. One staff member in the Executive Chamber insisted that the Commissioner maintained "a good lobby through local school people who are constantly available to him because of his control over their finances." Although Regents are elected by the state legislature and their proposals are destined for legislative rather than executive action, the state education agency is a major one at the executive level. Unlike the other nineteen state departments whose heads are either elected by the people or appointed by the Governor with Senatorial approval, the state education agency is guided by an executive responsible to the Regents who in turn are legislatively elected.[117] It is not surprising that this executive department, having considerable legislative authority, has presented a dilemma to a Governor whose powers have increased over much of state government but whose authority in education is limited.

There was more evidence of growing criticism of the Board of Regents. In October 1972, the Governor selected a Task Force to examine higher educational financing in the state. This so-called Keppel Commission,

among its other considerations, issued statements dealing with statewide governance. One of its recommendations was:

> The present method of appointment of the Board of Regents and the length of the Regents' terms should be revised in order to achieve greater coordination at the State level and greater responsiveness to changes in the State's needs. We recommend that the Governor and the Legislature cooperate in the selection of Regents, who should be nominated by the Governor subject to confirmation by both houses of the Legislature.[118]

The Keppel Commission also recommended that Regents' terms should be shortened. There has been. to date, no definitive action taken on this aspect of the Keppel Commission's report.

It is worthy of mention that in recent years some Regents have initiated discussion among themselves about the advantages of shorter terms. As reported by the Commissioner of Education, early in 1973 the Board recommended formally that the fifteen-year terms be shortened to ten years. Irterestingly, this recommendation to the legislature happened to coincide with other public criticisms of the Regents' lengthy tenure, as discussed in this report. The recommendation was not passed by the legislature but is mentioned to illustrate the increasing self-awareness by individual Regents and the public about their status.

The role of the Board of Regents in the state educational policy process have been discussed. It was noted that reactions to the role of the Regents have changed somewhat in recent years. Before additional analysis of the Board and its changing relationship to other groups in the state, it will be helpful to examine other key individuals and groups in the state educational policy process.

Roles of the Commissioner and State Education Department

Along with the Board of Regents, the Commissioner of Education stands at the apex of a massive educational system covering education from pre-school

through post-graduate levels. It is commonly heard in Albany that there are four branches to state government: the executive, legislative, judicial, and education. This maxim illustrates not only the importance of education in the Empire State, but it also depicts the rather unique autonomy held by the educational establishment in state government. While this autonomy may have provided a base for the negative feelings about education on the part of certain legislators and the Governor, this independence has facilitated the articulation of the educational needs of New York's residents without the fear of direct intervention by state politicians.

Appointed by the Board of Regents and serving at their pleasure, the Commissioner of Education is at the same time the Board's chief administrative officer, the chief executive of the State Education Department, and President of the University of the State of New York. This last function, as mentioned previously, is not to be confused with the individual presidencies of colleges and universities comprising the State University of New York. As chief executive, the Commissioner enforces laws and regulations adopted by the Regents. The Commissioner's judicial decisions have the effect of law and his areas of responsibility cover a vast range of administrative, regulatory, and judicial areas.

As the head of a large state agency in New York, the Commissioner of Education wields great power. One of the most important tasks of the Board of Regents, therefore, is the selection of its chief state school officer. The present Commissioner has been affiliated with the State Education Department for over twenty years, including twelve years as the number two person in the Department. As Executive Deputy Commissioner, Ewald B. Nyquist gained the reputation of being efficient, and forthright in a capacity where he handled many sensitive management assignments. The previous Commissioner,

James E. Allen, Jr., gained recognition as a national figure in education. While Nyquist, as Executive Deputy Commissioner, was in contention for the Commissioner's position following Allen's departure, a blue ribbon selection committee considered many other educators prior to the selection of Nyquist. Some individuals felt that Nyquist was a "diamond in the rough," so to speak and lacked some of the polish of the previous Commissioner. As Executive Deputy, Nyquist had proven his management skills but alienated some because of his positions favoring student rights and racial integration, and his lively sense of humor. While some educational organizations as well as a few individual Regerts were opposed to Nyquist's selection as Commissioner, all Regents who were interviewed felt that Nyquist had performed very satisfactorily in his present capacity. Many individual Regents spoke highly of Nyquist and his job performance and agreed that a better individual could not have been chosen.

There is evidence that the present Commissioner has made his own presence clearly felt in the educational establishment. Even more than his predecessor, Commissioner Nyquist has kept the Regents explicitly informed with written communications, presentations of proposals in draft, and carefully written monthly summaries prior to each Board meeting. A number of respondents indicated that the present Commissioner has encouraged regular meetings and emphasized two-way communications with an advisory council of local superintendents. Rather than keep his Executive Deputy as primarily an "in-house" trouble shooter, a role which Nyquist frequently had played, the present Executive Deputy has been given a wide range of functions both internal and external to the State Education Department. Interestingly, specific approval must be gained from the Board of Regents in the appointment of the Executive Deputy Commissioner, the only position

in the State Education Department for which there is such a stipulation. Being appointed by the Regents, the Executive Deputy Commissioner is then able to conduct hearings on appeals made to the Office of the Commissioner as well as preside as Acting Commissioner over the State Education Department in the Commissioner's absence. The Commissioner may freely appoint the remainder of his top staff. Over the period of Nyquist's tenure as Commissioner, he has successfully formed his own management team in the State Education Department. For the most part, this coterie of staff and the Commissioner appear to have developed a collegial, positive working relationship. Communications are open and exchanged freely. It was to the credit of Ewald Nyquist when a nationally known educator assessed the Commissioner and his top staff by saying:

> I would take this Department over all the U.S. Office of Education. They know more and are paid better. Nyquist and his four top deputies are the strongest management team I've ever seen, and I'm not exactly a novice. Overall, it's a first rate Department.[119]

Despite this positive assessment, one might expect a range of perceptions about the Commissioner and State Education Department, and some of these will be examined as they provide additional insight into the Commissioner's role in the state educational policy process and the interrelationships among those in state government.

In addition to examining the perceptions of representatives of interest groups, the legislature, and the Governor's staff about the policy roles of the state education agency, some self-perceptions of members of the top staff in the State Education Department will be reviewed. The Commissioner of Education and four top members of his administrative staff were interviewed about their views of the policy roles of the state education agency and their relationships particularly with the legislature. Open-ended

questions were designed to identify those in the State Department who work with legislators. Other areas of concern included frequency of communication, an estimate of the accessibility of legislative leaders, the presence of the State Department in the legislature, and the apparent influence of the State Department with legislators. Two dimensions of interagency relationships became immediately apparent as a result of these interviews with State Education Department personnel. First, there appeared to be a rather well-defined hierarchy of personnel within the State Education Department, the legislature, and the Governor's staff with defined areas of responsibility for contacts with policy makers outside one's own agency. Related to this notion of organizational hierarchy was the practice of following established protocols in contacting representatives of other agencies. These dimensions will become evident in the responses of the State Department staff to questions about communication and influence.

As the executive head of the state education agency, the Commissioner of Education appears at formal meetings with members of the legislature and at the Governor's annual meeting with the Regents. His presence is also felt at other meetings where it would be appropriate for the agency executive to represent the Department. There was evidence that Ewald Nyquist initiated a range of other contacts particularly with legislators in a continuing effort to keep communication channels open. Prior to the 1973 legislative session, for instance, the Commissioner sent a letter to the more than fifty new state legislators congratulating them on their election and informing them about current state educational matters. The Commissioner followed through with as many personal contacts as possible not only with new lawmakers but also in renewing established relationships with legislators particularly education committee chairmen. An Executive Assistant to the Commissioner acts in a

full-time capacity as a communications link between the State Education Department and the legislature. This Executive Assistant acts more in a liaison and facilitative capacity than in either lobbying or legal matters. Extended absence from his work because of reasons of health have diminished the presence of this Assistant in recent months at a time when his efforts appear to have been needed. Because of the demands on the Commissioner who is understandably unable to become involved in all matters of legislative concern, much of the legislative and policy activities of the Office of the Commissioner are carried on by the Executive Deputy Commissioner. Much of the work of the Executive Assistant and the Executive Deputy, however, involve facilitating problem-solving rather than either program advocacy or technical resolution of educational matters. A great volume of technical matters logically involve either budgetary or legal staff. The Counsel and Deputy Commissioner for Legal Affairs heads a legal staff within the State Education Department. The Assistant Commissioner for Administrative Services works closely with those in the State Department's Office of Educational Finance Management Services. These two State Department officials are the chief points of linkage between the State Department and the legislature and the Budget Division in matters of law and finance. More than resolving matters needing legal interpretation, however, the Counsel's capabilities include bill drafting. More than answering questions about how a fiscal educational bill affects a particular school district, the educational finance experts in the State Education Department have developed a data base readily available to legislative staff and the Budget Division. These capabilities have gained wide respect, particularly for the State Department legal and finance experts, among legislators and the Governor's staff.

Other than these budgetary, legal, and legislative liaison officials,

not many State Education Department persons have contact with legislative and executive staff personnel other than on singular matters of concern. At the Commissioner's choice, the matter of program advocacy is assumed through legislative and executive staff contacts as indicated previously. The weight of the Board of Regents' public positions and legislative recommendations, the bill drafting within the Department, and the willingness of selected Department spokesmen to appear in defense of their positions--constitute considerable advocacy support itself. Unlike interest groups who make no pretense about political lobbying in the State Capitol, the state education agency is not one designed to lobby in a political sense. The absence of political lobbying must be seen in the context of the ways in which the education agency can bring support or opposition to a policy proposal.

The five State Education Department officials were questioned about frequency of communications and accessibility to the legislative leaders when necessary. During the legislative session and periodically at other times, communications may occur several times daily especially involving the Counsel and educational finance experts. Table 17 demonstrates that Department staff felt that their accessibility to legislative leaders generally could be rated as "excellent." One would expect that directing such questions to Department officials would produce some positive skewing of the responses. It might be helpful to examine reasons why accessibility to the legislative leaders would be rated other than excellent.

TABLE 17

STATE EDUCATION DEPARTMENT STAFF RESPONSES TO THE ACCESSIBILITY OF LEGISLATIVE LEADERS' WHEN COMMUNICATIONS ARE NEEDED (N=5)

Legislative Leader	Accessibility*			
	Excellent	Good	Fair	Poor
Speaker of the Assembly	2	2		
Senate Majority Leader	4			
Assembly Minority Leader	3	1		
Senate Minority Leader	3		1	
Assembly Ways and Means Committee Chairman	3	2		
Senate Finance Committee Chairman	4	1		
Assembly Education Committee Chairwoman	4			
Senate Education Committee Chairman	4			
Total Response	27	6	1	0

*For the fiscal committee leaders, five rather than four responses were recorded because the knowledge of one staff member was limited to the finance area.

Two staff rated communications with the Assembly Speaker as less than excellent because of the Speaker's style and the lack of contacts. The Speaker evidently was seen as one with whom State Department officials were not quite as close as the Senate Majority Leader (retired after 1972) who had been a former school board member and Chairman of the Senate Education Committee. Communications with the Senate Minority Leader were rated as "fair" chiefly because of lack of contact. Lack of contact was the dominant reason for rating communications less than excellent.

The presence of the State Education Department has increased in the legislature within the last few years. There have been several reasons

for this increase not the least of which are the bill drafting and legal capacities of the Department's Counsel, himself experienced in state government. In educational finance, the State Department is relied upon for comprehensive fiscal data and the Assistant Commissioner for Administrative Services serves as a link to legislative fiscal committees. The Department has been able to increase the number of bills which it has introduced into the legislature as well as having more effect upon the introduction of educational legislation by others.

This discussion of the relationship between the State Education Department and the legislature brings us to the question of Departmental influence. Several aspects of the dimension of influence will be discussed by a review of the relevant data generated from interviews with top State Education Department staff, members of educational interest groups, and legislative members. Four State Education Department staff were asked how successful the Commissioner had been in having his proposals approved by the legislature. One responded that the Commissioner had been successful about half the time, two answered successful less than half the time, and one responded by saying that the Commissioner had been very unsuccessful for two reasons. The state's period of fiscal austerity made agency budget increases nearly impossible, and the growing conservatism of many legislators came into increasing conflict with a perceived liberalism of the Commissioner. This State Department staff member said that legislator-Commissioner conflict has reached the point that if the Commissioner takes a public stand favoring a bill, some legislators automatically will oppose the bill. Before reaching any conclusions about the influence of the State Education Department and its relationships with other policy makers, it will be helpful to examine others' views about the state education agency.

Members of educational interest groups who were interviewed felt that the Commissioner had been successful about half the time in getting his proposals enacted by the legislature. Many interviewees noted that the Commissioner's success in the legislature was decreasing for several reasons. The State's fiscal austerity has placed Regent recommendations, often costly, and State Education Department bills in a particularly negative light at a time when public and legislative confidence in education is lessening. The mood of the legislature recently has become more conservative in fiscal matters, but this conservatism has carried over into other areas. Student activism in the late 1960's placed education advocates in a critical position. The inability to assess education outcomes and the poor performance of students especially from so-called disadvantaged background on standarized examinations, as documented by the Fleischmann Commission, caused critics to question the return on the dollar invested in education.[120] Teacher militancy and collective bargaining have taken those in the teaching profession out of the aura of professionalism and into the ranks of hard negotiators for employment benefits. These factors collectively have placed education in a vastly more public and critical view than in former years.

Because of the increasing visibility of educational policy issues such as finance in the legislative arena, it will be important to examine the responses of the nineteen legislative members who were interviewed as their views provide more insight into the policy roles and influence of the state education agency. One aspect of the dimension of influence is providing information. Legislative members were questioned about who provides useful information to them about education. Table 18 illustrates that nearly 90 per cent of the respondents identified the State Education Department, state-wide educational interest groups, local-level individuals, and the legislative

staff as those who provide useful educational information to legislative members. The State Education Department was mentioned most frequently as a source of useful information. By aggregating the state-level teachers', school boards', administrators', and parent-teacher groups into one category termed statewide educational interest groups, collectively they were mentioned nearly twice as much as the State Education Department, or the local-level individuals and legislative staff combined.

TABLE 18

LEGISLATIVE MEMBERS' RESPONSES REGARDING WHO PROVIDES THE MOST USEFUL INFORMATION ABOUT EDUCATION (N=19)

Category of Response	Frequency of Response*
Those individuals or groups who provide useful information about education	
State Education Department	11
state-level teachers' organization	9
state school boards' association	8
legislative staff	6
local school board members	4
local and district-level school superintendents	3
Educational Conference Board	2
Parent Teacher Association	2
state school administrators'organizations	2
Board of Regents	1
Budget Division, Executive Branch	1
Fleischmann Commission	1
local citizens	1
taxpayer groups	1
Those who provide the most useful information about education**	
legislative staff	5
State Education Department	4
local and district-level school superintendents	2
Educational Conference Board	1
local citizens	1
state school boards' association	1

*As an open-ended question, more than one response was accepted.

**Responses total less than nineteen because of no response in five instances.

Table 18 also shows that when legislative members were asked which source was the most useful, over 85 per cent of those who were able to respond felt that the legislative staff, the State Education Department, or local-level individuals would be the most useful. One must look at these responses, however, in greater detail. Not all legislative members were able to identify one single most useful source of information. Legislators must be sensitive to input from many sources and are reluctant to be confined to the identification of any one "most useful" information source. With the increased number of legislative staff now available to legislators, it is logical that legislators would turn to their own staff as the most useful information source. The legislative staff is responsible for soliciting input from every available information source as a means by which the areas of strongest support and opposition may be determined. Local constituencies include local school superintendents and district superintendents of Boards of Cooperative Educational Service. These groups include experienced and powerful local educators who in some cases have worked for state-level organizations in Albany.

Legislative members were asked to rate the information coming to them from the State Education Department in terms of whether the information met their own needs. Table 19 reveals that the legislative members assessed State Department information rather positively. The specific categories of "almost always" and "usually" meeting legislative needs included, of those eleven responses, four references to State Department data in educational finance. The less favorable categories of "sometimes" and "almost never" meeting needs included responses by leadership and fiscal committee personnel.

One additional aspect of this discussion of the influence of the state education agency in the legislature was an assessment of the success of the

TABLE 19

LEGISLATIVE MEMBERS' EVALUATION OF THE EXTENT TO WHICH INFORMATION COMING FROM THE STATE EDUCATION DEPARTMENT MEETS THEIR NEEDS (N=17)

Category of Response	Frequency of Response*
Almost always meets our needs	4
Usually meets our needs	7
Sometimes meets our needs	5
Almost never meets our needs	1

*Responses were less than the number interviewed because of lack of response in two instances.

Commissioner and his staff in getting educational proposals enacted by the legislature. Table 20 indicates that about 75 per cent of the legislative members interviewed felt that the Commissioner's legislative success had been about half the time, less than half the time, or almost always unsuccessful.

TABLE 20

LEGISLATIVE RESPONSES REGARDING THE SUCCESS OF THE COMMISSIONER OF EDUCATION AND HIS STAFF IN GETTING PROPOSALS ENACTED BY THE LEGISLATURE (N=19)

Category of Response	Frequency of Response
Almost always successful	0
Successful most of the time	5
Successful about half the time	9
Successful less than half the time	4
Almost always unsuccessful	1

One must seek a more penetrating analysis of the responses as shown in Table 20 to gain understanding about the legislative-Department relationship. The Commissioner's lack of success in recent years was clearly related to the state's fiscal problems as well as the legislative reality of seeking

political solutions to educational problems. Some of the specific responses given by various members of the legislative staff about the legislative success of the Commissioner and his staff will be instructive:

> Underneath the public criticisms of legislators, they believe that the State Education Department is very ably staffed with dedicated people, but it is politically popular to criticize particularly the Department's spending.
>
> There is less money for education now, and the State Department is extremely unsophisticated in knowing how to move meaningful legislation.
>
> The Commissioner is successful in getting his legislation passed if it coincides with what the legislative leaders want. The Commissioner is now less successful because the legislature itself has developed the capacity to generate its own data and analysis. This genesis by the legislature and not the State Department has and is increasing all the time. We rely on State Department data, not analysis. The Commissioner, out of necessity, has a statewide constituency but the legislature has a locally-based constituency.
>
> Nyquist and his staff tend to be educational purists first and politicians second. For instance, in higher education the State University of New York hired a liaison man to work full-time on legislative concerns. While Nyquist's Executive Assistant once filled this need, his recent sickness has really caused a gap in Department-legislative relations.

Additional understanding of the State Department-legislative relationship may be obtained by analysis of the responses of legislative members to open-ended questions dealing with points of contact between the Department and the legislature. Questions concerned which Departmental staff communicate with legislators, what means of communication were used, and what general topics were discussed. The legislative responses tended to be similar among legislative staff and similar among legislators. Legislative staff were more knowledgeable than legislators about the State Department and established more of a working relationship with State Department personnel, although legislative staff tended to have contact with their staff counterparts and not the high-level policy makers in the State Department.

With few exceptions legislators appeared to have had little contact with anyone in the State Education Department unless at the request of a local constituent a legislator had made specific inquiries within the Department. The exceptions among legislators included the education committee chairmen, because over time they have become familiar with the state education agency. One can make some gross comparisons among leadership, fiscal committees, and education committees. Leadership, excepting the former Senate Majority Leader, were least knowledgeable about the State Education Department, had by far the least frequent contact with anyone in education, and had a generalized negativism about the state education agency. Legislators on the fiscal committees, as one would expect, saw agencies and relationships in economic and fiscal terms. Two legislative budget analysts who formerly worked in educational finance in the State Education Department were interviewed. The analysts had excellent working relationships with Department fiscal people, but each felt that the top Department staff were not really in close touch with the fiscal committees. The analysts said that one could expect "the party line" from top Department staff, whereas the information from the Department fiscal experts would tend to be more objective and reliable. Few fiscal legislators were interviewed, but those who were had not been in frequent contact with Department personnel and relied on information provided to the committees by their staff. The personnel on the legislative education committees were the most knowledgeable about the State Education Department. Of the legislators on education committees, the chairmen tended to be seen as a link to the Department. These relationships had been established over time, and with the 1973 changeover in the chairmanship of the Senate Education Committee the Department relationship with the Senate Education Committee was a bit uncertain. It is with the education

committees that the efforts of the Counsel in the State Department have been helpful par.icularly in bill drafting and technical interpretations of bills under consideration.

Generalizations about the agency relationships and interpretations based on a limited sample can be made on'y on a tentative basis. Some patterns do begin to appear. The large New York State Education Department and a sizeable legislature, in view of the structural arrangement of each organization, have multi-layed systems of offices and personnel who have distinct yet related functions. The centralized Assembly staffing and the decentralized Senate staffing patterns, for instance, have implications for intra-house communications, yet there appears to be little difficulty in the exchange of information between the Assembly Ways and Means and Senate Finance education budget analysts. The State Department capabilities for fiscal data generation and bill drafting have been increased in recent years and have filled much of a gap which existed formerly between the Department and the legislature. Providing data, in itself, does not appear to be meeting in full the perceived needs of the legislators for policy analysis and representation of interests in the legislative arena. With legislative retirements and new committee assignments, the traditional reliance upon a few legislators who have been friends to education has become increasingly inadequate at a time when public criticism of education has increased in intensity. By choice the state education agency is not an agency for political lobbying but instead relies upon the importance of public positions on educational matters and the technical expertise of Department staff to provide adequate support to educational legislation. These limited methods of representation of interests and presenting viewpoints to legislators appear to have diminishing returns.

One might conclude that the alternative for the State Education Department must be cast in either-or terms. Either the agency will remain removed from partisan political machinations, or it will behave like another interest group in the legislative arena. Such a conclusion may be premature for there could be another alternative where increased involvement in the representation of interests would take on a broader-based character yet not enter the realm of partisan politics. Not only could the state educational agency choose to represent its interests more broadly with vocal support from local educators but the State Education leadership could give additional support to its positions by increasing the involvement of top staff in legislative concerns. The noticeable absence of the Executive Assistant, according to several legislative members, because of personal health reasons has created a gap evidently unfilled by other Departmental spokesmen. Representation of educational interests seems to require a full-time effort by effective Departmental spokesmen in order to give support to their educational positions. A sophisticated articulation of state educational needs may be required in a manner apart from partisan advocacy. The early identification of not only education committee chairmen but also legislators on fiscal committees, the leadership, and the minority needs to be undertaken vigorously in order to increase the presence of the state education agency in the legislature.

Analysis of the Commissioner's and State Education Department's roles in the policy process will continue in considering interest groups, the legislature, and the Governor's Office.

Roles of the Interest Groups

The educational interest groups have been an especially vital component of the state education policy process. Their lobbying activities in the State Capitol and their leadership in the Educational Conference Board have

formed a large part of the traditional configuration of state educational politics. By the same token present interest group activities may portend a future pattern for New York State educational politics in general.

While the consent-building function of the Educational Conference Board over the years has been noted, the Conference Board's real purpose was to provide a forum for discussion and a base for member groups to lobby with the legitimacy of Conference Board support. The Conference Board may have reached its zenith during education's golden decade in the 1960s when an intricate set of linkages served as the force of unification to the group. Some of these linkages will be mentioned. Two long-time State Education Department officials, the former Executive Secretary of the New York State Teachers Association, a well-known now retired academician at S.U.N.Y. - Albany, and the heads of the school boards' and administrators' associations were influential in Conference Board activities. Other individuals who were influential in this coalition included the administrators' legislative lobbyist, now a downstate superintendent, and other local educators. As indicated, most of these individuals have either retired or moved on to other positions. Those interest group representatives who were interviewed said without exception that the leadership in the Educational Conference Board and the organizational support to maintain the Conference Board came from the school boards' and teachers' associations. The Conference Board has taken public stands only on those few issues involving agreement by the seven member organizations. The prime thrust of the Conference Board has been in the area of educational finance. The employment of respected consultants, the generation of reports by study groups in school finance, and the advocacy of Conference Board positions especially through the legislative efforts of the school boards' and teachers' associations have been important sources of

input to the policy process for years.

Because of the nature of the Educational Conference Board, its influence in state educational policy making his diminished as competition among educational interest groups has increased. Interest groups are now less likely to come to agreement than in previous times, and the resolution of educational issues has begun to occur in the legislative arena rather than within the educational groups. The retirement of interest group leaders and the diversification of interest group activities have resulted in a more difficult problem in having interest groups meet in the forum of the Conference Board and come to agreement about critical issues. On nearly any issue there are at least some Conference Board members who cannot agree. This situation effectively precludes the Board from reaching public resolve on issues of importance. As seen in this report, the Educational Conference Board is still mentioned as a useful source of information about education. The presence of the Conference Board is still felt in the state. Like the Board of Regents, reliance on its public stature and the significance of its positions have diminished in recent years. The current demands of participation in a more contentious policy arena have made the Educational Conference Board's strategies somewhat outmoded. One experienced lobbyist who was a former legislator advised that the Conference Board's influence was now "largely vision and myth." Interest group representatives felt that there were conflicts with the Conference Board primarily along teacher-school board lines. While nobody predicted the demise of the Conference Board, many felt that its influence had diminished. The result of new relationships among the educational interest groups, in the absence of dealing with existing conflicts, has rendered the Educational Conference Board without political clout.

Traditionally, the pattern of state educational politics in New York State included experienced educators serving as part-time legislative lobbyists and part-time executive secretaries in the interest groups. Even though these persons frequented the halls of the Capitol and were on a first-name basis with key legislators, their primary reference group was education. Some indeed returned to work more directly in educational settings after their Albany experience. Bailey's referent of "schoolmen in politics" accurately described the activities of many of these leaders. They had proven educational records, and they significantly influenced the method of apportionment of funds for education during an era when money was more readily available.

These leaders were committed to the improvement of education, and their activities were supported by a legislature having enough funds to meet educational needs. Some legislators were willing to vote for education because it made them look good to home constituencies. Others were willing to vote for education bills because over time they have established a commitment to supporting education. One experienced legislative aide made the following observation:

> I can think of no other program affecting legislators more than education. If we change the aid formula, legislators can and do go home and say they did something for their constituents. If fiscal legislation is not favorable, there is no other lobby so intimately entwined with home rule. The fact that local educational expenses are tied to the property tax makes education a built-in lobby which operates on every legislator.

Education played more than a self-serving role for some legislators. Men like Earl Brydges, Clinton Dominick, and Thomas LaVerne became educational statesmen in their own right, were prominent as legislative leaders, and their services included activities at the national level.

There has been a departure from the traditional pattern of relationships,

and this change is due to the convergence of three factors: (1) as previously noted, the end of the golden decade of the 1960s was precipitated by larger fiscal realities, and legislators began to ask not only "how much do you want," but also "why do you need it?" (2) the natural replacement of established professional educators in the interest groups, due largely to retirement, with a more diverse population of leaders, and in some cases enlargement of the enterprise to include personnel in legislative liaison (lobbyists) as well as Executive Staff, and (3) reorganization within the interest groups, primarily the merger of the two teacher associations, and formation of two administrators' associations, one for elementary and secondary principals and the other for chief local school officers and superintendents, instead of specific groups for elementary, secondary, and general administration.

The teacher merger needs additional mention because of its significance. Much more than a merger of downstate (U.F.T.) and upstate (N.Y.S.T.A.) teacher associations, the merger now amalgamates nearly one quarter of a million teachers into one organization. Using the theme of unity, the merger became effective in September 1972. In the rationale of one of the Co-Presidents, the merger was a logical step for these two large organizations which, in recent years, had experienced considerable internal conflicts. Reasons for the merger included the following:

1) The N.E.A. - Union distinction in recent years became blurred with the N.E.A. and its affiliates leading some militant actions on its own.

2) Because of teacher oversupply, the teaching profession began facing difficult times in a buyer's market for teachers.

3) Tight finances along with increasing conservatism in state government made local school boards, city councils, and the legislature far more difficult adversaries in employment negotiations.[121]

With the merged organizations came the call for political action. The first

test occurred soon after the merger in the November 1972 elections. Under the sponsorship of V.O.T.E. (NYSTA's political action arm) and C.O.P.E. (UFT's political action arm), the teachers' involvement in the elections reached the $500,000 level in their budget for political action. The organization's leadership assessed their political involvement favorably, saying even in cases where "their people" lost that teacher influence had been a force to reckon with. Another long-time observer made a different assessment:

> It will be a long day until teachers understand political action, i.e. there is a need for performing services and favors to support moderately favorable candidates. You can't go after people you have no chance of defeating. In 1972, teachers spent all sorts of money in making charges during the campaign. There will be an increased majority of Republicans in the state legislature, due to reapportionment, for at least ten years. Political action arms must be committed to working within existing power structures.

Because teachers tended to take sides based more on moral arguments than on political realities, the teachers were judged to have been politically naive in the November 1972 elections. There may be other problems as a result of the merger. The size and complexity of this massive organization presents some special problems. One member of the new organization remarked that within the organization were teachers of varying degrees of professional orientation. Teachers are not unified on the issues of political action and hard bargaining. The resultant problems in attempting to serve a diverse body of teachers have presented special obstacles for the leadership. Perhaps the most objective evaluation would be to say that the success of the merger has been mixed to date, and the potential of the new organization is presently greater than any realized programs. It might take a major issue to determine the strength of the new organization. There are possibilities that either statewide bargaining or competency-based teacher certification

could provide such a major issue.

As part of this study, representatives from six different interest groups were interviewed, and for most groups more than one representative was contacted. Those who were interviewed stated that compared with all interest groups, educational interest groups were among the more influential. As far as influence in the legislature, teachers were most frequently mentioned but the school boards' association and the Educational Conference Board were mentioned also. Interest group representatives who were interviewed generally felt that the teachers' lobbyists were the most influential lobbyists in the state. The most effective lobbying technique was establishing personal and direct contacts with legislators. Only one individual mentioned that supplying information constituted the most effective lobbying technique. Those interviewed said that there was agreement among educational interest groups in the area of requesting more funds for education. Regarding the specific allocation of monies and other critical issues, the educational interest groups were considered to be generally in disagreement.

In view of the emergence of new relationships among educational interest groups, it will be instructive to examine the perceptions of those outside the interest groups. Of those legislators who were interviewed, barely one-fifth mentioned the educational interest groups as being their most useful source of information. Of that group, none mentioned teachers. Compared with interest groups in general, the educational interest groups were seen to be among the top groups. None of the legislators, however, felt that educational groups were the top groups, but several felt educational groups were to be considered as less important. With virtually no exceptions, legislators felt that the educational interest groups were in disagreement over nearly all issues excepting the cry of more money for

education.

The staff in the State Education Department who were interviewed were questioned about the educational interest groups. Again, agreement among the interest groups was seen only in their asking for additional funds for education. The interrelationships among interest groups were generally felt to be minimal mainly because of the self-serving purposes of most of the groups. One individual reported that in educational finance, the Educational Conference Board played a significant albeit unrealistic role in setting the outer limits of fiscal requests for education. In finance, the Regents usually recommended more moderate recommendations while the legislature, itself, was even more modest.

The 1969 legislative survey by Jennings and Milstein also documented the diminution in influence of the educational interest groups.[122] Of those who were surveyed, 49 per cent of the legislators responded that before voting only some consideration was given to educational interest groups. On the other hand, 46 per cent of the legislators interviewed felt that a great deal of consideration was given to constituent attitudes before voting. These statistics are supportive of the writers' conclusions that legislators tend to feel that their information can come from a variety of sources, while interest group leaders feel their most influential weapon is supplying information to legislators.

The political behavior of educational interest groups in New York State has been described by Jennings.[123] The concept of an interest group developing organizational behavior which is congruent with its own political strategy was borrowed from Iannaccone's 1967 taxonomy, to include the following:

1) Entrepreneurial - each interest group, having its own local power base, acts in a disparate fashion in developing its own access points to the legislature. Seldom do entrepreneurial groups act in concert.

2) Co-optational - Statewide interest groups act in concert, often through a monolithic coalition, in co-opting actors and groups as they develop access points into the legislature.

3) Competitive - Statewide interest groups compete with each other in seeking policy changes in the legislature. The structure of such activities is usually fragmented.

4) Coalitional - Statewide interest groups, acting in a coalition, operate in a syndical fashion where elements of both interest groups and state government become included in a formalized structure.

The co-optive linkages among interest groups in New York were described including the activities of the Educational Conference Board which, according to Jennings, became bankrupt when Governor Rockefeller's ability to control the movement of his program through the legislature increased. Predicting a possible syndical structure as a means of facilitating viability among interest groups, Jennings wrote that interest group political behavior might move into a coalitional pattern.

The differing perceptions among key actors in the policy process again illustrate a recent departure from the established pattern of state educational politics. New realities, precipitated by greater fiscal constraints and increased fragmentation among the established groups are causing more contention in policy making. There are new patterns of alignment among the interest groups, and emergent needs are being unfilled by established routines. The policy roles and relationships of the state legislators and members of the Governor's staff must be examined before completing the analysis of the state educational policy process in New York State.

Role of the Legislature

The complexity of the legislative structure and the great number of

variables involved in studying the policy process make legislative analysis rather difficult. Some of these variables include leadership, committee structure and staffing, party lineup, factionalism, research capability, and relationships with other actors in the policy process. Change over time, legislative composition, interstate relations, and state-federal relationships are additional factors involved when one attempts to understand the legislative process. As part of this study, members of the leadership, fiscal and education committee members, and legislative staff were interviewed because of their knowledge of educational legislation.

In discerning legislator perceptions about the state education policy process, a basic question dealt with which committees were pertinent when major bills affecting public schools were formulated. With almost no exceptions, answers included the two Education Committees, the Assembly Ways and Means and Senate Finance Committees, and the Rules Committees. These answers might not seem too informative until the committee interrelationships and changes in influence over time are analyzed. In particular, the policy roles of the Rules Committees should be examined because these committees are most closely tied to the legislative leadership. The importance of the legislative leadership in determining what will be enacted by the legislature has already been noted.

The assembly Speaker felt the Rules Committee had lessened in significance since the house reorganization which he initiated after gaining the leadership in 1968. The Senate President Pro Tem denied the importance of Rules because he was able to maintain sufficient party control particularly through use of the Majority Conference, a mechanism for determining support prior to floor votes. Each Rules Committee has, as its chairman, the respective house leaders, and the membership includes senior legislators.

The function of the Rules Committee is to insure an orderly closing of the legislative session by setting a date beyond which all legislation can be enacted only by action of Rules. The necessity of having such a committee late in the legislative session, one might think, would not be necessary until one understands the legislative phenomenon of the log jam which occurs near the termination of the session. An article in The New York Times is instructive:

> So why is there the hectic log jam at the end of every session? The bargaining process on each major bill begins at the start of each session in January. It progresses in stages through the middle of the session, when traditionally members' special interest bills are dealt with--until finally, the climate is right for the whole collection to be resolved in the late, late spring. As the crunch comes, the fastest reader in the chamber is assigned to chair the respective houses...It is when this drive is on that the "Big 3" (The Governor, Assembly Speaker, and Senate Majority Leader) can bring in their ultimate bargaining weapon: if the recalcitrants don't go along, the leadership will keep them after school, extend the session. The legislators, sick to the teeth of the weekly trips to Albany, yearning to get back to their neglected law practices, begin to cave in, to compromise, not on one measure, but on 20 or even more at a time...The last-minute rush is a natural result of the whole process by which the New York State Legislature functions. Change will come not from trying to artificially space out important measures over any given session, but through somehow breaking the iron grip of the leadership over the Legislature.[124]

The pragmatic aspect of the annual log jam, then, is to give additional power to the legislative leadership who, in their control over both party and Rules Committees, play the key role in the waning hours of the session. Others who were interviewed gave support to the importance of leadership. One ranking committee member said that "The (legislative) structure is a pyramid with all the power at the top." A minority leader asserted that New York State does not really have a democratic legislative process; rather, he sees the process as parliamentary with enduring control by those Republican party leaders who in New York have firm control over

both legislative and executive branches. Lower ranking Republicans who were interviewed and all Democrats indicated that leadership was the critical factor in understanding New York's legislative process. Any major piece of legislation must meet the test of scrutiny by the leadership. Committee and leadership staff were not quick to mention the importance of leadership. Minority staff, on the other hand, noted that information sometimes is difficult to obtain from committees and state agencies, information flow within committees is controlled effectively by chairmen (who are senior majority party members), and minority staff can find themselves caught in the dilemma of playing "catch-up" ball to keep abreast of pending legislative developments.

Earlier in this report party composition and leadership selection of both houses and committees were discussed. The importance of leadership control cannot be overemphasized, because it relates to many other variables. Committee chairmen are selected by party caucus, but in the Senate the majority leader is the chamber leader. In the Assembly, the majority leader is an appointee and close associate of the Speaker. When the present Speaker gained majority membership in the 1968 election, his reorganization reduced the number of working committees, centralized staffing, and ostensibly gave more autonomy to the committee chairpeople. In the powerful Ways and Means Committee, however, staffing remains within the purview of its Secretary, himself the highest paid staff member of the legislature and a long-time associate of the Speaker. The Ways and Means staff includes a team of highly competent professionals who have full capability of analyzing in detail any piece of financial legislation before the legislature. It was the Ways and Means staff who prepared the study document dealing with New York's fiscal dilemma in educational finance and alternative ways of devising the aid

formula. Several legislators advised, however, that the Ways and Means Committee chairman is not well-known in his own right because of his subordination to the Speaker. In the Senate, on the other hand, the former Finance Committee chairman was a close associate of the former Majority Leader, much as the present Finance Chairman is close to the present leadership. Senate staffing, unlike the Assembly, still operates in a decentralized fashion where staffing is tied primarily to committee chairmanships. The leadership, also, have their own staff who provide needed expertise. The former Senate Majority Leader admitted that he was not expert in finance so one of his staffmen served in this function. In summary, house leadership, committee chairmanships, and staffing are an intricate web of interlocking relationships, each position has horizontal and vertical dimensions, and each contributes to the overall importance of leadership.

These linkages have importance not only for understanding the internal dynamics of the legislature, but also are important in an understanding of external relationships. The budget analysts for Assembly Ways and Means and Senate Finance were former employees in educational finance within the State Education Department. The Governor's Deputy Secretary was formerly a legislative fiscal staffman. The former Executive Secretary of the New York State Teachers Association worked in the Governor's Budget Division. A Deputy Commissioner in the State Education Department was formerly the Governor's Personal Appointments Secretary. These linkages serve to illustrate the broadly-based and professional nature of employment in state government in New York. The relationships gained from an initial employment in one area not only might qualify one for employment elsewhere but also facilitate the continuance of relationships which can yield results.

The firm control of the legislature by leadership through the use of

such means as the Rules Committees and the log jam, and the intricate network of linkages among some state agency personnel have particular implications for those who wish to advocate education legislation. To confine legislative relationships only to a limited number of legislators, such as education committee chairmen, unless they are part of or close to the leadership, is a strategy of diminishing returns particularly at a time when educational issues are being decided in the larger arena of the state legislature which is dominated by fiscal committees and chamber leadership. The leadership has a rather extensive staff who are individuals to be reckoned with as access points to the legislators. Further, the staff is available in Albany especially during the seasons when the legislature is not in session. Building acquaintances during these periods seem desirable if productive results during the legislative session are to be obtained. The relationships among legislative and State Department staff seem necessary, as are those with the legislators. While merely establishing acquaintances will not in itself dispell current public criticism about education, such relationships may aid considerably in the identification of a variety of legislators who may be amenable to supporting pieces of educational legislation.

Other questions were directed to members of the legislature. They were asked if there had been any significant changes in the relative power of the legislative committees. Most felt that if anything, Rules and the fiscal committees had increased in power in recent years. The nature and importance of the Rules Committees have already been discussed. The answer involving changes in influence of fiscal committees relates to another question about the perceived differences between the ways in which education money bills varied from the ways in which non-money bills were treated during the legislative process. The fiscal committees were seen to be significantly

more influential in recent years because of two general factors: (1) New York's fiscal crisis has meant that less money was available for appropriation and therefore, fiscal legislation is tied intimately to legislative leadership as a means of controlling the purse strings. The legislative process involving consideration of fiscal bills differs from the process involving consideration of non-money bills. There are several factors which explain this differential: (1) money bills cause all legislators and many citizens to be at least summarily interested because state funds are involved; spending money for education may mean spending less for another state service, (2) since the respective fiscal committees must take action on fiscal bills, legislative leadership will become more involved because of their closer ties to the fiscal committees, and (3) because finance bills have implications for taxes in a state having the greatest tax burden on the individual in the nation, the work of the fiscal committees becomes more visible, is covered more fully in the press, and their decisions carry implications for taxes, which in turn arouses the interest of taxpayer and business-oriented interest groups. The above differences between fiscal and non-fiscal types of bills, then, relates more to political saliency than either legislative structure or substantive policy differences. Clearly, there are structural differences between the ways in which fiscal and non-fiscal legislation is treated. In education, the Education Committees act alone on non-fiscal bills prior to floor vote. Education Committees may or may not receive fiscal bills for their policy review. The two respective fiscal committees, however, must take action on all bills having fiscal implications.

There are implications for education in the relationship existing between the Education and fiscal committees. Any bill with fiscal implications

will be sent to a fiscal committee. Therefore, relationships have to be established with representatives of both Education and fiscal committees. Advocates for education bills serving only on Education Committees probably will not affect the outcome of education money bills by the fiscal committees. It has been shown in this analysis that there may be a climate less favorable to education among those on fiscal committees perhaps due more to the function of fiscal committees than to any anti-education climate. Contacts with staff and legislators serving on fiscal committees may be highly desirable. The relative increase in importance of the fiscal committees in the New York State legislature in recent years does not necessarily mean that the Education Committees are not important. It simply reinforces the natural ascendance in importance of fiscal bodies in a time of increased agency demands on existing revenues.

The areas of conflict in the legislature will be examined as such conflicts may become evident during consideration of a major school finance bill. Responses brought into view some of the established areas of contention in the state, to include downstate-upstate, party differences, urban-rural, and others. This area is a complex topic and can only be alluded to in this treatment. One experienced legislator in education noted that the basis for existing conflict had its origins more in demographic than political party splits Republican representation has both downstate and upstate bases in rural, suburban, and urban districts. Democratic representation, particularly in the Senate, is sparse north of the New York City metropolitan area. The demographic split, therefore, takes on a tripartite urban-suburban-rural configuration with Democrats concentrated in the metropolitan area of New York City and Republicans representing, among other districts, Long Island and upstate suburbs as well as rural districts. Even within parties, the

1960s saw Liberals and Conservatives formed as distinct political entities. One committee chairman advised that an educational finance issue might involve Democratic inner-city representatives from New York City sympathetic to the plight of upstate Republican representatives from poor rural districts. The mixture of demographic and political party representations can be confounding. Legislators perceived the demographically-based conflict between the needs of wealthy and poor school districts as much more important in substance than conflicts between business and labor, between political parties, or between the Governor's supporters and opponents.

Two other important variables in arriving at a better understanding of the legislature, as it relates to education policy making, are its composition and change over time. A 1969 legislative survey showed some interesting statistics pertaining to legislators.[125] Three-fifths of the 1969 legislative body were born in cities in New York State, and 96 per cent grew up in either a city or small town. One-half of the legislators were under age 45, and Assembly members generally were younger than Senators. Over nine-tenths were male caucasian, and over four-fifths were married with children. Sixty-eight per cent had some post-baccalaureate educational experience, and 71 per cent were either lawyers or businessmen. Sixty-eight per cent became interested in politics through personal or family ties, and 34 per cent ran for office because the political party chose them. Seventy-four per cent of the legislators were property owners. A pattern may be seen, therefore, of New York legislators as being well educated, urbanized, white, male, property owners who became interested in a part-time political opportunity through previous interests.

While the present study was not designed as a survey, some observations about recent trends in the legislature are noteworthy. In recent years,

legislators have become younger in age, expertise has increased primarily due to the employment of competent staff in a variety of content areas, and there are increasing calls for legislative reforms. In November 1972, one Assembly candidate, calling for a full-time unicameral legislature, observed that "the effectiveness of the legislature must be improved if it is to be a truly independent branch of state government and not merely a rubber stamp for Governor Rockefeller."[126] While this candidate went down to defeat, nearly one-third of the 1973 legislature consisted of new faces. Already the second most highly paid legislative group in the nation, a new pay raise will boost legislators' salaries to $23,500 yearly by 1975.[127] While the design for legislative strengthening is attributed to the present Speaker and recently retired Senate Majority Leader, the effects of the increased stature have made the legislature better equipped to function as decision makers, more responsive to their constituencies, and a more effective balance to the growing power of the state's four-term Governor. In the final analysis, one wonders if the balance of power has really shifted significantly. A Buffalo reporter wrote:

> Anderson, a new man in the Senate's leadership job, appeared to be in stern command in February, when he predicted in advance the date of no-fault passage, but soon slipped into the No. 2 role as Duryea (Speaker) emerged as a modest counterbalance to Rockefeller's power. Time and again the crucial votes and meaningful debates came in the Assembly, as Anderson appeared content to ride his 37-23 voting margin to pass the bills Rockefeller wanted. Duryea, with an 83-67 edge when the session started, watched his votes drop to 78, only two over the 76 needed for passage.[128]

The Speaker, then, has continued in a modestly contentious role with the Governor while it would appear that the Senate Majority Leader has fallen in line behind the Governor's policy initiative. A political editor from The New York Times summarized the activities of the legislature:

> In Albany, ours is a guided democracy, with a very small "d." It only takes three men, really, to agree on any given measure before it becomes law in New York. The three are Nelson Rockefeller, Perry Duryea, the Assembly Speaker, and Warren Anderson, Senate Majority Leader...But say there is an objection. The first appeal is to the herd mentality of the dominant Republican Party. The legislation in question becomes a party measure. The howls of the minority Democrats are ignored. The Republicans batten down the hatches. They tell the Democrats to do something about street crime in their own New York City if they think they know so much about government. And, suddenly, another law is made without (much) lost in the process.[129]

What about the fate of education in this legislative arena? Clearly, legislative leadership must be involved in the successful passage of major bills. Assembly and Senate leaders, however, are increasingly critical of education. One made the following comments:

> The average legislator is becoming increasingly critical of education, the State Department, and the Commissioner. For him, the education establishment is a bureaucracy with all of the negative connotations.

Another remarked:

> Communications between the legislature and the upper-level of the State Education Department are poor. The State Education Department has become a department that is out of touch with legislators who have many constituencies to serve. The Regents don't even do as much as the average board of trustees of a private college. They should not try to administrate (sic), but the only way to back up a chief state school officer is to know enough about how education works. The Regents aren't involved enough with the end products in elementary and secondary education.

It would appear that the going might be rough in working with legislative leadership. The other important aspect of leadership are the committee chairpeople. There is evidence to suggest that in past years, the Commissioner of Education has concentrated his efforts on the Education Committee Chairpeople. In the last five years, three different Senators have served as Chairman of the Senate Education Committee. Additionally, individual legislators are becoming increasingly dissatisfied with the apparent restriction of the education advocates only to committee chairpeople. It is the

individual legislator who must return to his own constituency to report what he "did for education." In this role legislators stand alone and cannot simply blame the committee leaders. A fiscal staffman put it this way:

> The limited contact with policy people (in the State Education Department) tends to be formalized and unproductive. With the technical people, contacts are freer and more productive. With individual legislators, contacts are almost non-existent, and therein is the problem. Additionally, nobody in the State Education Department is "putting it all together" regarding the importance of legislative contacts. After all, legislators need pampering because real pay-offs could follow. To the people on the second and third floors*, there is unanimous feeling that relations are seriously deficient with the State Education Department.

Communications and relationships with education people "across the street" are seen to be deficient and unproductive at a time when education in general is coming under increased public criticism. Some of these negative feelings may be at the same time part of the cause and result of this situation. One additional area of policy roles and relationships needs examination, and that is the Office of the Governor.

Role of the Office of the Governor

As noted earlier, the Governor is a man of success and prominence. Nelson Rockefeller has been a prime architect in building New York's state government to a high state of development, he has felt the burden of fiscal austerity due to larger economic conditions, and he is aggressively following a course which he hopes will enable the state to continue to function as a pacesetter enabling his own gubernatorial re-election in 1974 and possibly the Presidency in 1976.

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*The reference to "the second and third floors" pertains to the State Capitol where executive leadership occupies the second floor, and many legislative leaders occupied the third floor. Most of the legislative leaders along with staff now are located in the Legislative Office Building, a new structure located on the South Mall across the street from the Capitol.

Governor Rockefeller's support for education is evident. Although writers in state educational politics have claimed that Rockefeller's prime area of educational interest has been in higher education as exemplified by the expansion of the State University of New York, the Governor still has given significant fiscal support to elementary and secondary education. There are two basic reasons why it is important to study the Office of the Governor, not just the Governor himself, in considering policies for public lower education. First, it will become evident that the Governor's involvement in lower education consists primarily in setting the initial limits of his Executive Budget. The Budget Division decides not how the funds will be spent but rather, what will be spent. Members of the Budget Division play a key role in this process and their policy roles must be examined. Second, a great deal of the legislation in lower education is adopted by the Board of Regents and enacted by the state legislature. The Board of Regents has maintained its structural autonomy from the Governor, and state legislators are embroiled in the day to day legislative process. As long as the Governor maintains a degree of control at the macro level, as attested to by his close relationship with legislative leaders and his proposal for an Education Inspector General, he usually does not become involved in the everyday concerns of these legislative bodies. His political position is perhaps better served if others carry the ball in daily legislative activities. Junior staff people, working on both program and legislative concerns in education, are directed by Rockefeller's "first tier" and deal with many of the education concerns of the Executive Chamber.

When one examines the Governor's staff, it is evident that some interagency linkages exist. As mentioned previously the Deputy Secretary to the Governor was a former legislative fiscal staffman. The Governor's

former Personal Appointments Secretary is now Deputy Commissioner in the State Education Department. A former N.Y.S.T.A. Executive Secretary worked for a time in the Budget Division. The Secretary to the Governor, a former Regent, has had extensive experience in state government going back to Thomas Dewey's administration. In 1973, an Assistant Secretary in the New York State United Teachers was named program associate in the Governor's Office.

The functionaries in the Executive Chamber maintain relatively low visibility. An experienced Capitol reporter was interviewed and could not name any member of the Governor's staff, other than budget analysts, who had responsibilities in education. Proposals such as the Insepctor General for Education and the Governor's 1973 staff paper on the financing of elementary and secondary education support the hypothesis that the Governor's policy role relates more to goal setting and overall direction. Another factor of low visibility is the fact that at particularly the junior staff level, virtually no references can be located in any state directories or organizational charts. Even at the senior level, the fluid nature of the executive staff often precludes post hoc examination and analysis of these organizational sub-units. Nonetheless, five officials in the Executive Chamber were interviewed and the results of these interviews will be discussed.

Communications, excepting the interagency contacts between finance experts, are maintained at a rather formal level. In legal affairs, if the assistant counsel has a question regarding the State Education Department's bill, he may contact either the Deputy Commissioner for Legal Affairs in the State Education Department or perhaps one of his staff. Occasionally, the Executive Deputy Commissioner will be contacted. The program associates, if questions arise, will make contact with the State Education Department

through the Executive Deputy Commissioner. Ongoing relationships are not maintained with specific persons in the State Education Department, and at these top levels contacts tend to be according to protocol and are formalized. There are contacts between higher levels, e.g. the Commissioner of Education and the Secretary to the Governor, but these tend to be infrequent and formal. The Governor does not frequently contact anyone in the educational establishment, but rather relies on his "first tier" and their respective staffs. Annually, the Governor holds a meeting with the Regents and Commissioner to discuss the Regents' upcoming legislative recommendations and educational affairs in general.

Communications between members of the Budget Division and the State Education Department are both more frequent and informal. Within the Budget Division, there is the Director, Chief Budget Examiner, two full-time budget analysts working on education (one in lower and one in higher education), as well as assistants when needed. Written memoranda usually will occur between the Budget Director and Commissioner and Executive Deputy Commissioner. At a slightly lower level, one might find communications between the Chief Budget Examiner and the Associate Commissioner for Educational Finance and Management Services. The ongoing relationships are maintained between the budget analyst in the Governor's Budget Division and the Assistant Commissioner for Educational Finance. This relationship is one built over time with mutual respect and trust. On technical details, both individuals feel free to go directly to the specialist involved, but on matters of substance protocol is followed. There are frequent communications between Budget Division staff and the Assistant Commissioner for Administrative Services. There are no communications, on the other hand, with members of the Board of Regents excepting the formal, annual meeting with the Governor. In educational finance, the Budget Division makes free

use of the State Department statistics and to the budget analyst, State Department data were considered to be his most important source of fiscal information.

The Governor's staff is an energetic, loyal group of individuals who appear committed to Rockefeller the man as well as the official. The oldest program associate, for instance, is only 33, and commonly individuals became involved with the Governor through one of his campaigns. Nelson Rockefeller is seen as "the consumate politician" in one staffer's words. His record indicates that he has maintained supportive relationships with the legislative leadership, regardless of party affiliation. When he needed votes for enactment of one of his bills, the support was always available. One staff member noted that one could not find a more articulate student of economics. In school finance, the Governor was seen to be able to maintain a substantive conversation with anyone. With an eye on specific program goals, the Governor is regarded as a man of vision and an energetic, dynamic leader.

The self-perception of Rockefeller's staff reflected a pacesetting stance in every area possible. While events at the natic al level were of interest to the staff, New York itself was thought to be the innovator. The Empire State leadership does not look to other states for leadership, rather, it seeks to create its own new programs.

Since the Governor assumed his present position in 1958, he has built a highly developed, smoothly functioning organization which has taken a primary role in leading state government. The convergence of the Governor's formal powers, his informal influence, his personal stature, and his current political control of the legislative leadership have culminated in his great strength as chief executive. It is probably the lack of gubernatorial

management over education that led to the Governor's present frustration over the perceived lack of fiscal accountability in education. During the fiscal crisis of the early 1970s, the Governor increased his control over state expenditures and imposed greater line item discretion especially over agencies' funds for state purposes. Traditionally, the Governor exercised budgetary measures of a gross nature in his annual determination of the increase allowed for education. In an especially tight fiscal period more refined budgetary techniques may be necessary to maximize efficiency. The option confronting the Governor was to exercise greater line item controls over education through his Budget Division or to allow the State Education Department some latitude in its efforts toward internal reassignment of priorities to facilitate greater budgetary efficiency. His choice of the line item controls and his criticism of the State Education Department lead one to conclude that even though the State Education Department has spent considerable time in internal budgetary assessment and continued use of a program-planning-and-budgeting system, the Governor's evaluation of these functions has been less than favorable. Apparently, some means of resolving these differences will have to be found before the Governor's Office and State Education Department can work more cooperatively.

Beginning in 1969, dwindling fiscal resources forced the Governor to begin a series of "slow-down" years in education as well as other areas. This fiscal conservatism of the Governor was reflected throughout the interviews. A New York Times article noted that Rockefeller's conservatism is but a temporary political necessity.[130] It was predicted that by the 1976 Presidential election, Nelson Rockefeller will have shifted to the left to be more in line with his traditionally progressive image.

State Education Department staff suggested that among the educational interest groups, the Educational Conference Board and to a lesser extent

teachers were seen to be influential with the Governor. Among the educational interest groups themselves, the teachers' and school boards' associations, and possibly the Conference Board were seen to be influential with the Governor. Among the Governor's own staff, it was agreed that input is solicited from as many groups as possible more for public relations purposes than in terms of politically "working with" any of the groups. When it comes to policy formulation, the Governor with the aid of his staff conceives his own policy. For proposed legislation an Assistant Counsel communicates regularly with any interest group or state agency involved in the ramifications of a particular bill. A memorandum is prepared soliciting the organization's reaction to the bill and recommendations for changes. Study of input from these organizations is made prior to the Governor's action. The Governor has yet to miss taking action on a piece of legislation within his 30-day limit, i.e. that period by statute within which the Governor is to respond.

The most significant executive activities in education during the 1973 session were in the areas of finance and the Education Inspector General proposal. In finance, additional revenues in 1973 seemed to portend a brighter future for education in the 1973 legislature. In the final anslysis, the 1973 increase for education was at the 2.5 per cent level rather than the anticipated 5.5 per cent level.[131] Major decisions in educational finance are anticipated in the 1974 legislative session.

As mentioned previously in this report, the Governor's January 1973 State of the State Message contained not only his hard stand on drug offenders but the proposal for an Inspector General for Education. Alluding to the success of a similar venture in welfare, the Governor said the new post would enable review of performance and organization of schools,

facilitate new proposals for improvement in management and supervision of school programs, and review the cost effect of local mandates of the education law.[132] The Commissioner of Education was quick to respond calling the proposal a "duplication of the efforts of the legislature," as well as other areas of state government.[133] Early press releases capitalized on the Governor's choice for the position, an experienced trouble shooter who was instrumental in resolving welfare frauds. Reporters immediately wrote about this so-called "Hawk," as follows:

> He's a real hatchet man. If you're incompetent, you fear him. If he gets this job, God help the Education Department - in a constructive sense.[134]

The issue provided a real opportunity for education's critics to jump on the bandwagon. One vocal legislator made the following statement:

> A weird assortment of characters is running the Education Department. We've got to restore sanity and common sense to the badly warped system of education in the state...Nyquist has employed one of Mao's press agents in the State Education Department.[135]

The reference to Mao Tse-Tung was in regard to the Commissioner's having hired a former resident of mainland China as an Asian expert in the State Education Department.

Falling for $400,000 to establish the Inspector General the initial year, the Governor introduced a bill into the legislature in April, but substituted the wording of a "State Office of Education Performance Review" for Inspector General. In the meantime, reactions to the Governor's proposal seemed more negative than favorable. The Commissioner of Education released an accountability plan, which he had been developing for some time, designed to relate pupil performance to school costs throughout the state.[136] The Senate Education Committee formulated a plan to require the Commissioner to collect self-evaluations by each of more than 700 school districts, which

then would be forwarded to the legislature for review.[137] A Co-President of the New York State United Teachers used the opportunity to defend the Commissioner and support his organization's cause:

> What is needed in public education is not a watchdog with all the dictatorial power implied in the bared fang, but greater freedom and responsibility for educators to do the teaching job properly.[138]

Possibly anticipating negative legislative action (which occurred), the Governor proceeded to appoint his original choice as Inspector General as a special assistant on his staff to initiate many of these performance review functions.

Standing at the apex of state government, the Governor and his staff are the capstone to a complex set of agencies and a legislature which in recent years has achieved high ranking among all state governments. In the description of the policy roles and relationships in which the Governor and his staff are involved, a sense of increased gubernatorial strength was portrayed through the Governor's first three terms, then a period of crisis precipitated by broader fiscal realities, and now signs of recovery but in the face of increasing contentions among those in policy making in the Empire State. A linkage of interlocking relationships, high energy, loyalty, accompanied by a rather low profile was shown to characterize the Governor's staff. The Governor himself was pictured as an eminent leader. A pattern of ebb and flow in the state educational policy process was described and the ways in which the Governor's present activities are a part of that larger policy reality.

SECTION VI - INTERPRETATION

The governance of public elementary and secondary education in the State of New York has been described. The context of educational policy making was reviewed initially to provide the relevant background for our examination of state policy making for the public schools. Social, economic, political, and structural factors helped provide a setting for the development of selected educational policy issue areas. Policy roles of the key individuals and groups were highlighted as they dealt with the issue areas of school finance, desegregation, teacher certification, and educational program improvement. The analysis of these policy roles and relationships now provides an opportunity for interpretive comments about current and emerging patterns of educational politics at the state level.

Critical Themes

Several critical themes emerge as being important to an understanding of the pattern of state educational politics in New York. In a state known for its pacesetting state government, the role of state-level educators should not be understated. Educational policies may be initiated by local educators, energized by local-level groups, and implemented on the local level. The part played by state educators in the policy process in New York State cannot be discounted. Without the energy and leadership of state-level educational interest groups and the state educational agency, the pattern of policy making in the Empire State would be much more diffuse.

A critical theme in the process of state educational policy making has been the importance of state government, itself. The autonomy of education as practically a fourth branch of state government was described. The adherence to protocol in communications and the patterns of information flow, as documented in this report, are related directly to the rather structured

nature of education and government at the state level. The development of informal interlevel exchanges of information, especially between organizations, can be impeded by established protocols within the bureaucracy. The Board of Regents, by design, tends to be a formal body which decides policy in closed session and adopts policies during open sessions. Its public activities have been restricted to press conferences at the termination of monthly meetings. Through the leadership of the current Commissioner of Education, however, the public visibility of the Board of Regents has increased through conferences, hearings, and convocations. The direct relationship maintained by the Regents with not only the interest groups but also with the legislature is generally limited to annual formal meetings. The existing protocol in both the Executive Branch and the State Education Department tend to discourage more casual exchanges especially between staff members. In accordance with State Department policy, only a few officials within the Department initiate contact with the legislature. One does not find the informal, free flow of communications between state governmental units possibly more characteristic of less structurally complex states. While this protocol in a state like New York can be understood rationally, nonetheless it tends to give a sense of formality to the operations of state government.

Another theme dealt with the complex nature of the policy process. Unlike some states where teacher certification, for instance, might be an inhouse function of the State Department of Education, the certification of teachers in New York has involved the Commissioner, Board of Regents, State Education Department, teacher organizations, other interest groups, the public media, and citizens in general. Each of the policy issues examined in this report tended to become more complex as the number of groups, sometimes having competing demands, grew larger. As an issue of

a high saliency, school finance in New York is fully in the larger arena of the state legislature. The demand for change in the method of allocating resources will continue to hold implications for New York's local school districts. The Commissioner's actions in school desegregation resulted in considerable community upheaval across the state. Both school finance and desegregation have gained widespread interest among citizens who have come to realize that the resolution of these complex issues will have broad fiscal and social ramifications.

Another theme dealt with the inability of the traditional forms and relationships to meet the emerging demands placed upon policy makers. Demands for finance equalization, competency-based teacher certification, desegregation of public schools, and Project Redesign portend a future quite different from the past. Educational issues, such as finance, have been propelled into a larger, more contentious policy arena where policy outcomes will be perceived as having effect on all state citizens. The strategy of using a formal structural body like the Educational Conference Board as a means of unifying the positions of the interest groups seems to be no longer viable in the 1970s. Co-optive activities may not necessarily be outmoded for a process of temporary coalition-building, based upon the issue at hand, might be an effective tactic for legislative activity.

A final theme dealt with an increasingly contentious policy-making arena, whether it be within the Board of Regents or the state legislature. Individual Regents are not hesitant to disagree with the Commissioner and his staff. Public interest in the Regents has increased as witnessed by the replacement of a Board member in 1973. The strengthening of the state legislature has been by design and is evident in the addition of staff, increased expertise of staff as well as individual legislators, and the

data generating capabilities of committees. One experienced legislative staffman for the majority party made the following observation:

> New York practices the concept of political professionalism in its staffing. We think that the partisanship of the legislature is important. The informed "pulling and hauling" of staff produces the best legislation as long as we can take care of basic requirements, such as informing the minority about upcoming legislation. A non-partisan staff, on the other hand, can develop into a fourth branch of government having its own special interests.

The state education policy process in New York, therefore, may be examined according to the development of larger themes. Some of these broader themes were a pacesetting state government, the importance of state government, a complex state policy process, an increasingly contentious policy-making arena, and the emergence of new relationships among policy actors. By a review of the four policy issues included in this study, these broader themes can be illustrated.

Looking Beyond the Policy Issues

The importance of school finance as a state issue and the degree of support in education by New York's citizens illustrate the themes of a pacesetting state government and the importance of state educators in this process. Without the intellectual scribbling of individuals like Paul Mort, the consent-building activities of the Educational Conference Board, and Regents-Commissioner teams committed to increasing support to education, one must conjecture that New York's educational system would not have risen to its present level of development. In the issues of desegregation, teacher certification, and Project Redesign the initiative taken by the Commissioner of Education with Regental support has been unequivocal. In fact, one could wonder whether the support of desegregation by both the Commissioner and the Board of Regents has enabled both legislature and the Governor to play more of a reactive role in this issue of social reform.

In some other states, governors and legislatures more than state education officials, have attempted to deal with this sensitive social issue.

The existing autonomy of the educational establishment has required more leadership of Commissioner and Regents than might have been the case were education not as separated from the other branches of state government. Autonomy has dimensions of both freedom and responsibility. While the autonomy of education has given the Commissioner and Regents freedom from the partisan involvements found in the legislative arena, the responsibility to actively conceive state educational policies has also rested with these education officials. Reactions to this leadership by the legislature, particularly in the desegregation issue, have led to an examination of structure and process.

Because of the structural autonomy of education and the growth of the state agency into a massive organization, there has tended to be a formality to many of the relationships between the state education agency and others in state government. The formality and closed sessions of the Board of Regents have added to the perception of that body, among legislators and interest group leaders, as being unapproachable. The size of the State Education Department and the onerous demands on the time of the top administrative staff in this Department have made its staff sometimes appear inaccessible. Another result of the size and complexity of the State Education Department has been the proliferation of staff and the necessary division of labor associated with this differentiation. The delays in response and the difficulties in directing questions to the proper official in this agency of nearly 4,000 employees have added to the State Education Department's image as a "bureaucracy" with all the negative connotations.

The increasingly contentious nature of policy making was described as another theme. There are several dimensions to this theme. The strengthening

of the legislature has enabled this body to provide more of a balance to the Governor's increased powers. The increased expertise of staff illustrates the importance of this body of advisers to both legislators and to the Governor. Staff expertise has enabled the legislature and the Governor's Office to make decisions based on more information and analysis. The importance of staff also reflects the complexity of state government and the need to build this kind of capability into state government. Staff strength has enabled both legislature and the Governor to participate more authoritatively in policy making. The contention reflected in the educational establishment relates not only to the strength and capabilities of the State Education Department staff, but also to the emergence of education as an issue of broader saliency.

Education is now in the public eye but not because the education agency has been strengthened as a check to the powers of other areas of state government. The public view of education is part of the larger nationwide demand for accountability in education. The return on the dollar invested in education is a question now commonly heard in the state capitals. Even though the public investment in education in New York has been characteristically high and New York is known to have a well developed system of education, this has not made New York's educational establishment immune from critical examination. The great investment in education may have caused New York's citizens to question the results of this educational investment even more than may have been the case in other states.

Public questioning of education is nowhere more evident than in the area of school finance. The inadequacy of the Diefendorf formula in meeting the diverse fiscal needs of the state's school districts and the demands for major change in the allocation methods are unmistakeable. The policy role

of the Governor has not been limited to setting broad goals and fiscal limits. The Governor has become more involved in internal budgetary allocations. This role was evident in his actions, beginning in 1969, in cutting back allocations to state agencies because of larger fiscal constraints. The final forms of the Executive Budget as well as supplemental budgets are shaped not only by the diverse input given the legislature by competing interest groups and the State Education Department, but also by the way in which the leadership is able to come to agreement.

The overriding importance of the leadership, i.e. the Governor, Assembly Speaker, and Senate Majority Leader, was described earlier and is again emphasized. This tripartite relationship emerges as the key factor in the legislative action taken on virtually every major piece of legislation. The current demand for a major change in the way in which schools are funded presents an acute dilemma to the leadership, and this dilemma undoubtedly has led to a delay in any decision. On the one hand, a change in the method by which funds are allocated is necessary to bring about equality of educational opportunity. On the other hand, a change which results in increased support to poorer districts at the expense of more wealthy districts will most certainly meet with negative reaction in more affluent areas. Since the more affluent districts, e.g. suburbs, contain influential citizens who make their demands politically felt through influential legislators, the pending decision on equalization will prove to be highly contested.

Particularly in the finance issue, the established pattern of schoolmen is no longer viable. It could no longer be accurately said that schoolmen act in response to input from respected academicians, enter into compromise through the forum of the Educational Conference Board, and present their proposals to the legislature. The natural replacement of interest group leaders through retirement in recent years by new executive secretaries

and legislative representatives, and the reorganization of teacher and administrator associations into strengthened organizations in their own rights have concurrently diminished the significance of the Educational Conference Board and added to contention among education actors.

The changing nature of the school finance issue is having widespread effect as a major issue of public policy in general. Where enactments in school finance were once decided with prime input from educators who made their judgments on educational bases, the parameters of school finance now are decided as part of the major public policy issues of tax reform and social justice. This change is not to say that future decisions in school finance will exclude input from educational spokesmen, but it is important to understand that the fiscal implications of major school finance decisions have far-reaching ramifications.

The increased saliency of educational issues for state government and citizens in general may be similarly seen in other educational policy issues. The professionalism of educators as public employees is being questioned in demands for assessment of teacher competency according to performance-based criteria. The utilization of school desegregation as an issue of social change in the reassignment of pupils to achieve greater racial balance has major implications for communities throughout the state. The involvement of lay citizens in Project Redesign, in developing an educational system for the future, again illustrates the general significance of state educational policy issues.

Emerging Roles and Relationships

The analysis of policy roles and relationships and the existence of larger themes within the state education policy process enable some consideration about emergent roles and relationships. There is now increased

public criticism of education in terms of both management of schools and results in terms of students' performance. Careful attention will be paid to policy enactments in education as these decisions affect resource allocation and precipitate social change. Both the state legislature and the Governor will be expected to take positive action to insure greater equality of educational opportunities in terms of the way in which schools will be funded. It remains to be seen whether achieving greater racial balance in the schools will continue to fall upon the Board of Regents and Commissioner without the substantive aid of other state policy makers.

Education will continue to receive public criticism until the enterprise is seen as being more accountable. The State Education Department, through continued internal reassignment of priorities, will be called upon to assert greater leadership in demonstrating that education is able to report results at least in those areas conducive to quantitative analyses. The State Education Department, by giving increased emphasis to the development of basic skills particularly in so-called disadvantaged areas, must demonstrate educational results. These positive actions may facilitate renewed public confidence in education.

Reorganization among the educational interest groups, in particular the teacher merger, and its increased political activity will propel these groups more directly into the political decision-making arena. The role served by the Education Conference Board has been effectively diminished. Even if some syndical arrangement should emerge in which representatives of education, non-educational groups, and policy-making bodies might advise the Governor, the monolithic appearance of the educational groups acting in concert in effecting education decisions has ended. Such a syndical configuration is not likely because most groups are more interested in

their own constituency representation and bargaining for their own gain in the contentious arena of policy making. This political activity apparently can be accomplished most effectively by use of professional legislative representatives and an internal communications network which integrates local and state level activities. Building consensus will occur more often within than among organizations. Cooperation and co-optation among groups appear to be phenomena of the past, as general activities for education groups, but these political strategies might instead take place on a more temporary, issue-oriented basis. Political action in the larger policy arena demands a different kind of accommodation.

The phrase, political action, warrants some additional comment. Politics and education have been too often seen as mutually exclusive activities. These activities can co-exist in a balanced relationship. Politics is not activity restricted to partisan concerns just as education is not restricted to classroom interchange. Both political and educational activities occur within broader settings. Initiating communication, building trust, and sharing information about mutually significant policy can be concurrently political and educational in scope.

Responsiveness and results will be the by-words of future activities. Just as the legislature has attempted to become more resporsive and competent by increasing its staff expertise, so must the educational establishment become more responsive in meeting the needs of the larger society. Shortening the terms of the Regents and opening sessions of the Board of Regents to public view might be effective starting points. At the same time opening legislative committee sessions to the press and placing some operational restrictions on the influence of the Rules Committee, while politically unlikely, would be an effective way to lessen the iron grip of leadership over the legislative process.

The future holds promise for New York in the education of its citizens. More than internally directed activities, education in the Empire State has provided a laboratory for the innovation of ideas which, after proper validation, have given other states creative programs in education. Public interest in and criticism of education are at an unprecedented stage. Greater organizational efficiency and program effectiveness must be attained to move into a new era of restoring public confidence in education.

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APPENDIX

The Educational Governance Project has been a national inquiry dealing with state policy making for public elementary and secondary schools. The main research phase of the Project consisted of background study, document gathering, and field interviews with educators, legislators, personnel from governors' offices, state officials, and others in positions of educational policy-making significance. Ten researchers, trained at The Ohio State University and organized into four teams, generated case studies about the twelve states included in the Project. In New York State, approximately ninety-nine interviews, formal and informal, were completed by a research team composed of Edward R. Hines, Peggy M. Siegel, and Dudley E. Brown. Writing the New York State case study was the responsibility of Edward R. Hines. Each interviewee was assured of the confidentiality of the information he or she provided, but an enumeration of the interviews by category is shown on the next page:

THE EDUCATIONAL GOVERNANCE PROJECT - NEW YORK STATE CASE STUDY FIELD RESEARCH

Research Phase	Formal Interviews	Informal Interviews and Contacts	Interviewee Affiliation	Number of Interviews
Initial Background Work	0	6	State Education Dept.	3
			Academicians	2
			Interest Group Rep.	1
Preliminary Visit, Albany, November 1972, 2½ days	13	2	State Education Dept.	10
			Newspaper Reporters	1
			Legislative Staff	2
			Interest Group Rep.	2
Field Research, Albany, January-February 1973, 3 weeks	49	12	State Education Dept.	9
			Board of Regents	9
			Governor's Staff	6
			Legislators and Legislative Staff	27
			Interest Group Rep.	8
			Newspaper Reporters	2
Field Research, Buffalo, March 1973, 2 days	3	1	Legislators	2
			Academician	1
			Buffalo Board of Education	1
Field Research, New York City, April 1973, 3½ days	5	3	Legislators	3
			Interest Group Rep.	2
			NYC Board of Education	3
Readers for the Case Study July-August 1973	0	5	State Education Dept.	2
			Academicians	2
			Legislative Staff	1
TOTALS	70	29		

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