ENGAGING STATE LEGISLATORS

Lessons for the Education Sector







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Introduction

State policy plays a critical role in setting the course for public education. States have primary authority for public education and, over the past 30 years, have taken on an even greater role in expanding the laws with which schools must comply.

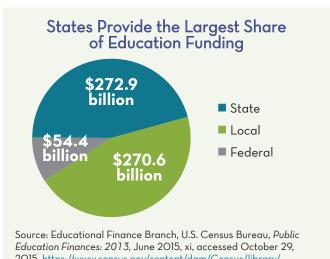
The shift to states taking a more proactive role in efforts to improve education outcomes has accelerated during the past decade. State legislatures, in particular, have taken a more direct role in setting standards, requiring assessments, and evaluating teachers and administrators, among other issues, and in some cases they have waded into areas traditionally under the jurisdiction of state boards of education.

As the legislative role continues to expand, understanding how lawmakers see that role, the challenges they face, and how they are influenced is critical for advocates seeking to reach this influential group and improve the quality of state education policy. To learn more about how best to reach state legislators, the Aspen Education & Society Program and the State Legislative Leaders Foundation (SLLF) commissioned Echelon Insights to conduct focus groups and in-depth interviews with 50 state legislative leaders and education chairs from across the country and from both parties. In September 2015, Aspen and SLLF convened a group of almost 40 state legislative leaders for the Education Summit, a two-day symposium on state education policy.

THE STATE ROLE IN EDUCATION

As state legislators will attest, every state is different and operates within its own unique context. One thing they all have in common, however, is the recognition of education as a state responsibility. In fact, every state constitution enumerates this central obligation. States don't just pay lip service to this notion; in 2013, the largest share of all education funding (45.6 percent or \$272.9 billion) came from state sources.² State legislators play a critical role in appropriating these funds and overseeing their use.

States have a variety of responsibilities in education policy, from essential roles defined by constitutions, governors, state boards, and statutes to additional strands of work based on local contexts. Further, state policymakers share authority across the legislature, state board, governor, state chief, and state education agency (SEA). The roles of the chief and SEA have also expanded in the last ten years, further complicating the state policy context. For more information on how SEAs can determine what they must, might, and should not take on, see the Aspen Education & Society Program's "Roles and Responsibilities of the State Education Agency."



2015, https://www.census.gov/content/dam/Census/library/ publications/2015/econ/g13-aspef.pdf.

THE POLITICAL AND LEGISLATIVE CONTEXT

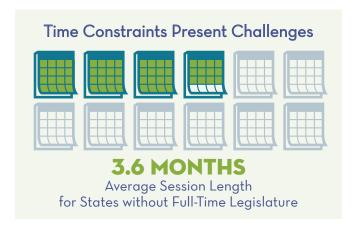
Many factors limit what legislators are able to take on and when they are able to do so. Understanding those barriers can help groups that work with legislators navigate the political and legislative landscape in order to create learning opportunities and propose realistic policy solutions that consider legislators' current contexts.

Across the country, state legislators are operating in an increasingly politicized environment. Not only are the two major political parties at odds, but schisms within parties can also make it difficult to build consensus and craft

passable legislation. This politicization extends beyond the statehouse; social media platforms are highly effective mechanisms for spreading information and stoking fear about policy initiatives, and legislators are increasingly on the front lines of trying to respond to constituent concerns while separating fact from fiction. The impact of social media should not be underestimated; in early 2015, a blog post criticizing a proposed reauthorization of the No Child Left Behind Act helped delay a vote on the legislation in the House of Representatives. Constituents from across

the country caught wind on social media of the post's claims, which were later debunked, and successfully pressured their representatives to postpone the vote.³

Time constraints can also present challenges. Among the 41 states without a full-time legislature, the average session length in 2012 and 2013 was 3.6 months.4 Given these short sessions, legislatures in these states face a lot of pressure to get things done quickly, which can preclude thoughtful consideration of policy solutions. As one legislator put it, "We have about seven weeks to get it all done. We really do finish it up in 45 calendar days."



And legislative action has its limits. In the words of one legislator,

I think that the reason that these debates take an interesting turn is that the legislative process is incremental and that's not a good way to make educational change, so you have to figure out how to accomplish enough of a change to cause the system to start moving in that direction as opposed to making the change.

Increasing turnover of elected legislators further complicates efforts to design and implement effective state policies. Turnover has been on the rise in recent years across the country, at over 23 percent in 2010 and nearly 27 percent in 2012, due in part to redistricting and term limits.⁵ In 2014, an average of 9 percent of senate seats and 21 percent of house seats turned over in U.S. statehouses.6

Turnover in Statehouses Across the Country on the Rise 9.2% 21.1% Senate House Seats Seats 2014

This problem of high turnover extends beyond lawmakers to legislative staff and other key policymakers. Because state legislators oversee such a wide array of issues, many rely on staff to provide research and counsel on specific policy areas, but staffers are also leaving statehouses at a steady clip. Refilling legislative positions, with their relatively low salaries and demanding work hours, is a significant obstacle. Similarly, state chiefs, whether elected or appointed by governors or state school boards, are experiencing significant churn, which affects states' ability to shepherd policies from conception to implementation and to build relationships and a shared vision for education. The Council of Chief State School Officers recently calculated that state chiefs now spend an average of three years in their posts, down from approximately six years in 2008.8



How Do Legislators View Their Role?

State legislators come from varied backgrounds and walks of life, and they all bring a unique perspective shaped by their values, careers, families, and communities. As a result, some may be deeply knowledgeable about education, while others may arrive with expertise in

entirely different areas. For many, their understanding and beliefs about public education comes mostly from their own experiences as parents or students. Nonetheless. legislators recognize that education is one of the most important issues they address but are uncertain about.

PREPARING A WORKFORCE

At their core, most legislators view themselves as being charged with creating economic prosperity and opportunity for the people of their states. This extends broadly beyond education into issues such as taxation, regulation, health care, pensions, security, disaster preparedness, and a host of other areas. Within that framework, even legislators who are not on education committees find themselves connected in some way to education policy. When asked what they viewed as their primary responsibility on education, state lawmakers from both parties said it is to set expectations that will lead to success for students and the education system.

In the words of one legislator, "Are we preparing a workforce for the future? All those things are important to where we're going to be globally."

Because of the major role legislatures play in higher education, many said it was incumbent upon them to improve the "K-12 to higher education" pipeline to ensure that state investments in secondary and postsecondary education were generating valuable results for students and the state's economy. Preparing young people for responsible, active civic participation did not feature prominently in the interviews with legislative leaders, suggesting this purpose is receiving less emphasis in their work.

Most legislators understand that their states' economic prospects depend upon creating a workforce that can fill the jobs of the future. What they can or should do to achieve that goal through K-12 education policy, however, was the subject of much debate.

FUNDING EDUCATION AND ASSESSING OUTCOMES

Because such a significant portion of state budgets go to education, legislators want to know what they're getting in return. This desire drives much of the interest in education policy, even from lawmakers who are not directly involved with education committees. "Education is not my main area," shared one legislative leader, "[but] I think for every legislator, education ends up being key to them because so much money goes there."

In interview after interview, the state's funding formula for K-12 education came up as a major issue. "The funding mechanism for schools is the biggest challenge that we haven't been able to solve," said a state legislative leader.

Legislators' Views on Assessment

Assessment is a hot-button issue for policymakers, practitioners, parents, and students. How much testing is enough? How much is too much? What characterizes a good assessment? And what do the results really mean? Legislators raised all of these questions during the interviews.

Legislators generally agreed that "there's no way to measure outcomes without some form of testing," and "unless we have assessment, we don't really have a view of how the system is doing and if we are succeeding with all kids, not just white kids from middle and upper-class families." Their commitment to equity and honesty about how well education is serving students is apparent, but

their remarks also revealed a belief that tests are the only way to measure outcomes and determine whether resources are being put to good use.

This presents advocates with an opportunity to inform lawmakers about what assessments truly measure and to suggest additional outcome data-such as graduate rates; student, parent, and teacher satisfaction surveys; school climate surveys; attendance; access to and enrollment in advanced coursework; and participation in internships and/or dual-credit activities—that can paint a more holistic portrait of the education system and highlight inequities.

Many others felt that it was difficult to understand and communicate about funding formulas because they are opaque and highly technical. Still, legislators are adamant about getting a return on their investment. As one said,

We spend nearly fifty cents of every dollar from the general revenue fund on education, trying to give kids a good start from early childhood education on up, but then the employers say, "We can't hire these people." So there's a lot of frustration and a pretty good amount of resources involved.

THE FEDERAL, STATE, AND LOCAL ROLES

Legislators have questions about the balance of authority for education between the federal, state, and local levels. The division of power has shifted significantly over the last century, with state and federal actors assuming responsibilities that had traditionally been the purview of local education agencies, as well as taking on new, expanded roles. It is no surprise, then, that state legislators feel uncertain about their roles and struggle to balance federal power, local interests, and their own state-level responsibilities.

The federal role, in particular, is unclear to many state legislators. Many know that the federal government provides only a small amount (approximately 10 percent) of education funding, but they are uncertain about federal requirements and the strings that come with federal dollars. As one put it,

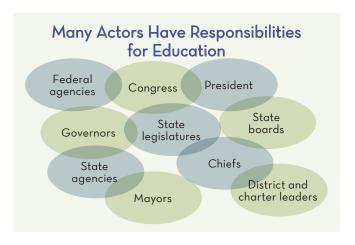
[The] federal government still only funds education minimally, but they are taking a bigger role in education, so I don't always know what the interaction is and the money they provide and the consequences of what happens if you don't follow what they tell you to do.

Similar questions arise with respect to state interactions with districts. One state legislator said,

We're looking at a system that is based on the needs of the district as well as the ability of the district to bear the cost themselves, and up until now we have had the state give money to districts with no strings attached...it would be helpful to figure out a way to ensure the money that is not performing well could be spent well.

But another legislator noted the other side of the coin,

Every time districts complain about funding, we increase funding but ask for something back in the way of control—we'll give you more money if you do X, you'll have to teach world history, do this, do that—but those decisions should be made by local school folks, especially those doing a good job.



Despite wanting accountability in general, few legislators felt it was their job to "micromanage" districts. They considered their role to be setting clear guidelines and expectations and holding districts accountable, while letting districts take the lead on managing their own affairs. But many indicated that this was not the reality in their legislatures. As one legislative leader observed,

Ideally, what we should do, we should be the equivalent of the 'Board of Directors' setting the broad concepts, and the day-to-day should be done by the districts. But the reality is almost the inverse; the legislature sets concepts but then we try to micromanage.

The tension between accountability and hands-on management extends even to the classroom level. Although many legislators felt that accountability should extend to teachers and other school-level personnel, they also recognized that rules set at the state level can become too prescriptive and provoke compliance and affect morale, rather than improve performance, when implemented locally.

As one put it, "How do you run a classroom from the capitol?"

Legislative Influences

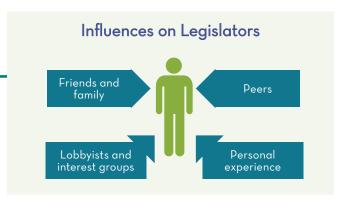
A variety of factors affect legislators' opinions on education policy and how they learn about and make decisions on pressing issues.

PERSONAL CONNECTIONS

Legislators' opinions are first and foremost influenced by their personal experiences and relationships. Attitudes borne of their own interactions with the education system as students can affect their receptivity to new initiatives, such as the Common Core State Standards, that diverge significantly from their personal K-12 experiences. As one legislator said, "It's uncomfortable because we didn't learn this way."

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> Many legislators are also parents and view education policy through that lens. In addition, some lawmakers said that they have a core group of parents with whom they consult to learn more about what is and is not working but also that they "don't hear nearly enough from parents"



who may not know how to engage policymakers or may be too pressed for time to make their voices heard.

Legislators want to understand how policy translates from the statehouse to local schools. Many said that they maintain open lines of communication with district leaders and teachers. These relationships help inform legislators about changing levels of stakeholder support and how various policy decisions are perceived in the field. Legislators also recognize that local politics can influence the reliability of the messages. This is especially true when it comes to funding. One legislator expressed this skepticism by saying, "I meet with superintendents, school boards, local teachers, parents. I take what the first three say with a grain of salt because, at the end of the day, they all want more money, and no amount will be good enough."

PEERS AND OUTSIDE ORGANIZATIONS

Interview participants indicated that some of the most valuable insights and connections on education come from their peers in the state capitol who have direct experience in the education sector, such as former teachers and administrators.

State legislators also value learning about what is working in other states and often rely on outside, nonpartisan research organizations to add capacity and share promising practices from the field. Some lawmakers observed that it is helpful to learn how other states handle issues similar to the ones they are trying to address

Legislators find that opportunities to share best practices with each other are particularly helpful, and they would like more of them.

and mentioned that the National Conference of State Legislatures (NCSL) is a reliable source of this information.

One caveat for advocates is that legislators sometimes feel overwhelmed by the amount of data made available to them and are jaded about potentially cherry-picked data, especially when the information seems to conflict with other data points. For example, it may be confusing for legislators to see differences in student proficiency rates between state assessment results and performance on the National Assessment of Educational Progress (NAEP). Advocates can help legislators to navigate these different data points and understand what each assessment measures and why proficiency rates may

Legislators find that opportunities to share best practices with each other are particularly helpful, and they would like more of them. On this point, legislators are hungry for concrete stories of what has worked. In some

cases, legislators have created their own networks with lawmakers from other states or rely on their staff to reach out to counterparts in other states, but advocates and educators can help facilitate these connections and conversations. In other cases, legislators may benefit from access to experts who can break down lessons from successful and unsuccessful policies and translate them across political contexts. Facilitating these connections can help bolster legislators' capacity; while some legislatures provide nonpartisan legal and research services to members to supplement the work of their small (and often shared) staffs, many do not have access to these in-house supports.

Limited staff capacity and tight session timelines mean that state legislators rely on lobbyists and interest groups to bring knowledge to the table. One respondent noted,

"When you're a politician, you have so little time to actually do the homework, so the lobbyists and stuff give you the suggestions." Legislators are concerned, however, that these outside organizations can exert an outsized influence on policymaking as a result of this environment but recognize the necessity of these information resources given the limitations-and demands-on their time.

Legislators' opinions on the influence of teachers' unions varied. Republicans generally dismissed unions as being focused inordinately on protecting the adults in the system, while Democrats were internally split on whether unions were a voice for teachers in policy conversations or if they were only concerned with promoting their own agenda.

Barriers to Change

Change can be difficult, disruptive, and often controversial. Movement creates friction, and policy change can lead to heated disputes or significant

roadblocks. This research identified the handful of issues that legislators most often point to as barriers to reform in their own capitals.

INTRAPARTY AND CROSS-CHAMBER DYNAMICS

Legislators noted that issues around education do not always split neatly along party lines, making it tough even for legislative majorities to enact policy. For instance, legislators in most states would point to the Common Core State Standards as an issue that has led to considerable controversy and over which the debate has not broken down along usual party lines. As one Republican legislator said, "You have the Tea Party against [Common Core] and you have the Chamber [of Commerce] for it."

Similarly, on issues such as testing and standards, legislators observed that teachers' unions and Tea Party groups were finding common ground. One Democratic legislator noted, "We see the far lefties in my caucus and the libertarian far righties are actually meeting on a lot of the issues." Party is not always an effective signal of an individual legislator's politics with respect to education.

Even control of both legislative chambers by the same party does not guarantee that the houses will agree. As one Republican legislative leader in a state with GOP supermajorities in both chambers put it, "There's a healthy tension between the House and the Senate." Where the chamber majorities are of different parties, the challenges are even greater: "It got pretty contentious; the House and Senate were working on different [education] bills at the same time...we've got a Republican House and a Democratic Senate."

POLITICIZATION

Many legislators are cautious about entering into education policy debates that have become polarized. Because parents and activists care deeply about education, tensions can easily run high and debates can become toxic, politically charged, and weighed down by misinformation.

As a result, legislators sometimes worry about how to filter out genuine concerns from the noise of partisanship and misinformation, and how to respond accordingly. In some cases, policymakers have not effectively engaged stakeholders or clearly communicated about the nature of changes in the education system (e.g., Common Core; new, computer-based assessments), which can breed mistrust.

One legislator, who is supportive of Common Core but has heard a great deal of pushback, noted, "I wish they understood better that Common Core is not some gift or burden from the federal government. I wish they understood that the goal was to create career and college readiness. That they understood that we don't pick curriculum, we leave that to school districts and local jurisdictions."

Legislators are eager for effective ways to calm the debate on these issues, keep their constituents engaged, and provide a forum for stakeholders to voice their concerns while also ensuring that state policy is transparent and clearly communicated.

REFORM FATIGUE

Another major impediment to change is weariness. The messaging and language around the word "reform" and the term "education reform" has been different from state to state and even among individual legislators. Although some interviewees cited "accountability" and "results for kids" as the main implications of reform, others had a negative reaction to the word.

Even some legislators who were open to changes in their state associated the phrase "education reform" with change that is driven by groups outside education (e.g., foundations, corporations, etc.). Among others, it was understood to describe a process rather than an outcome, or as one lawmaker suggested, "a journey with no foreseeable end."

Another interviewee captured the spirit of the fatigue, commenting,

Education reform? How many words can I have? I think that it's a term that's up for grabs and everyone is jockeying...It is a term that means many things to

many people, and that indeterminateness is what comes to mind. It's a frustration...the amorphousness with which that term is used. For me, one of the main things that comes to mind are things like testing, charter schools, the bevy of reforms that practitioners in the districts tend to bristle at.

TIMELINES FOR CHANGE

The experience of change is also tiring and requires a great deal of effort, and people can be reluctant to undertake additional, new, or wholesale reforms. This is especially true if stakeholders feel that the change is being imposed rather than worked toward collaboratively.

Interviewees were cognizant of the need to try new approaches to make the education system work better for kids, but they also recognized that change can be unpleasant for those who have to enact it. One legislator said, "We are afraid to think outside the box, to push new expectations and opportunities for kids... So much of what we do is to maintain the status quo for the adults."

This resistance to change, however, is not always about power, politics, or paychecks. As one legislator put it, "teachers sometimes fear [new classroom tools] or aren't tech savvy, so it's been a department where the status quo has always been in place instead of evolving with the times." In other cases, legislators noted that their states had already undergone a great deal of change and that parents, educators, and policymakers were experiencing burnout and frustration that education policy is too often about the "flavor of the month" and subject to political whims.

Recommendations

In a very short time frame each year, legislators must participate in often contentious debates over what their states will fund and where the money will come from across a host of policy issues on which many are not experts. Within this fast-paced decision-making process, they have to balance the demands of vocal activists with their own opinions about what is best for their states overall, while also managing their careers and family

obligations. And they must do all of this while dealing with governors, state education officials, and their fellow legislators.

Legislatures are key to advancing education policy ideas. Effectively engaging members requires a thorough understanding of what they need to succeed in their roles and the challenges they face as they endeavor to do what is best for kids.

START WITH VALUES AND PRINCIPLES

Begin with the assumption that legislators want what is best for kids and for their states. Then ask them what they value and what they see as the purpose for public education. Establish a shared understanding of how lawmakers view their roles within and responsibilities to the education system, which makes it possible to talk about the common values they share with the advocacy community and about how specific proposals align with what legislators want for their state and community. Ground the conversation in these principles to facilitate a dialogue about the underlying purpose of policy recommendations and how they help to advance public education.

SHARE SUCCESSFUL EXAMPLES

Provide legislators with concrete, clear examples of how other states have successfully implemented policies, the conditions that led to and supported those efforts, and what results they have yielded. Tailor these examples to reflect the state governance model and specific state capacity, and include evidence on how policies can be

built to last. Even if legislators ultimately decide that the policy is not the right fit, the process can uncover valuable lessons about what conditions are necessary to enable reforms and provide guidance on how legislators can create those conditions in the future.

CREATE OPPORTUNITIES TO LEARN WITH AND FROM OTHER LEGISLATORS

Legislators rely heavily on one another as trusted sources of information. Connect them with colleagues from other states who are focused on solving similar problems and who understand the challenges they face. Because legislators prize input from colleagues with subject-matter experience, connecting them to lawmakers with experience in education (as teachers, principals, superintendents, etc.) can be a valuable contribution. Provide legislators with reliable voices that can share stories of success, offer an unvarnished take on how best to pursue reform, and help them strategize on the state legislature's role in education policy.

OFFER HANDS-ON EXPERIENCE

Most interviewees said that they had learned a lot from visiting classrooms, meeting with students and teachers, and hearing directly from those on the front lines of education. Help legislators demystify many poorly understood reform proposals, such as changes to standards or assessments, by allowing legislators to see them in action. At the Education Summit, lawmakers had the opportunity to work through sample items from

new, more rigorous tests aligned to college- and careerready standards. For many, it was their first time reading questions from the new assessments, and they were enthusiastic about the chance to work through the items themselves rather than simply hearing others' opinions about them. If a picture is worth a thousand words, then a hands-on, up-close experience is even more valuable.

DEFINE THE RIGHT ROLE FOR STATE POLICY

Not every problem or issue can be effectively addressed through a new law. Help legislators understand where, when, and why state policy is the right approach in different situations. The Aspen Education & Society Program's "Roles and Responsibilities of the State Education Agency" is a helpful tool for understanding how

each state's specific context influences the role; what the legislature is well suited to take on; and what should be delegated to partners, districts, or other stakeholders. If approached the right way, state legislatures' role in inquiry and oversight can be a powerful tool and a way to ensure systemic accountability for student outcomes.

DEVELOP AN IMPLEMENTATION PLAN

Support legislators in understanding how proposed state policies are designed to work and what they need to succeed. The State Education Policy Checklist provides a useful framework for exploring the root causes of the problem a new policy aims to address, determining whether the issue has previously been addressed through policy, considering the outcomes of impact and cost-

benefit analyses, and articulating the goals of the new proposal. The Checklist also facilitates the creation of leading indicators of progress toward those goals. Assist legislators in developing sound state policy, planning the implementation, and communicating about the goals of the policy to maximize their impact.

Conclusion

State legislators shoulder immense responsibility for public education. Educators, experts, and advocates can all play a role in supporting lawmakers in their efforts. Understanding legislators' influences, how they view their role, and what they value is important context for advocates and other groups engaging them in a learning process. As education continues to be politicized, it will

take strong, principled leadership and a vision for an improved education system to overcome competing interests, limited capacity, political divisions, and reform fatigue. Effective advocates can play a much-needed role in connecting legislators to tools and resources they need to do their best work and supporting their efforts to improve outcomes for students.

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Any opinions, recommendations, or conclusions expressed in this material are those of the authors and do not necessarily reflect the views of these foundations.

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