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Kelsey Hood Cattaneo

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## **Applying Policy Theories to Charter School Legislation in New York: Rational Actor Model, Stage Heuristics, and Multiple Streams**

**Kelsey Hood Cattaneo**

School of Education, York St John University, York, UK

### **Abstract**

With renewed calls for charter schools by Donald Trump's new Secretary of Education, Betsy DeVos, a review of dominant policy theories and their usefulness in analysing policy decision making once again becomes relevant. This paper evaluates the policy case, of the adoption of Charter School Legislation in New York in the late 1990s, making use of Allison and Zelikow's (1999) example of evaluation of a policy case through multiple lenses. Through the meso-, micro- and macro-level perspectives of the Rational Actor Model, Stage Heuristics, and Kingdon's Multiple Streams policy theories, we may be able to discern whether they accomplish their intended goal: To provide a perspective of the policy making process. Once the theories are described, they are each applied to Charter School Legislation of New York in 1998. Working through each lens, this paper describes the policy process, potential actors, and influencers with support of historical data, and draws conclusions about the usefulness of each theory for education policy. Ultimately, lack of transparency in the policy process make outside analysis assumption-laden and more subjective than an objective science. This paper calls for a more transparency at the decision-making level, and integration of more complex lenses into the policy sciences which may better inform education policy students and experts in the field.

**Keywords:** *Charter Schools, Policy Analysis, Decision Making, Policy Formation, Rational Actor Model, Kingdon Multiple Streams, Stage Heuristics.*

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**Kelsey Hood Cattaneo** is a post graduate student at York St. John University in the U.K. She completed her MPhil in Urban and Public Policy with a focus on Education Policy at The New School in NYC. Additionally, she has a Masters of Law in International Economic Law from Kent University, in the U.K. with a focus on trade and development. Her research interests are in the confluence of child political participation and informal environments that promote self-directed learning.

**Email:** Kelsey.hood-cattan@yorksj.ac.uk

## **Introduction**

Public policy is often used as a catch-all phrase that describes a multitude of activities government institutions concern themselves with; analysis of existing policies and process of creating new policies, the stances bureaucrats take, and more are grouped together as the discipline of public policy (Howlett et al., 2009). The policy science discipline is inundated with policy process theories, which aim to explain the process of policymaking from a micro or a macro level, however, the discipline struggles to break free from its main paradigm: The Rational Actor Model (RAM).

Critics of this paradigm argue for the acceptance of a framework that incorporates a more nuanced understanding of human behaviour and decision making, one that moves towards a model that acknowledges the role government, institutions, and other influential actors play in policymaking, and past an oversimplification of human decision making (Simon, 1986; Sabatier, 2007; Kingdon, 2003). Supports of the paradigm, however, claim no other model provides the predictive and explanatory power of RAM, and therefore it should stay (deLeon, 1999; Buchanan & Tullock, 1990).

Breaking free from the current paradigm and dominant policy theories is important for education policy research for several reasons. A primary reason is the influence dominant theories have on discourses and new theory building. Another main reason is, it ends up being what we teach. While more nuanced theories exist, especially interdisciplinary theories that incorporate psychology, politics, educational experience, RAM and Streams and Stage Heuristics theories continue to dominate the policy sciences as definitive theories to explain public decision making. Because of this, any discussion about public policy creation would be incomplete without discussion these dominant theories. While it is beyond the scope of this paper to argue for, or against these limitations, it is my hope that the policy sciences literature continues the multi-lens approach, pioneered by Allison and Zelikow (1999) so that we can continue to build a reference of theories that are effective at explaining different policy environments and decision-making strategies going forward.

On top of evaluating the effectiveness of policy theories at predicting and explaining policy decision-making behaviours, this exercise in evaluating a policy case through the dominant lenses is especially important in 2018 as a single party controls the American legislature and executive branches, who's representatives exhibit neoliberal education philosophies which align with the philosophical tenets of the dominant policy theories. As politicians and government officials renew calls for school choice, voucher schemes, and charter schools, based on decentralization and choice discourses, policy analysts' arguments for or against specific problem/solution couplings need to be based on the same ideologies (i.e., RAM).

The following sections of this paper applies RAM, Stage Heuristics, and Multiple Streams theories as three distinct policy lenses to the passage of Charter School Legislation in New York in

1998. By applying the current paradigm against two other dominant theories of policy analysis, we may be able to ascertain whether RAM offers more a predictive and explanatory lens than the other theories as its supporters claim. It is my hypothesis that RAM will produce a convincing argument for why the Charter School Legislation passed, but lack the depth and clarity offered by the newer competing theories. In the following section the three theories will be detailed. After that evaluation of dominant theories, they will be applied to the policy case. The last section will describe impact on education research for the success or failure of these dominant theories to explain the policy process and ways forward.

### **Methodology**

This paper details the outcome of a literature review and a content analysis. The literature review which was conducted provided information to analyse three separate theories of public policy (Rational Actor Model, Stage Heuristics, and Multiple Streams). Additionally, a content analysis was completed on secondary data sources identified as important in the literature review and interviewing public officials who were familiar with the passage of legislation. The data sources were then collected through an internet search including the terms in various configurations: “New York Charter School Legislation 1998”. Historical data sources collected were then analysed to determine events that took place, and each theory lens was then applied in the Content Analysis: Theories Applied section.

The three theories were chosen because they are dominant theories taught at undergraduate, graduate and post-graduate level policy science courses and align with the neoliberal logic of the school choice rhetoric. While I believe that other policy theories may be more useful at providing a meaningful lens of charter school legislation adoption, and justification for decision making by then Governor Pataki, it is a limitation of any paper which tries to achieve comprehensive perspective through inclusivity and not become reductive. Therefore, this limitation was overcome by taking theories representing at the meso-, micro- and macro-levels of policy creation, and ones that were influenced by politics and economics, which charter school ideology heavily relies.

### **Literature Review: Policy Analysis Theories**

This section details and critiques, the Rational Actor Model (RAM), Stage Heuristic, and Multiple Streams policy analysis theories. This comparison illustrates the ways in which RAM is touted as a useful tool for explaining decision-making in public policy, while also exemplifying its failures in comparison to other theories.

#### ***Rational Actor Model***

Since its inception as a discipline, public policy has been deeply influenced by both political and economic tenets with none more pervasive than the theory of “rationality” (Howlett et al., 2009).

Rationality, in economics, refers to the perception of humans as “homo economicus”, one who seeks to maximize his or her utility by making self-satisfying choices in an objective and systematic way. Unlike the objective rationality in philosophy and psychology, which is understood as the ability to apply reason and logic, economic rationality is a procedural rationality; one acts as an objective calculator, systematically evaluating choices to select the best course of action for reaching one’s intended outcome (Habermas, 1984; Mintz & DeRouen, 2012).

Public policy’s rationality is conceptualized in the RAM, also referred to as comprehensive rational choice theory or applied public choice theory, which is most often described as a decision-making theory (see Anderson 2011; Howlett et al. 2009, 2013; Peters, 2015). In RAM, Stone (2012) argues actors aim to “choose a course of action in order to attain a desired end” (p. 235). Or, as Howlett et al. (2009) suggest, RAM exemplifies a search for the optimal, efficient, or best-choice solutions to complex problems through scientific means, “The rational model is ‘rational’ in the sense that it prescribes procedures for decision-making that will lead every time to the choice of the most efficient means of achieving policy goals” (p. 144).

The theory assumes a unitary actor, with perfect information, who is systematic in a self-satisfying, or utility maximizing, way and whom constantly seeks alternatives to meet their personal preferences (Allison & Zelikow, 1999; Hausman & McPherson, 1996; Howlett et al., 2009). This actor does not incur transaction costs, and by weighting all potential costs and benefits, they are able to maximize their transitive and complete preferences (Hausman & McPherson, 1996).

Supporters of this positivist perspective, predominantly public choice theorists, claim that RAM is useful because it provides us insight into how actors probably behave: “we would understand better what it is happening if we assumed that political actors are (sic) self-interested” (Mashaw, 1989, p. 130). Through RAM’s assumptions we are afforded a baseline on human behaviour even for the most complex policy problems (Allison & Zelikow, 1999; Anderson, 2011). That predictive and explanatory power cannot be undersold, supporters argue (deLeon, 1999; Buchanan & Tullock, 1990). While actors choose a course of action that they believe will meet their goals, Stone (2012) argues RAM’s analysis of goal setting and alternatives are often predetermined. Most analyses, therefore, focus on the evaluation of consequences via decision, cost, and/or risk benefit analysis, to ultimately select the cost-effective course of action.

In government decision making, RAM is applied in the same way: the state is imagined as a unitary actor using a systematic evaluation of costs and risks whereby it identifies and selects the correct alternative to reach its intended goal (Allison and Zelikow, 1999; Stone, 2012). It is mostly assumed that in government decision policy makers evaluate the “overall welfare of the entity in

question” (Stone, 2012, p. 234), and settle on an aggregated individual preference figure for their constituencies, rather than their own.

The most common critiques of RAM are: it poorly reflects the actual policymaking process (Forrester, 1984; Sabatier, 2007; Lindblom, 1959); it does not include group, political or institutional influences in the policy process (Kingdon, 2003; Stone, 2012); and it does not acknowledge any constraints on the individual decision maker (time, financial, information, human capacity, or otherwise) (Simon, 1986). Another criticism is the improbability of government’s ability to aggregate individual preferences, but that is a discussion beyond the scope of this paper (Arrow, 1950).

As a response and critique to RAM Charles Lindblom developed the theory of Incrementalism. This theory argues that public administrators propose incremental or gradual policy changes, rarely veering from the status quo, all in consideration of conflicting political interests, where they “muddle through” rather than complete a scientific rational systematized process (Lindblom, 1959, p. 88; Baybrook & Lindblom, 1963).

Counter to the unitary rational actor in RAM, Herbert Simon (1986) argued that people make decisions within a specific context, or frame of reference, and they are bound by their cognitive ability. While evaluating things rationally is a normal endeavour, he argued, the assumption that anyone can evaluate all alternatives and consequences is contrary to evidence in psychology and cognitive science (Simon, 1986). This is aligned with what Lindblom calls, “superhuman comprehensiveness” (1959, p. 88) and human’s inability to process information in such a computer-like manner.

Simon’s critique is supported by Elinor Ostrom’s (2000, 2002) work in game theory where she has shown through empirical research that human decision making is much more complex and nuanced than RAM allows; people, she proves, act collectively daily. Based on Simon and other’s arguments for a limited form of rationality, most contemporary authors accept that individuals act within a bounded rationality particularly when applying RAM to a policy issue (Simon, 1986; Forrester, 1984; Ostrom, 2000, 2002). However, this cognitive limitation has not been formally added to the Rational Actor Model to date.

As previously stated, supporters of RAM do not contend that the model is without flaws. The supporters argue that no better model exists which explains or predicts policy making, as well as provides a simplified framework for how policymaking ought to be completed (deLeon, 1999; Howlett et al., 2009; Buchanan & Tullock, 1990).

In sum, RAM depicts a unitary actor systematically evaluating all feasible alternative courses of actions and choosing the one that offers maximum utility. This is true of both individual and

government decision makers (who aggregate individual decisions to determine a public preference which they seek to satisfy). While the model touches on other processes that a rational actor would complete to make their decision, it does not rise above well-established limitations (i.e. bounded rationality) and lacks both depth and a structure with which to evaluate all activities in the policy process. Despite these weaknesses, the RAM of human decision making remain paradigmatic and problematic.

### *Stage Heuristic*

In 1951 Harold Lasswell set forth the Policy Cycle model, which is a tool that describes the policymaking process undertaken by public administrators (Sabatier, 2007). Moving past the “input-output” micro-analysis approach, Lasswell proposed a meso-system approach that formalized the steps of the entire policy process into distinct and linear stages to give guidance on best-approach to policymaking for decision makers (deLeon, 1999; Howlett et al., 2009). Over several decades Lasswell’s Policy Cycle model evolved from a 7-step to a 5-step process and has since been referred to as the policy process model, the stages theory, or Stage Heuristics (for a discussion on its adaptations see deLeon, 1999; Anderson, 2011; Brewer & DeLeon, 1983; Lasswell, 1956; Brewer, 1974; Sabatier, 2007). For uniformity and clarity, I will use the latter term for the remainder of this paper to represent a 5-step approach as a synthesis of the stages approach (Benoit, 2013; Howlett et al., 2009).

In comparison to RAM, where a unitary actor completes all steps in the policymaking process, Stage Heuristics allows for a multitude of actors (with some exceptions) to influence, decide and implement various stages of the policy process. These actors make up a policy universe, and the grouping of actors allowed to influence each stage are described by Howlett et al. (2009) as the “policy subsystem” (p. 12). One, or several actors, work towards accomplishing the following five stages of the policy process: agenda setting, policy formulation, decision-making, policy implementation, and policy evaluation (Anderson, 2011).

On top of being a best-approach guide for policymakers at every level of government, Lasswell’s delineation of policymaking into cyclical stages, allowed the categorization of actors, actions, and influences into which benefited policy analysts (Howlett et al., 2009; Fowler and Siegel, 2002). While more formally structured, the Stage Heuristics allowed for flexibility and a non-linearity of the policy stages. Irrespective of the formability of the stages, Howlett et al. (2013) suggest that the importance of the stages cyclical nature was perennial, “the notion of a policy process composed of a cyclical series of ‘stages’, is probably the most enduring one in the policy sciences” (2013, p. 2).

The first stage, agenda setting, is where the policy maker identifies a problem or issue in need of an immediate action or recourse, which then is added to the agenda, “the agenda-setting process

narrows this set of conceivable subjects to the set that actually becomes the focus of attention” (Kingdon, 2003, p. 3-4). Those which do not make the initial agenda will have to wait until the next policy cycle to be solved.

The agenda setting stage is followed by the policy formulation stage where policy alternatives are identified. Howlett, et al. (2009) describe this stage as the place where “means are proposed to resolve perceived societal needs” (p. 110). While this may sound strikingly like RAM, Stone (2012) argues the main difference is formalization and predetermination. In RAM, agenda setting, and policy formulation are both given as predetermined to the analyst, who skips past these stages and goes right on to consequence evaluation (Peters, 2015). It is in the Stage Heuristics, as Benoit (2015) suggests, that additional actors and influencers gain voice, “(actors) strive, through the use of advocacy strategies, to gain priority for one specific interpretation of both the problem and its solution” (p. 2).

The third stage is the decision-making stage where alternative solutions are selected based on their ability to maximize the decision makers’ utility. Decisions can be positive, negative, or non-decision but all three require a choice to be made, which Stage Heuristics accepts is inherently a normative process (Howlett et al., 2009). In this decision-making stage, rationality, incrementalism, and other irrational decision theories compete (see Anderson, 2011; Howlett et al., 2009; Stone, 2012). When the decision is made using RAM, a unitary actor has completed some form of analysis and determined the optimal outcome; in incremental decision-making theory, this process could be limited, partisan, and lacking any standard procedures. Whichever decision theory an actor ascribes, will drastically change their analysis patterns and policymaking steps.

After a policy alternative is selected in the decision-making stage, the policy initiative is taken forward and implemented in what is described as the policy implementation stage (Howlett et al., 2009). Finally, post-implementation, the policy will be reviewed, and feedback will be provided to the policymakers via the policy evaluation stage. These last two stages are two steps further than the process described in RAM, which suggests that Stage Heuristics may provide a fuller picture of the policy process than the Rational Actor Model.

While it is generally accepted that Stage Heuristics is a cyclical cycle, it is often presented as a linear process. The linearity of this theory is its primary critique, particularly in relation to the agenda setting and policy formulation stages, where rarely problems and solutions (or policy alternatives) are identified in a linear fashion. In fact, policy makers frequently show instrumental preferences or favour tractable alternatives which come with buy-in from interest groups and hold onto these solutions until problems arise to which they can be attached (ibid). Pressman and Wildavsky (1973) criticize this process model for being a top-down approach where different actors (with different goals



and influences) create, decide, and implement policy; this requires us to question if the same policy is being implemented that was selected in the previous stage.

Lipsky's (1980) critique of the stages approach, particularly against the representation of the implementation stage, builds on Pressman and Wildavsky's point. Lipsky argued that policies are created bottom-up, as they are rolled out by street-level bureaucrats (i.e., teachers, law enforcement officers, and government workers) who are often too disconnected to the other stages of the policy process to implement policies with fidelity and rely on their own tools and objectives to implement policy. In other words, public policy making is rarely identified, assessed, created, and implemented seamlessly as a singular policy alternative as the Stage Heuristic model suggests (Benoit, 2013).

In sum, the Stage Heuristic theory improves upon RAM's weaknesses by providing a formalized framework for the policy process, one that simplifies the complicated policy process and presents itself as a guideline for policymakers. However, for it to be applied practically, we must allow for actors to move non-sequentially through (sometimes at the same time, or even outright skip) stages of the policy cycle. Additionally, analysts must consider how conflicting practicalities of the final implementation and evaluation stages fit into the policy process (Howlett et al., 2009; Benoit, 2013; Peters, 2015).

### *Kingdon's Multiple Streams*

John Kingdon's model of the Multiple Streams was developed as a response to positivist theories like RAM and Stage Heuristics. Kingdon (2003) argues that, through a streams lens, public policy making be a fluid process where several actors partake in defining and sense-making of public problems and potential solutions with the goal of setting a public agenda. This contrasts with RAM and Stage Heuristics where policy making happens in a vacuum, through a linear rational process, completed by a single (or a policy universe of) rational actor(s).

The Multiple Streams theory, a macro-analysis or systems theory, moves away from a unitary rational actor towards a multitude of actors, activities, institutions, and influences which all affect public policymaking. To Kingdon, "the federal government is seen as an organized anarchy" where a multitude of actors, influences, institutional arrangements all effect how policies come about, and to describe it otherwise would be too rigid (2003, p. 87).

Kingdon describes the agenda setting stage of the policy process as the confluence of three streams of influence: problem, policy, and politics. Each of these streams can occur in any order, or continuously, and can involve a multitude of actors. The problem stream, most like the other two theories, is where problems which require immediate attention or correction are identified. The policy process, Kingdon argues, only functions to serve crises and problems with simple solutions;

significant general conditions (i.e., poverty, long term unemployment, homelessness) do not typically qualify unless they reach a crisis point or become paired with a simple solution.

The policy stream is where tractable solution, or policy alternatives, flow. They are not yet bound to a problem but exist and can be optioned as a preferred solution that policymakers turn to to solve problems. To get an item placed on, or moved up, a policymaker's agenda two or all three of these processes must come together.

The political stream describes the overall political landscape is influenced by national mood, administrative change, elections, pressure groups, public opinion, social movements, and ideological stances. It is in this stream policy problems are framed and shaped in ways that create tipping points, or "bandwagons" to build support and consensus (ibid, p. 161). This element is completely missing in the RAM and Stage Heuristic models, as politics bares little to no weight on actor(s) decision-making processes.

In addition to the three policy streams, Kingdon depicts a policy entrepreneur who attempts to engineer the passage of specific public policies. Complementary to RAM and Stage Heuristics, a single decision-maker chooses the course of action; however, in the former theories the actor(s) are presented as rational and objective and in Kingdon's model the policy entrepreneur is an advocate with subjective goals. This engineer frames problems, has preferred solutions on hand, and uses national mood and media to get specific items onto the agenda through "policy windows". While neither when nor why a policy window opens is known, policy entrepreneurs work hard to create and identify them (Kingdon, 2003).

Although it mitigates some of the major weaknesses of the rational paradigm, critics of the Multiple Streams model argue decision making, implementation or evaluation stages of the policy process are not treated effectively (Howlett et al., 2009); it is mostly representative of agenda setting at the U.S. federal system (Sabatier, 2007; Baumgartner & Jones, 2009); and its fluidity makes meaningful explanation of policy action difficult to ascertain (Cairney & Jones, 2015). Unfortunately, these criticisms have not produced a more elaborate or deeper theoretical model and we are forced to couple the Multiple Streams model with other theoretical models to resolve them.

Where Stage Heuristics offered us a linear outline of a potential or best-case-scenario policy process and RAM offered us a glimpse into the decision-making process of a unitary actor, Multiple Streams has allowed us to see the process as more fluid, incorporating a multitude of actors and influences without as many exclusions. In the following section, this paper will describe the passage of a specific public policy as well as the context of its passage. The analytic power of each theory will be explored through its application to this policy issue.

### **Content Analysis: Theories Applied to Charter School Legislation in New York**

This section contextualizes the charter school movement in the U.S. after the late 1980s and applies three policy process theories to explore how framing, motivations, and processes led to the adoption of legislation supporting charter schools. We risk being reductionist and oversimplifying the policy process through too narrow a lens when only looking at an event through one policy lens. However, by selecting a micro, meso and macro level theories of analysis, we can hope to depict a mature perspective of what might have been the rationale and influences of adopting charter school policy in New York at this time. Before discussing charter schools in New York, understanding the national discourse around charter schools at that time may provide us a better understanding of the greater influences on why this problem/solution coupling may have been chosen.

#### ***School Choice Discourse Background***

Charter Schools are part of a bitterly debated ideological discourse between those who believe the public-school system would work more efficiently if it were left up to the market, and those who believe that teachers would teach better if there was deregulation and stakeholder empowerment.

#### ***School Choice***

The concept of school choice is derived from the economic theory of consumer sovereignty (Gruber 2007; Barr, 2012), which proposes that the consumer can direct production, without influence from the government. By having the choice which school to attend, or through the threat of leaving a poorly performing school, (i.e., “exit” as defined by Hirschman (1987)) consumers can exert influence on educational institutions or educational service providers. Initially, school choice initiatives were promoted as an instrument to privatize public schools, induce racial segregation, and counter increasing participation in democracy (Chubb and Moe, 1990). However, their justification has since transformed into a workable solution for inefficient, underperforming, costly, and socioeconomically segregated public-school systems (Chubb and Moe, 1990).

Milton Friedman (1960), a modern pioneer of school choice advocated for an infusion of the public-school system with free market principals, like competition and standard setting, to better their quality.

[Vouchers]) would permit competition to develop. The development and improvement of all schools would thus be stimulated...Not least of its benefits would be to make the salaries of school teachers responsive to market forces. It would thereby give public authorities and independent standard against which to judge salary scales and promote a more rapid adjustment to changes in conditions of demand and supply. (Friedman, 1960, p.93)

Here, “choice” is the *right* for children to choose schools and not be forced into schools based on their residence. Once parents can choose the school their children attend, this changes the relationship from benefits and beneficiary to a client and service-provider relationship (Gershberg et al., 2012). The clients, children and their parents, gain agency through their “exit”, which is reinforced by the government whose funds follow the child to a private or charter school.

Chubb and Moe (1990) argue that school choice started as a wholesale privatization of public education, as public schools were systematically underperforming, costs were rising, and segregation was rampant; therefore, liberals and conservatives alike were looking for solutions to increase performance in public schools. By the late 1990s, even the liberal educational economists Samuel Bowles, Herbert Gintis, Robert Reich and Diane Ratvich had bought into the school choice rhetoric (Zott, 2012).

### ***Charter Schools***

As school choice could serve goals at both end of the ideological spectrum (empowering to some and efficient to others), the goal was to find a market mechanism that could be implemented for school choice that could create the same support. School vouchers, because of their design often were very divisive and did not create the collective will that charter schools did. Charter schools had less to do with ideas about markets and alternatives to government and more with a vision of choice as integral to a strategy for public sector and civic reform (Henig, 2008).

Henig (2008) believed that the growing acceptance of alternative schools, the calls for decentralization of decision-making and empowering rhetoric, and support by the educational community cleared a path for the charter school movement by the late 1990s. At this time, this discourse shifted from privatization of public schools to empowerment of stakeholders. This was especially true once Albert Shanker, president of the American Federation of Teachers (AFT), was on board.

In 1988, Albert Shanker came out in support of charter legislation, and worked with the Minnesota Education department to draft the state’s legislation. Shanker had been frustrated with iconoclastic union members whom thwarted innovation and experimentation of schools and wished for alternative educational environments where new pedagogies and methods could be discovered.

This sentiment was shared by other interest groups, who wanted a chance to open schools uninhibited by state regulations and conformity, and parents who were tired of failing public schools. Through empowerment rhetoric, interest groups and parents could be empowered and take part in designing and participating in children’s educational experience. By 1994, 11 states had already passed charter school legislation (Wohlstetter et al., 1995). However, by 1996 the AFT and all other

teachers' unions withdrew their support for charter schools as the first reports on charter school progress suggested that they did not provide a better education than traditional public schools.

My first hypothesis is that by the time New York adopted charter school legislation in 1998, over 24 states had already adopted such legislation, and it was rational for policy makers to adopt charter legislation. The next section describes what we know about the charter school movement in New York in 1998, from historical data sets.

### ***Charter School Legislation in New York Background***

Just like in much of the rest of the United States, Charter schools in New York state are publicly financed schools that are under the purview of the Department of Education but remain less regulated than traditional public schools (New York City Department of Education, 2018). These alternative schools are supported as a market-based solution to increasing student achievement, where increasing competition will create gains in learning (Friedman, 2002). Henig (2009) argues that in the 1980s and 1990s there were three things which made the charter schools alternative more palpable than other school choice alternatives (i.e. increasing school accountability, centralizing funding and decision-making at the district level, voucher schemes) (Ravitch, 2010; Belfield & Levin, 2005; Ladd, 2002). These three things included: the widespread presence of magnet (gifted) and other alternative schools; the calls for decentralization of decision making by advocacy organizations often in the name of minority empowerment; and, lastly, the education community's support, most notably the American Federation of Teacher's president Albert Shanker.

Albert Shanker had become frustrated with iconoclastic union members who thwarted any kind of school-change efforts and in 1990 came out in support of charter schools. At that time, Shanker worked with the Minnesota Education department to draft legislation which would bring his vision of alternative public schools to fruition. By 1998, 24 states had passed charter school legislation like Minnesota's including New York (Wohlstetter et al., 1995).

In New York, then-Governor George Pataki championed charter schools. The Gazette reported that Pataki had been promoting the legislation for close to a year seeking support from various interest groups including business interests and community development organizations before its passage (Parsavand, 1998). The literature suggests that Pataki framed the policy alternative as a decentralization of power which would transfer power from the Department of Education to school administrators, staff, and parents (Henig, 2009; Williams & Liff, 1997). However, at the same time charter schools were being sold as an empowerment solution, it was clear that pro-market interest groups were in support of the legislation as alternatives to public schools. This difference in rationales, but similar goals, afforded the Governor wide-support and little challenge to charter school legislation at its passage in 1998 (Ratvich, 2010; Henig, 2009).

The question, then, is how can the dominant policy theories, from three distinct levels, help explain the adoption of the Charter School Legislation in New York? Are there rational explanations for the passage of legislation creating charter schools? Or did the confluence of problems, policies, and politics come together because of a policy entrepreneur as presented in the Multiple Streams model? An attempt to answer these questions is presented in the following sections.

### ***Rational Actor Model***

As the primary paradigm through which government decision making is analysed (Allison & Zelikow, 1999), RAM is a useful lens through which to evaluate the passage of “New York State Charter School Legislation of 1998.” A restatement of the central tenets of RAM, as presented in the previous section, are: a unitary actor (or government personified as a unitary decision maker); actor assumed objectivity and procedural rationality (i.e. clearly defined goals and alternatives available); the completion of an evaluation of consequences of each policy alternative; and a decision is made for an optimal outcome that fulfils the aggregate needs of the people.

From the background presented in the previous section, and from RAM’s unit-of-analysis being the individual, we can identify the Governor as the unitary rational actor in the passage of the Charter School Legislation. Governor Pataki can be understood to personify the government as its elected official, and thus sole policy and decisionmaker. Regarding the problem Governor Pataki faced and his rationale for selecting charter schools as his alternative, analysts can infer several justifications.

A browse through most education journals can confirm that most policy solutions to education are defined as an alternative to increase student achievement and reports suggest that was the problem identified by Pataki (Parsavand, 1998). Henig (2009) and Ratvich (2010) suggest that the Governor may have selected the Charter School Legislation alternative specifically as a cost-effective policy because he believed through competition schools would perform better. Market solutions, like voucher-schemes, school choice-schemes, and charter schools, are touted as cost-effective solutions to failing schools, as increased competition could produce an optimal cost effective, and thus more efficient, school system (Friedman, 2002). When several of these initiatives were implemented yet failed to increase student achievement, it was rational to try another market-based solution that was perceived as having a positive cost-benefit analysis. The authors also point out that it is equally plausible that the Governor supported the legislation because he believed that by giving power back to the schools (by letting them be designed and run by local administrators) student achievement would increase (Henig, 2009).

This presentation of Governor Pataki selecting a cost-effective solution implies a cost or risk benefit analysis was completed, to meet a defined goal which would meet all the requirements of

RAM. A problem was identified (low student attainment), a policy alternative was available (charter schools) and the alternative was considered as having a positive cost to benefit outcome and therefore it was selected. However, we are left wondering why Governor Pataki sought support from outside interest groups, as suggested in the historical data. Also, what analyses the Governor to select charter schools as the optimal solution for New York's student achievement predicament. Lastly, how did he determine the aggregate need to base the cost-benefit calculation a rational actor must take. A deeper investigation into the other stages of the policy process could provide us a different picture of the policy adoption.

### *Stage Heuristics*

As the Stage Heuristics describes more processes than RAM, it is reasonable to assume that it will provide a more comprehensive analysis of the Charter School Legislation passed in New York in 1998. From the historical data, we know that several states, including New York, were testing different market-based strategies as solutions to low student attainment. We are also made aware that the Governor receives yearly feedback, in the forms of standardized tests and school evaluation reports, both of which could indicate to the Governor to put (or return) "increasing student achievement" on his policy agenda (NY State Department of Education, 2015; Ratvich, 2010). Since feedback is an integral point in identifying issues and problems to place on the government agenda (Howlett et al., 2009), we could assume that through these scores the Governor was aware of low student attainment and identified it as a problem needing to be placed on the agenda.

As other market-based approaches were tested to no avail (choice, voucher, centralization, for example (Henig, 2009)) and with almost 20 other states having already adopted some form of charter school legislation, we can accept through policy learning, or diffusion (Levin, 2010), charter schools was presented as a logical alternative. What other alternatives he evaluated are not present in the historical data.

Regarding the policy implementation stage, we have little information about how it was rolled out or whether it was implemented with fidelity, which may be due to teachers, implementing the roll out rather than policymakers. Lastly, the evaluation stage is still not complete with reports still be conducted on the state of affairs in charter school implementation decades later (see reports such as Fryer, 2012; NY State Department of Education, 2015).

What we may be able to discern from the Stage Heuristic lens is a linear process of decision making, and in this case, being completed mostly by a single government actor. While this theory provides us with a simplified version of the events, easy to categorize into stages, it makes clear just how short on facts we really are. The deficits of this lens, as I just demonstrated and Allison and Zelikow (1999) suggested, are that assumptions and logical inferences are easy to get caught up in. To

not have any specifics or “evidence about what the actor’s objectives, options, and estimates actually were” we end up becoming something of a conspiracy theorist (ibid, p. 49).

Aside from making a large amount of inferences, it is not clear why Pataki was so keen on getting support from diverse interest groups, and why he sold the alternative as an “empowerment solution” when other authors suggest that the benefits were presented in a pro-market perspective. We could guess that neither framing nor interest groups, impacted the bill’s passage, but then we are left with pieces of the puzzle unanswered. In which case, another framework might be able to give us a fuller picture of why Charter School Legislation was placed on the agenda, why it was passed, and what influences these other interest groups had in the passage.

### ***Kingdon’s Multiple Streams***

The Multiple Streams model of policy analysis assumes a multitude of actors and influences, through the confluence of three streams (problems, policies, and politics) which affect the policymaker’s agenda. In some cases, a specific policy entrepreneur is found to have prompted a problem-policy (or problem-politics or policy-politics) coupling, and when an opportunity arose, via a policy window, he or she was able to push it through. It is this macro-level systems analysis that distinguishes this theory from Stage Heuristics and RAM. In the previous two theoretical applications we viewed Governor Pataki’s activities as rational, systematic, methodical, and most often linear. However, the Multiple Streams model argues that policy is neither simply rational or categorically linear, and while the Governor may have played a pivotal role, he would not have been able to get the legislation passed on his own.

Recalling that the literature described Governor Pataki as promoting charter schools as an “empowering” alternative for over a year before the adoption of the policy, we can assume that he played a role as a policy entrepreneur, as well as personified government decision maker.

If we understand the Governor as a policy entrepreneur whose actions frame charter schools as “empowering” solutions to schools and families, to sway public opinion to accept his policy alternative, this advocacy falls squarely into the political stream and provides us with an explanation where the other models failed (Williams and Liff, 1997). The Governor’s advocacy of charter schools was essentially an argument for class empowerment and progressive educator groups and community groups jumped on board (Henig, 2009; Ravitch, 2010).

By March 1998, various ethnic communities and organizations were coming out in support of the legislation, most notably groups of blacks and Latinos, including the head of the Hispanic Federation of New York who typically would be against the market-based solution to education (Parsavand, 1998). To Pataki’s advantage, the market-based was not lost on conservative advocates



who also supported the legislation (Ratvich, 2010). By advocating for a specific problem-policy coupling, and assessing and addressing public opinion and mood, and generating enough support that a tipping point was created, Pataki eventually gained enough support from both sides of the isle to get the legislation passed.

The criticism of streams theory, that it does not map well onto other stages of the policy process (mainly decision making, implementation, and evaluation), is immediately visible here; neither decision making, implementation or evaluation is specifically addressed. In the Stage Heuristic and RAM models, there is an assumption that Pataki selected the legislation because it was the most cost-effective, or optimal solution. The streams model suggests Pataki used the political stream to promote a favoured problem-policy coupling by promoting his solution as a decentralized empowerment legislation to gain support by previously anti-market-based solutions interest groups to get the bill passed. However, we are still left to make assumptions about his rationale for selection this policy-solution coupling.

The advantage offered by the Multiple Streams theory, nevertheless, is its ability to provide a reasonable explanation for how diverse interest groups influence the policy process and their buy-in is sought. In sum, through the Multiple Streams model, we can explain Governor Pataki's behaviour, the importance of outside interest group support, and more comprehensively depict (although equally assumption-laden as the former two theories) the passage of Charter School Legislation in New York in 1998.

### **Impacts for Education Policy**

Each of the policy theories provide us with tools to explain the adoption of Charter School Legislation in New York in 1998. RAM provides us a baseline to understand policy actors and decision makers: rational, self-satisficing, and systematic. However, it is the simplistic and reductionist of the three models. It's assumptions impossibly inhuman, and on its own lacks the ability to describe the steps that Governor Pataki took in order to select this specific problem/solution coupling, nor does it explain other accounts of his promotion of the legislation.

The Stage Heuristic model, with its simplified framework, allows for a more comprehensive picture to be presented of the adoption of Charter School Legislation through the five decision making stages. However, it assumes a linearity and perfect information, which through historical data one can see is not accurate. The Stage Heuristic and RAM models coupled together provide a better picture of what steps were taken to achieve adoption of charter school legislation, however, still not complete.

Lastly, the Multiple Streams model contrasts the former positivist theories to give us a less systematic perspective of policymaking, which acknowledges a subjective driver of policy making

who is influenced by a multitude of actors. While Streams theory is less reductionistic and individualistic as the former two theories are, it also cannot stand alone as a theory that explains the policy process.

What is immediately clear is that using multiple lenses, as first presented by Allison and Zelikow is a worthwhile endeavour. Doing so, especially using theories that look at a policy case through multiple layers (micro, meso and macro such as the three used in this paper) provides us with distinctive, complementary, and sometimes competing perspectives of the policy process. Also, by using these three theories we were able to stay within the political economic discourses and ideologies where the initial justifications for why this problem/solution coupling were promoted. Even being limited by imperfect information and less than transparent institutions, we can glean insights into the policymaking process.

Ultimately, the lack of transparency in policy making limits our ability as policy makers, analysts, policy entrepreneurs and citizens in understanding and seeking to influence the policy process in democratic societies. As Anderson (2011) suggests, data is essential to policy sciences,

Solid, conclusive evidence, facts, or data, as one prefers, on the motives, values, and behaviour of policy-makers, the nature and scope of public problems, the impact of policies, and other facets of the policy process are often difficult to acquire or simply not available (p. 31).

In this case, Multiple Streams theory provided the most convincing story for the rationale and activities of the passage of Charter School Legislation in New York. However, a policy theory that assumes a bounded rationality, a plurality of actors and influences, and incorporates lessons learned from the failures of the current methods could strive to explain, predict, and create policies in a way that all three of these theories failed to accomplish. While proposing such a theory is beyond the scope of this paper, it is clear that moving past these dated theories, is needed to move the policy sciences forward.

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