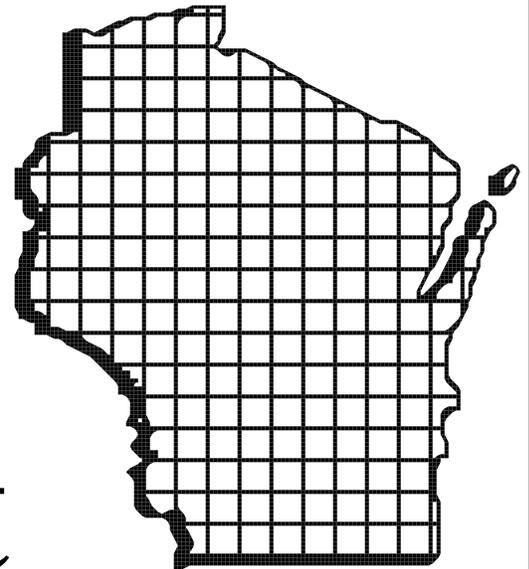


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Research  
Institute  
Report



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**REFORMING PUBLIC  
EDUCATION IN  
WISCONSIN**

*Moving from Bureaucracy  
to Accountability*

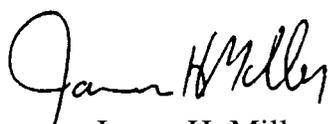
## REPORT FROM THE PRESIDENT:

Five years ago, we asked Professor James G. Cibulka to research the effectiveness of Wisconsin's Department of Public Instruction (DPI). His study led to debate over the role of DPI and its effectiveness. For this report, we asked Professor Cibulka to examine just what has happened to educational reform in Wisconsin.

Dr. Cibulka is a Professor and Chair of the Department of Education Policy, Planning and Administration at the University of Maryland at College Park. He formerly was Professor of Administrative Leadership at the University of Wisconsin-Milwaukee. He is an expert in education policy and the politics of education and education reform, and he has published widely on these subjects.

He has also served as a consultant and expert witness in many capacities and has been a senior research fellow at the U.S. Department of Education. He received his A.B. in Government at Harvard College (*magna cum laude*) and his Ph.D. in the Department of Education at the University of Chicago, where he specialized in educational administration, education policy, and politics.

His study finds that the Department of Public Instruction is still mired in a regulatory mentality in which academic performance seems to be of very little interest to the bureaucracy. Clearly, it is necessary to change the DPI from a typical Madison bureaucracy into an institution that helps promote the high academic performance of all students in Wisconsin. Finally, we would like to acknowledge the John M. Olin Foundation for providing support for this study.



James H. Miller

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# REFORMING PUBLIC EDUCATION IN WISCONSIN

## *Moving from Bureaucracy to Accountability*

JAMES G. CIBULKA, PH.D.

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## EXECUTIVE SUMMARY

Wisconsin citizens are accustomed to viewing their public schools as among the nation's finest. However, they actually have very limited information about student performance because the state has not defined rigorous content and performance standards for students or created student assessments to measure these standards. Nor does it have in place other policies that would make educators accountable for high performance. Indeed, Wisconsin lags behind many other states (including those with reputedly fine school systems, like Minnesota) in efforts to reorganize its public-school system for high performance. Many of the reforms enacted have continued to focus on specifying inputs, rather than increasing the educational system's accountability for improving educational outcomes. The basic challenge, then, is to transform Wisconsin's public-school system from one organized around bureaucracy to one accountable for high performance by students and educators.

In the private sector, organizations have undergone a "management revolution" in recent years. These same principles should be applied to the state's public-school system. Wisconsin's educational-policy system (its formal decision-making system extending from the state to local school districts) lacks these principles of effective organization. It lacks a clear mission focused on high performance by all.

The Department of Public Instruction (DPI) is organized as a hierarchical bureaucracy designed along outdated "command-and-control" principles. The agency has not reorganized itself to promote high student performance, local initiative, and accountability for high student outcomes.

The state seeks to control the behavior of local school districts through mandates and rules. A regulatory culture remains intact despite limited deregulatory steps. Hundreds of pages of statutory mandates regulate the way Wisconsin schools operate. On top of the statutes, a large volume of regulations interpret the statutes, adding more detail. Existing state standards focus on programmatic, staffing, and curricular minimums, rather than high outcomes.

The state's educational-policy system has no coherent accountability policies to maximize high performance. An accountability system is an organized set of standards and processes that are designed to assure that organizational goals are achieved. Wisconsin lacks these accountability policies.

State education policymakers need to adopt strategies for redirecting school reform to achieve high student performance. Recommendations are offered in three strategic areas:

### **Greater Regulatory Flexibility**

*Flexibility from federal regulations*

*Deregulatory experimentation with exceptional-education programs*

*Reexamination of state laws and regulations*

*Greater support for charter schools by the Department of Public Instruction*

### **Improving Accountability Policies**

*Completion of rigorous content and performance standards for students*

*Restored funding for development of a performance-based, student-assessment system linked to standards*

*Study of discontinuation of current state-sponsored student assessments, once new assessments are in place, due to cost and limited usefulness*

*Raised stakes for students to perform well, such as requiring a high-school graduation test*

*Creation of a coherent and well-publicized, public-reporting system called a Wisconsin School Report Card*

*Creation of a Meritorious Schools Program to reward schools for high or improved performance on student outcomes*

*Stronger state intervention and sanctions in the case of low-performing schools*

*Transformation of the teacher and administrator licensure process to one based on performance-based licensure and compensation*

*A strengthened charter-school law that would increase opportunities for more educational innovation*

*A public-school choice law that provides open enrollment statewide*

### **A New Approach to State Leadership and a State-Local Partnership**

*Restructuring of the Department of Public Instruction to reduce bureaucracy and focus on promotion of high performance for students and educators, including a stronger role for Cooperative Educational Service Agencies*

*A greater emphasis on “learning principles” in the conduct of state educational-policy deliberations and less adversarial politics*

*Creation of a new mechanism in the state legislature for assuming long-term oversight of the state’s educational-policy system*

Wisconsin’s school reform has been characterized by strong leadership from, alternatively, a state superintendent or governor — often in opposition to, rather than in cooperation toward, the same goals. Key interest groups sometimes have worked together on discrete issues, but they have not (perhaps by the nature of their individual constituencies) been able to set a shared agenda for reform. As a result, Wisconsin lacks a shared and sustained commitment to the fundamental reforms that will be necessary for it to remain a leader in public education in the next century. It proceeds to reform at a tortoise’s pace, while other states (some nearby and of high quality as well) march past.

A new refocus on high performance can be achieved within a system with a tradition of strong local initiative, such as Wisconsin citizens value. This refocus cannot be achieved, however, by the system of *laissez-faire* local control that dominated education policy in the past. Nor can it be achieved by the expansive regulatory system of laws and regulations passed by a state legislature and eagerly enforced (at least until recently) by DPI. A new model of state-local partnership is required, one in which student performance is a primary orientation and accountability for performance applies to students, school professionals, parents, and all stakeholders. A partnership focused on continuous improvements in performance operates according to learning principles. There is an urgent need to apply these same insights to the processes required for improving Wisconsin’s public schools.

## I. INTRODUCTION: ORGANIZING WISCONSIN SCHOOLS FOR HIGH PERFORMANCE

### COMPLACENCY WITH PAST PERFORMANCE

Wisconsin citizens are accustomed to viewing their public schools as among the nation's finest. Undoubtedly, some evidence — such as Wisconsin's first-place ranking on the ACT (American College Testing) exam — can be mounted to support this claim. Also, many Wisconsin school districts use norm-referenced tests, such as the Iowa Test of Basic Skills, on which Wisconsin students perform well, on average, compared to their peers in other states.

Why then, do Wisconsin citizens need to be concerned about improving their state's public-school system? There are two answers to this question. The first is that, at present, Wisconsin citizens do not have very good information about our students' performance. The ACT and SAT (Scholastic Aptitude Test) college-entrance exams are notoriously flawed measures of school-system performance because not every student takes them — making comparisons across schools, districts, or states difficult. Also, the tests have been renormed to make today's scores better than they would be using historical benchmarks. Such tests only tell us about the performance of graduating seniors. Perhaps most important, as this report argues, the nation is shifting to a radically new frame of reference in studying student achievement. That frame of reference has two components. First, rather than comparing students' performances with one another, we are now comparing students to objective standards that are rigorous.<sup>1</sup> The assessments require students to show how they can perform on complex, problem-solving tasks, not on short-answer, multiple-choice answers — the predominant format of norm-referenced tests. If this new testing approach were to be used statewide in Wisconsin, it would provide better information about how well the state's students are prepared to function academically in today's global society. It is likely that much of the complacency Wisconsin citizens feel about being “number one” would evaporate.

The second reason Wisconsin citizens should be concerned about the quality of their public schools is rooted in comparisons with what is happening in other states and countries. **Wisconsin lags behind many other states in efforts to reform the management and governance of its public schools.** This is not only true in the area of student assessment. As this report will show, Wisconsin lacks other state policies designed to create a coherent approach to producing high student achievement and high performance throughout the state's K-12 public-education system.

Meanwhile, other states and other nations are not standing still with regard to reform. The states that are taking an aggressive approach to reform are not only those that historically had poor public-school performance, as was true in many southern states. Minnesota, for instance, has been a national leader in education reform — and its students, like Wisconsin students, have performed well on the ACT. Unless Wisconsin improves its public schools with the same aggressive leadership one finds in many other states, the performance of Wisconsin students is likely to fall behind.

In short, the complacent attitude that Wisconsin's schools are not “broke” and therefore “shouldn't be fixed” is based on a fundamental misunderstanding of the challenges facing the state's public schools at this time.

### LEARNING FROM THE PRIVATE SECTOR'S “MANAGERIAL REVOLUTION”

How should Wisconsin restructure its public-school system so that it is oriented to producing high performance from its students, as well as the educators who teach in the system and administer it? In this report, we will refer to many specific policies, some of which are being tried in other states, some of which are already in place in Wisconsin but which need strengthening, and some of which are at this point just at the talking stage. In order to place these individual policies in a broader context, it is necessary to begin with a more general discussion.

What are the principles that should guide any discussion about education restructuring? Restructuring in the business sector can provide excellent guidance. In the 1980s and '90s, businesses have radically restructured the way they organize themselves in order to become more effective. Many of the principles of this “managerial revolution” have application to public schools and other governments. Generally speaking, however, restructuring in the public sector has been slow and haphazard.

Four major principles of managerial restructuring will be discussed in this report.<sup>2</sup>

- 1. *Define a clear mission.*** Large, bureaucratic organizations often lack a clear sense of purpose. The leadership of the organization may be a factor, but the structure of decision-making is a major problem as well. Successful organizations have a culture in which the mission is well-defined and workers have a widely shared commitment to the organization's mission. Once there is broad consensus on a clear mission, this consensus is a powerful device for orienting everyone's energies toward the same goals. Consensus on the mission has to come first, however.
- 2. *Decentralize authority.*** Those who provide a service (or create a product) are apt to know the most about how to improve that service or product, particularly if they are given the flexibility to work together to accomplish the organization's mission. In a manufacturing plant, they are the individuals who work on the production line. In a computer-software organization, these are the individuals with the expertise to create the software. In service organizations, the people who interact with customers are the persons who have the knowledge of how to serve the customer better. And in the case of schools, those knowledgeable people are teachers and principals. Accordingly, they are the individuals who should be given the necessary discretion and authority that will allow them to be effective, rather than being the end point for a string of rules and mandates generated by bureaucrats who seek to control their behavior.
- 3. *Create accountability for results.*** In exchange for being given greater discretion in their work so that they can use their own judgement, workers and work units should be clearly accountable for producing good results. They (and the owners of the firm, which is the public in the case of public schools) should have good information to know how well they are doing. Accountability goes beyond providing accounting information, however. There should be rewards for good performance, incentives to improve performance, and negative consequences, including sanctions, for poor performance.
- 4. *Institutionalize continuous learning.*** This may be the least understood of the principles of the managerial revolution. Excellence in an organization cannot, by its very nature, be a final achievement. It is always under revision, evolving to a new definition. The reason for this is that relevant knowledge about products and services changes (in the case of schools, knowledge about teaching, learning, and leading), as do organizational environments (new customers, new problems and needs, etc.). Consequently, organizations remain excellent only by institutionalizing a process of planned change. In turn, organizations that engage in continuous improvement are different from traditional organizations. They are "learning communities" oriented toward high performance. Accordingly, they value employees who identify problems, who take responsibility rather than attribute blame, who share expertise as team members, and who take risks in order to improve performance.

Unfortunately, Wisconsin's "educational-policy system" is not organized to advance these four managerial principles that have revolutionized the private sector. It is important to be clear what I mean by the term "educational-policy system" in this report. Many people are not accustomed to thinking of Wisconsin's K-12 educational enterprise as a "system." They emphasize instead the separate authority of the state and its 427 school districts. Notwithstanding this fact, I will argue that the overall managerial and governance structures at both state and local levels should be seen as a system. At the state-level, the principal K-12 education-policy structures are the DPI, the governor's office, and the state legislature. At the intermediate level, there are 12 cooperative educational service agencies (CESAs). Locally, there are 427 school districts — each with a school board, a superintendent (and, in many cases, a central-office bureaucracy), and individual schools.

The state created local school districts and intermediate districts as separate entities, but it has done so to fulfill its constitutional responsibility for public education in the state. In this sense, the state education system is unitary. Furthermore, there can be no question that the state and local school districts interact in a system of laws and rules, often with a common set of interests.<sup>3</sup> The real question is whether these pieces of the state's educational system can act in a more coordinated, coherent way around a common mission.

In this report, I advocate the restructuring of the state's educational-policy system. I will pay most

attention to how the state’s leadership can transform the entire K-12 system. I do not mean to imply, however, that leadership for this restructuring should not also come from CESA directors and local school districts. This report will argue for a new kind of state-local compact that frees local school districts and individual schools of much regulation, in exchange for more accountability to achieve high outcomes. The focus in this report is on the state’s leadership role because only the state has the capacity to galvanize the *entire* system. Indeed, for Wisconsin’s public-school system to move forward as a whole, we must examine how to transform the entire system, not just pieces of the system, such as one program, or one policy.

## **II. TODAY’S EDUCATIONAL-POLICY SYSTEM IS NOT STRUCTURED TO PRODUCE HIGH PERFORMANCE**

In what ways does the state’s K-12 educational policy system fail to reflect principles of effective organization and management now widely accepted in the private sector?

*There is no clear mission*

*The system is organized as a hierarchical bureaucracy that limits discretionary decision-making at the local level*

*There is a regulatory system of mandates and rules that limit flexibility to focus on high performance*

*There is no accountability system for producing high performance*

*The system is adversarial, which limits its capacity to promote continuous self-improvement and other characteristics of organizational learning*

### **LACK OF A CLEAR MISSION: HIGH PERFORMANCE FOR ALL**

Although private-sector experience tells us that effective organizations are those that have a clear mission, many governments — public schools among them — lack this precondition for success. Wisconsin’s public-education system is no exception. Like other governments, it serves many masters, with a consequent lack of focus. While there have been some efforts to sharpen the focus of Wisconsin’s K-12 education system, these efforts have not met with notable success.

Both the Governor and the State Superintendent, in their separate speeches and public statements, have indicated the need to focus on high academic achievement, which is one important aspect of shifting the educational system to a high performance orientation. As yet, however, there is no clear mission to orient education reforms in Wisconsin. For that to happen, two things would be required. *First*, there would need to be a clear vision of what “high academic achievement” means. As will be explained below, Wisconsin has not yet defined clear standards for students. *Second*, there would have to be a shared understanding and commitment to high academic achievement throughout the state among students, parents, teachers, administrators, and the broader community. In other words, a high performance orientation is everyone’s obligation. Until a large segment of the population “buys in” to reform and is committed to play a part in raising standards and performance, dramatic improvement in student performance will not occur. To make such dramatic reform happen, particularly on a large scale, will require a shared mission throughout the state.

Many Wisconsin citizens do feel passionately about the quality of public education, particularly for their own children, or for the children of their own community. But in the absence of a clear vision, they cannot know what to expect from schools or what they should do to help improve the system. Equally important, their concern often is for particular children or a particular community rather than *all* the state’s children. Yet to transform the entire state system, it will take exactly that — a statewide, systemic focus.

Wisconsin has tried to develop clear goals for its public schools. However, the shortcomings of these goals prove how poor a substitute they are for a clear mission and standards. These goals were developed in the fall of 1992, as required by a law passed by the state legislature.<sup>4</sup>

The intent of the goal-setting process was to establish clear statewide goals for public education. In fact, the state legislature required the state superintendent to “report to the governor and to the appropriate standing committees of the legislature ... the progress made by school districts toward attaining state educational goals and the state vision for education.”<sup>5</sup>

What resulted was no fewer than 28 educational goals, which fit into three categories: learner goals, institutional support goals, and societal support goals. These 28 goals have done little or nothing to clarify a vision of where Wisconsin public education should be headed. The list is a hodge-podge and includes items that had been on the statute books for decades, such as the requirement that students learn about dairy products and their importance for the human diet!<sup>6</sup>

Not only are there too many goals, but they are constructed poorly. The goals are nothing more than enumerations of what must be in the *instructional program*, not what students must know. Goals that focus on what should be in the instructional program only clarify what students must know, not how well they must master this knowledge. Wisconsin’s educational goals reflect the mistaken view that specifying the inputs to a student’s education will guarantee quality outputs. A clear mission, on the other hand, that expresses a commitment to high performance by all students is a general expectation of outcomes that should guide students, teachers, administrators, and other adults. It is a precondition for building a school system around results — not programs of instruction, or course credits, or other proxies for measuring high student performance.

### HIERARCHICAL BUREAUCRACY

The second problem with Wisconsin’s K-12 educational-policy system is that it is organized as a hierarchical bureaucracy, with the Department of Public Instruction at the top. This structure is in sharp contrast to the second principle of sound managerial organization mentioned in this report, now widely adopted in the private sector, which is to decentralize authority. Decentralization sets the preconditions for unleashing the talents and commitment of employees. It is a strategy particularly appropriate where organizational tasks are complex and where discretion is required to carry out the organization’s goals — a condition that describes schools.<sup>7</sup>

The Department of Public Instruction has been one of the most reluctant parts of the educational-policy system to give up its bureaucratic power.<sup>8</sup> The current administrative structure represents a typical hierarchical, functional model of organization with five divisions:

*Education Accountability, Policy, and Management Support*  
*Learning Support: Equity and Advocacy*  
*Learning Support: Instructional Services*  
*Libraries and Community Learning*  
*School Finance Resources and Management Services*<sup>9</sup>

“Reform” of the DPI bureaucracy has been a highly contentious issue between Governor Tommy Thompson and State Superintendent of Public Instruction John Benson. The Governor sought to remove most of the positions at DPI away from the control of the state superintendent and to move certain DPI functions to other state agencies. While the state superintendent would have retained a small staff, a secretary of education, appointed by the governor, would have assumed many of the responsibilities traditionally carried out by the state superintendent. Some of Governor Thompson’s critics dismissed his actions as a raw grab for power. Yet, at the time, the Governor raised serious concerns about the need to accelerate education reform in Wisconsin by reducing the DPI bureaucratic apparatus.

In March 1996, the Wisconsin Supreme Court ruled that the attempted policy change was unconstitutional. While that decision laid to rest the immediate questions surrounding the impending governance changes contemplated by the Governor, it has not resolved the underlying policy questions that prompted the Governor to make his proposal.

Wisconsin’s Supreme Court decision made it clear that the governor cannot, in effect, dismantle a

constitutional office without seeking to change the state's constitution. *That legal decision clarified DPI's legal status, but not its policy role.*

Responsibility for articulating DPI's new policy role rests with the State Superintendent. In April 1996, State Superintendent Benson wrote the Wisconsin legislature concerning DPI's 1996-97 "Education Improvement Agenda."<sup>10</sup> Benson articulated four themes in his agenda — high academic achievement/accountability, a Wisconsin Citizenship Initiative, Instructional Technology, and School Finance. His agenda does not speak to the restructuring of DPI.

In an interview, Benson expressed his support for making DPI less regulatory and more of a "support agency."<sup>11</sup> This is a theme Benson has sounded since he was elected three years ago. He pointed out that he was the first to recommend that DPI stop auditing school districts' compliance with state education standards. The State Superintendent also took credit for streamlining DPI by eliminating a large number of middle-management "section chiefs."

These steps, however, fall considerably short of a comprehensive plan to restructure DPI. Early in his term of office, Benson had promised some streamlining of the agency, but ran into difficulty convincing the state legislature that he had delivered on his promise. A subsequent plan to reorganize the agency along team principles was abandoned.

DPI apparently has no plans to abandon its existing outdated bureaucratic model. It submitted to the Department of Administration a new organizational consolidation of the agency that reduces it from five divisions to four. Plans to ask the state legislature to restore the eliminated DPI positions never materialized. DPI's posture remains defensive, rather than proactive. Benson acknowledges that the current plan is limited to a cutback management model. It reflects the reality of the cuts to DPI made by the Governor and state legislature, not a reformulation of the agency's role. However, there is no avoiding the question of DPI's future. Regardless of whether DPI presents a restructuring plan for itself, it is likely that the Governor will do so; he will make specific proposals for the next biennial budget, to begin in July 1997.

In short, DPI is still structured as a traditional bureaucracy. While the size of the agency and its regulatory strength have been reduced, DPI's fundamental mission has not been redefined clearly.

#### **A REGULATORY CULTURE OF MANDATES AND RULES**

A third impediment to reorganizing Wisconsin's public-school system for high performance is the regulatory culture of mandates and rules that characterizes the system. At the state level, this regulatory culture goes hand in hand with the hierarchical bureaucratic approach to governance at DPI. In fact, it is important to recognize that restructuring DPI or even dismantling it *would not in and of itself destroy the regulatory culture that DPI and the state legislature have created.*<sup>12</sup>

The education-reform movement of the 1980s expanded the regulatory powers of DPI and its counterparts around the country. Perhaps the most frequently cited aspect of DPI's regulatory system is its 20 "school-district standards." These include requirements for professional-staff licensure, staff development, personnel evaluation, a performance-disclosure report, curriculum and instruction, recognition of special pupil needs, safety and health, pupil policies and services, and school facilities and property. Statutory requirements for K-12 education go considerably beyond these standards — both within the categories mentioned above and in additional areas, *e.g.*, budget and finance, transportation, *etc.*<sup>13</sup>

It is useful to place that expansion in historical context, however. Looking back to the 1940s, we can see that Wisconsin's school-district standards, which were expanded so dramatically in the 1980s, originally were not thought of as regulatory requirements or mandates that all districts must obey. Instead, they began as *incentives* employed by the state to improve educational quality. In 1949, the state legislature had created different levels of state aid for two types of districts, a "basic district" meeting certain criteria and an "integrated" district — which met more stringent tests of quality.<sup>14</sup> Actually, statutory standards for the curriculum first appeared in 1953.<sup>15</sup>

Some of the requirements had dubious justification, even by the standards of that day: All public and private elementary and high schools shall spend at least 15 minutes in each school week in instruction in and study of the true and comparative vitamin content and food and health values of dairy products and their importance for human diet.”<sup>16</sup> The statute went on to specify how these requirements shall be prescribed by the state superintendent.

Over the years, the state legislature expanded the number of standards and, with them, the regulatory framework for enforcing these standards. In 1973, for example, as part of the rationale for expanding state aid through a new state-aid formula, several new standards were added and others expanded. In 1985-86, three additional standards were put in place, followed by another seven in 1987-88.

By the 1980s, the state had long since drifted away from the idea that state aids should be used as incentives to change school-district behavior and replaced it with the premise that such standards are required. While there were practical considerations in this shift (some districts receive little or no state aid and therefore might be unlikely to respond to financial incentives), the change in tone represented a subtle, but important shift in state-local power relationships.

Some of the statutory language pertaining to schools is itself overly prescriptive. For instance, lawmakers were not content to mandate how many hours of “direct instruction” should be provided in a four-year-old kindergarten. They also saw fit to permit school boards to “use up to 87.5 hours for outreach activities.”<sup>17</sup> What possible theoretical justification could there be for state authorities dictating these details to local school districts?

In addition to the standards themselves, there are 13 pages of rules interpreting the standards, contained in PI 8. The state superintendent was charged with promulgating these rules to administer and implement this section.<sup>18</sup> Some of the rule-making reflects a zeal to prescribe precisely what each school board must do, adding to already excessively prescriptive language in the law itself. For example, the legislature established a requirement that each school district develop a written curriculum plan. Here is how the law originally read: “By September 1, 1988 develop a written, sequential curriculum plan .... The [curriculum] plan shall specify objectives, course content and resources and shall include a program evaluation method.”<sup>19</sup>

This is how the rules promulgated by DPI, and approved by the legislature, altered the requirement (in italics):

3. Each sequential curriculum plan shall specify objectives, *course sequence*, course content, resources, *an objective process of determining whether pupils attain the specified objectives*, and *an allocation of instructional time by week, semester, and school term, among all subject areas*.
4. Each sequential curriculum plan shall include a program evaluation method *which provides that components of the sequential curriculum plan shall be monitored continuously. The overall program evaluation method shall be reviewed at least once every five years and revised as appropriate to ensure that pupils meet the curriculum objectives.*<sup>20</sup>

In short, these prescriptive rules were overlaid on the statutory standard, which itself was overly regulatory.

The school-district standards represent only one facet of the expansion of regulatory oversight of public schools by state government in Wisconsin. For example, Chapter 118 on “General School Operations” contains a multitude of mandates. This section of the statutes was only 10 pages in 1971. A decade later, in 1981, it was 18 pages of requirements. At present, Chapter 118 is 28 pages. Among the specific requirements is the mandate to employ a certified reading specialist, provide human growth and development instruction, provide programs for gifted and talented pupils, provide technical preparation programs, and so on. High-school graduation requirements are specified, enumerating coursework students must take. The statutes address such arcane issues as Arbor Day observance (principals may request one free tree provided from state-forest nurseries for each fourth-grade pupil in the school for planting in conjunction with an annual observance and celebration of Arbor Day) and school-conservation camps. This section of the school statutes includes a wide variety of other requirements and

authorizations. Some of these overlap with the requirements in Chapter 121, such as the pupil-assessment requirement (Ch. 118.30). The assessment requirements, in other words, are in three different places: Chapter 118.30, Chapter 121. 02(1)(r), and (s), and *Administrative Code* PI 8.01 (2)(r) and (s).

In sum, hundreds of pages of statutory mandates regulate the way Wisconsin schools operate. On top of the statutes, a large volume of regulations interpret the statutes, adding more detail. These regulations cover a wide variety of topics — the role of the state superintendent of public instruction, general classifications and definitions, handicapped children, school-district organization, general school operations, school-district government, and so on. With each new legislative session, more laws are passed and more regulations are promulgated. Some regulations respond to federal programs.

Not only do the current school-district standards represent a regulatory approach to education reform. It is equally problematic that they provide nothing more than *minimal* standards. The precedent for this state focus on the minimum, rather than the maximum, level of performance was set in 1949, when the state legislature laid the foundation for the current system with this rationale:

It is declared to be the policy of this state that education is a state function .... It is further declared that in order to provide reasonable equality of opportunity for all the children of this state, *the state must guarantee that a basic educational opportunity be available to each pupil ....* [emphasis added].<sup>21</sup>

This is a poor approach to defining the educational quality of schools Wisconsin will need in the next century. The concept of state leadership as guaranteeing a basic minimum program is very different from leadership oriented toward high learner outcomes for all pupils and staff. The 20 standards are concerned with specifying minimum inputs. By contrast, high-performance organizations focus on identifying an appropriate level of outcome. The organization then mobilizes its resources to help assure that those outcomes will occur.

### **The Politics of Regulatory Expansion**

Who has created this regulatory environment? The politics of regulatory expansion represents the convergence of interest-group pressures and growth of DPI's bureaucratic power. Sometimes the mandates imposed on local school districts were adopted in response to professional interest groups; reading specialists, for example, were able to insert a state requirement that they be employed by each school district. In other cases, powerful citizen pressures prevailed, such as the requirements for developing a plan for children at risk and the accompanying legislation. Frequently, DPI officials lobbied the state legislature to expand standards and urged them to adopt rules that expanded DPI's regulatory powers in a variety of areas.

Sometimes, legislators sponsor well-intentioned, but ill-advised legislation. An example is an Assembly bill sponsored in 1996 that would have authorized school boards to require students to wear a uniform in school. The bill's sponsors claimed that it would prevent school districts from being sued as they have been in some other states in which uniforms were required. However, the Wisconsin Association of School Boards pointed out that school boards in the state already have this broad authority, including rules pertaining to conduct and dress of pupils.<sup>22</sup> While this would not have been a mandate, it would have contributed to a regulatory environment in which local school districts supposedly look to the state legislature for authority to do things that can be decided upon more appropriately at the local level.

The federal government has contributed greatly to a regulatory environment in K-12 education. As mentioned earlier, the large number of categorical programs created in the 1960s and 1970s — and even in the Reagan-Bush era, when anti-regulatory rhetoric ran high — had an impact on the ways states, school districts, and schools organize and deliver services. These categorical programs have been organized around specific student populations, such as the educationally disadvantaged, handicapped children, limited-English speaking pupils, and others. Other programs have been focused on educational needs, such as desegregation, math and science education, and others. Most federal programs have had a large number of regulations that have discouraged the commingling of federal funds with state and local funds to meet ongoing educational needs. This has led to duplication, gaps in service, dysfunctional service delivery, and a variety of other problems. For example, at the

state level, it led to separate bureaucracies within the state department of education (or sometimes outside it) that are semi-autonomous and protective of their separate programs. This organizational approach interferes with a clear focus on high learning outcomes for all pupils.

One of the most regulatory of all federal programs is special education. Wisconsin has virtually incorporated federal regulations into the state regulatory framework. For example, Chapter PI 11, the state regulations on “Children With Exceptional Education Needs” has 80 pages of regulations!

Recently, federal policy has made limited strides to begin to deregulate some of these programs. Opportunities for individual waivers have been available to districts and states, but the approval process is cumbersome. Moreover, United States Department of Education officials acknowledge that the waiver process rarely has led to significant innovation. This is because a regulatory culture is not easily broken.<sup>23</sup> EDFLEX is another federal strategy that simplifies the waiver process, giving states blanket authority to waive particular categories of rules in certain federal programs once an application is approved by the U.S. Department of Education. However, DPI officials have not applied to have Wisconsin become an EDFLEX state.

### **Prior Reform Attempts**

There have been only sporadic attempts to examine this regulatory overlay. In May 1993, the state legislature issued the *Report of the Task Force on State Mandates*, although this did not deal extensively with DPI’s regulatory overload. When the state Senate created a committee in 1995 to study mandates, it ran into a buzz-saw of opposition. For example, the mandate calling for a reading specialist in each district brought out reading specialists and their allies, seeking to defend their jobs. While the repeal of this requirement was approved by both houses of the legislature, a conference committee eliminated the intended repeal. Advocates of eliminating the *requirement* were not arguing against the valuable role that reading specialists can play, only the state’s decision to dictate this staffing mandate to local school districts.

To recap, the attempt to legislate education has led to a “regulatory culture” in public schools. A regulatory culture is defined not merely by the volume of regulations. Regulatory cultures focus excessively on process and inputs, rather than results. Such a culture causes policymakers, professionals, and citizens to focus on what is contractually necessary or possible under the law, not what is the most desirable way to organize the educational enterprise for children’s educational needs. And these regulatory cultures generate an attitude of minimal compliance from those upon whom the mandates are imposed. Further, regulatory cultures are hard to destroy. Statutes and regulations become blinders that limit not only opportunities for innovation, but also the *perception* that innovation is possible or desirable. They provide a comfort level that absolves the regulated from assuming further responsibility for improving outcomes.

### **NO SYSTEM OF ACCOUNTABILITY**

A fourth problem in Wisconsin’s education-policy system, which impedes a focus on high performance, is the absence of any system for assuring accountability for high performance by pupils and staff.

An accountability system can be understood as an organized set of standards and processes that are designed to assure that organizational goals are achieved. There are various ways accountability can occur. At the political level, school boards supposedly are accountable to the citizenry. But in complex institutions like public education, effective accountability must operate through multiple channels. Once one gets below the institutional level, at which school boards operate, the educational system has weak accountability processes. The central problem is that these accountability processes have been built around inputs (mandates to offer programs, to provide *x* minutes of instruction, *etc.*). To compound the problem, enforcement mechanisms for these inputs have been weak.

What are some other input approaches? One approach is to have professional groups, like those of teachers and administrators, develop standards of conduct and quality. However, the fact is that standards of professional conduct for teachers and administrators are largely unregulated, and tenure laws make it extremely

difficult to discipline or fire incompetent individuals. Compensation and licensure systems provide no systematic incentives for teachers or administrators to improve their performance. At the organizational level, the incentives for developing new approaches to teaching and school organization are weak.

Another input approach to regulating quality can come from government regulators or private accrediting agencies, which can set standards and regulations. Apart from the regulatory culture that state regulations can create, which was discussed above, there is another deep problem with this traditional input approach: sanctions upon school districts for not complying with state standards have been nonexistent. The standards are minimal, and state superintendents have not taken steps to correct observed noncompliance, even though they could potentially withhold state aid from that noncomplying school district.<sup>24</sup> All these deficiencies point to a lack of effective accountability in Wisconsin's K-12 education system.

If input approaches to accountability have been weak, output approaches have been weaker still. What are the potential approaches to shifting accountability from compliance with rules to responsibility for maximizing student outcomes?:

*Clear goals and standards of what students should know and be able to perform*

*A student-assessment system linked to standards*

*Raised stakes for students, such as requiring a high-school graduation test*

*A coherent and well-publicized, public-reporting system regarding student performance on the standards*

*Financial rewards to schools for high or improved performance*

*State intervention and sanctions for schools that are performing poorly*

*Performance-based licensure and compensation for teachers and administrators*

*Charter schools*

*Consumer choice*

No single one of these accountability approaches to creating a high performance system is sufficient.<sup>25</sup> And there are other policy tools, such as investments in research and development and efforts to increase parental and community responsibility for student outcomes, that are needed to make these strategies work effectively.<sup>26</sup> The key point, however, is that the policies must be developed intentionally with the aim that they reinforce one another. Until they do form part of a coherent restructuring plan, Wisconsin will not have an effective system of accountability, designed to create high student performance for all children.

Where does Wisconsin stand with respect to each of the above components required to build a system of accountability targeted on high student outcomes, rather than minimum compliance with inputs?

### **Content and Performance Standards for Students**

Standards-based reform is well underway in many states, but its development remains in its early stages in Wisconsin. This reform strategy attempts to establish clear, high standards for all students. Standards are "statements of what students should know and be able to do as a result of their schooling ... [and they are] statements against which we can judge the quality of curricula, instruction, and school and student performance."<sup>27</sup>

Wisconsin's DPI has taken one approach to developing standards, while the Governor has initiated a separate process. It remains to be seen whether both parties can cooperate on a common approach and a common process to defining standards. DPI has been developing what it calls content, performance, and proficiency

standards. This has been underway in social studies and language arts for more than a year, and was being expanded to science and math through the work of professional task forces in Summer 1996. DPI's goal is to have the standards available by March 1997. However, there appears to be confusion, if not disagreement, over what DPI has accomplished so far and what steps it still needs to take to develop content, performance, and proficiency standards. DPI uses the term "content standards" to describe very general statements such as "Students can read and respond to classical and contemporary literature." However, according to some well-informed individuals with whom the author spoke, these statements fall short of what is necessary to constitute rigorous content standards. DPI sees its task somewhat more narrowly — to focus on specifying performance and proficiency standards for the content standards that it feels are developed already.

Nationally, there is considerable confusion about terminology in this area. For example, performance tasks are sometimes used synonymously with performance levels. Actually, national experts on standard-setting point out that a task is only one way to demonstrate proficiency at that level. Further, it is necessary to indicate what level constitutes the standard of proficiency expected of the student indicating the student has mastered the content standard.

In this regard, DPI's treatment of the terminology "performance standard" and "proficiency standard" is confusing. DPI's examples of performance standards include specific tasks, *e.g.*, "choosing a passage from a work of narrative literature."<sup>28</sup> According to experts who were interviewed, this approach appears to be too specific — since other tasks might also be used to validate the performance standard.

Second, the idea of a proficiency standard also is confusing. In states such as Maryland, proficiencies are levels of mastery, not another form of standard. To confuse matters more, DPI also refers to proficiency as a level of mastery; proficiency standards are defined as "clear indications of what degrees of proficiency represents various levels of achievement on ... performances." The use of the terminology "proficiency *standard*" in this context is confusing. Proficiency levels provide the basis for setting the performance standard.

Meanwhile, the Governor called for an initiative to develop standards in his "State of the State" speech in January 1996. He appointed a Task Force on Education and Learning. One of its subcommittees, chaired by Professor Allan Odden of the University of Wisconsin-Madison, was charged with making recommendations on standards and assessment. In the spring of 1996, the only linkage between the DPI effort mentioned above and the Governor's Task Force was an invitation made by Professor Odden inviting the State Superintendent to sit as a member of the subcommittee. An oversight committee was being considered to advise the DPI standard-setting effort, to be followed by a much more public process designed to enlist public opinion and build public support. However, a previous attempt name a panel to oversee the second year of funding for the federally initiated "Goals 2000" program had failed, because of the inability of the Governor and State Superintendent to come to agreement on the panel's membership. This episode, and the broader political conflict it represents concerning who is in charge of setting education policy for the state, has greatly complicated the standard-setting process. The Governor's staff has raised serious concerns about the adequacy of DPI's standard-setting efforts.

As of this writing, nothing had been agreed upon by the Task Force concerning whether the state standards in the four subjects, for Grades 4, 8, and 10, would be "model standards" that local districts could adopt. Alternatively, local school districts could develop their own standards that meet or exceed the model state standards. This approach has been tried, with success to date, in Colorado. DPI has not set out a plan indicating whether the standards would be voluntary or statutory mandates.

### **A Student Assessment System Linked to Standards**

Standards cannot be effective unless they are linked to a student-assessment system that measures student performance against those standards. Actually, as an outgrowth of the effort to develop statewide educational goals in 1992, DPI had begun to develop a mandated assessment program around the first three learner goals that had been identified: students should build a substantial knowledge base, should develop thinking and communication processes, and should apply knowledge and processes. DPI had envisioned several types of assessment to measure whether these different learner goals were being achieved. *Knowledge and content tests* that are primarily norm-

referenced would be developed to test students' knowledge base. *Performance assessments* would tap students' ability to "apply the knowledge and information they have learned in real world and classroom problem-solving situations."<sup>29</sup> *Portfolio assessments*, by contrast, would show a student's progress over a longer period of time.

However, in 1995, the legislature defunded the continued development of performance assessment. Some legislators opposed the concept, responding to concerns from certain vocal constituents. This virtually stopped the development of performance assessments "in midstream." Math and language-arts development had begun in the fall of 1992, and science development began a year later. In 1995-96, the math and language-arts assessments were to have been administered voluntarily for the first time, becoming mandatory in 1996-96, with phase-in of mandatory science assessments by the spring of 1997.<sup>30</sup> Instead, due to the legislative freeze, all that is in place are the knowledge and content examinations. DPI did attempt to calibrate the material tested in these exams to what DPI calls its standards. However, this is not a very helpful substitute, given the incomplete quality of DPI's standards as well as the limitations of primarily paper-and-pencil, multiple-choice, and short-answer tests for assessing the attainment rigorous academic proficiency standards.

There does not appear to be disagreement between the Governor and State Superintendent on the need for performance assessments. The assessments were being produced under contract by the Wisconsin Center for Education Research (WCER) at the University of Wisconsin-Madison before the state legislature terminated funding. However, the fact that standards are now being contemplated that are still under development may require revisiting the early cutting-edge work on performance assessments done by WCER. To say the least, the lack of clear direction and consensus among policymakers has contributed to a confusing patchwork of student assessments that hardly represents the latest thinking on what assessments can accomplish. Meanwhile, millions of dollars have been spent on an incomplete and outdated system. Before millions more are spent on developing performance assessments on top of the current knowledge and content exams, not to speak of portfolio assessments, someone (appropriately DPI) needs to explain why all three types of assessments are necessary, as opposed to politically popular. Is the expense of maintaining all three types of assessment worth the investment, particularly since some states with state-of-the-art assessments are moving entirely to performance assessments?<sup>31</sup>

### **Raised Stakes for Students: A High-School Graduation Test**

Both the Governor and State Superintendent have stated their support for a high-stakes graduation test. However, DPI's posture has been a cautious "wait-and-see" reaction. In Benson's March 1996 "Education Improvement Agenda," the State Superintendent did not indicate how DPI will provide policy direction on some of the thorny issues surrounding such a test. Meanwhile, such issues were to be addressed by the Standards and Assessment subcommittee of the Governor's Task Force. The State Superintendent and staff indicated that they would wait to see what that group recommended. Here again, the lack of close cooperation by the educational and political leadership of the state should raise serious questions among Wisconsin citizens. Even in areas where the state's leaders apparently are in agreement, they do not seem to be working together.

### **Public-Reporting System on Performance of Students by Schools and School Districts**

Wisconsin has been evolving a public-reporting system for some years. Beginning in 1993, this state "report card" was published in one volume, entitled the "School Performance Report."<sup>32</sup> Local school districts also are required to publish reports.

Unlike the report cards produced in many other states, however, Wisconsin's report card has had next to no impact on schools or the public. Its release each year is treated as a non-event by the media, and almost nowhere is it a major driver of reform in local schools and districts. Reporting of student achievement should be an accountability tool. It should also be a device to encourage data-driven decision-making for local school-improvement efforts.

Why has the report card not been seen as important? One of the reasons has to do with the lack of continuity in the report card and the limitations of the way in which performance indicators are reported. The organization of the report, for example, was not the same in 1993-94 as it was in 1992-93. Actually, the most

recent report (1993-94) appeared to provide a more comprehensive conceptual framework that includes student-performance and opportunity-to-learn indicators.

However, this new framework will be useful to the public and to school districts only if it provides a longitudinal snapshot of how school districts and schools *are performing over time*. Yet the approach taken by the most recent report offers only one-year of performance data. This cross-sectional approach is not very meaningful, except insofar as it encourages comparisons among schools and school districts within the state. (Comparisons to national data are not provided consistently: ACT scores are compared to the national average, but Advanced Placement examination data provide no such comparisons.) In the report, DPI warns that:

A better and more complete picture of Wisconsin public schools will be developed when the information in these tables is used with other information in this book and other statistics and data (i.e., family characteristics, property values, poverty and other economic indicators, etc.) .... Because of this interaction, analyzing of this profile data should not be done in isolation.<sup>33</sup>

However, DPI offers no district or school-level breakdowns of data by poverty or other relevant background characteristics that might make interpretation of the data meaningful, although in its narrative it offers some state-wide breakdowns.<sup>34</sup>

Perhaps the most serious limitation of the reporting format is that the report offers no data that permit comparisons of performance over time to assist school officials and the public in interpreting *whether performance is improving relative to past performance*.<sup>35</sup> It is these longitudinal comparisons that are the most helpful in making policy improvements. Maryland, for example, reports data for the previous two years, along with “School Improvement Notes” from each school district to help the consumer interpret what policy efforts are being made to improve performance. Each district and school must prepare and distribute a similar report. Wisconsin has no such report requirement at the school level. There is a requirement that the district-level report be distributed to the parent or guardian of each pupil, or be given to the child to take home.<sup>36</sup> However, the actual practice of school districts varies widely, and many do not distribute them as required.

The way student assessment data are reported is linked to the adequacy of the student-assessment system. The current knowledge and content examinations are not linked to rigorous student standards and proficiency levels, such as performance assessments would provide. Thus, they are of dubious merit for accountability purposes.

The advantage of reporting by proficiency levels is that this approach would focus attention not on where a school or district performs in relation to others or in relation to a total score, but on what percentage of its students meet various proficiency levels. The current assessments, unlike performance assessments geared to high standards, encourage complacency.

### **Financial Rewards to Schools for High or Improved Performance**

One policy lever that attaches consequences to the performance-reporting system is financial rewards to schools performing well — relative to themselves over time, or relative to their expected performance, given their pupil characteristics. A number of states have such programs or are initiating them.<sup>37</sup> Rather than distributing all state aid on the basis of entitlement, such as property-tax wealth (a measure of need), this approach makes a portion of the state aid dependent on performance. Wisconsin, however, has no such policy of rewarding schools for student performance. In an interview, State Superintendent Benson indicated that he has not looked at rewards. Instead, he favors a more traditional approach that targets additional resources to schools where results are not so good. The difficulty posed by this approach is that there is no accompanying accountability for using the additional resources effectively.

Another approach that has been tried in private industry and is just beginning to receive attention in education are gain-sharing plans, which would allow school staff to retain cost-savings for achieving the same or increased student outcomes at reduced costs. The savings can be distributed in various ways, such as salary bonuses or a budget supplement to the school.

## **State Intervention and Sanctions for Poor School Performance**

At the other side, Wisconsin has no policy consequence for schools that are performing poorly. Many states have some type of policy to intervene in these cases, often through a progression of steps leading in the worst cases to some kind of takeover by the state. Usually, the first stage of intervention is to provide some kind of self-study by the poor-performing school or district and submission of a plan, along with technical assistance from the state. All that Wisconsin has is a statutory requirement under Chapter 115.38(4) that the state superintendent should identify school districts that are low in performance and schools that do not meet state minimum-performance standards on the state assessments. Also, the state superintendent must make recommendations to the districts and schools as to how to improve and periodically assess their progress.

It still remains to be seen how well this provision, which was to begin in the 1993-94 school year, will be implemented by the DPI. According to Milwaukee Public Schools officials, so far, DPI has only asked for plans from schools, but has not followed up with technical assistance. There are no consequences attached to the statutory requirement, but even working within this limitation, will DPI organize effectively to provide low-performing school districts and schools with guidance for improvement? Benson stated in an interview that he has considered submitting a bill to the state legislature imposing sanctions against low-performing schools in Milwaukee, with detailed provisions such the creation of councils of parents and teachers and/or converting every low-performing school to charter status. These would be stronger provisions, of course, than Wisconsin's current law regarding poorly performing schools. Both the adequacy of the current law and the adequacy of enforcement of the existing statute should be questioned. At present, the policies in place do not move Wisconsin toward a system of accountability for results.

## **Performance-Based Licensure and Compensation for Teachers and Administrators**

Traditionally, K-12 education personnel have been certified based on completing an approved program of instruction and renewal of certification based on further course work at approved post-secondary institutions. This "input-driven" model is not linked to evidence that teachers have knowledge of rigorous student standards or can actually teach the knowledge and skills that students need.

In Wisconsin, a very traditional system of certification and recertification of education personnel remains intact. For example, there are six levels of teacher licensure. In addition, licenses are divided into subcategories that include subjects, topics, or levels of student exceptionality. The narrow, rigid system creates many problems for schools wishing to assign teachers, but worse still, it obscures the need to link licensure and relicensure to what teachers can actually do to promote high student performance for all pupils they will teach.

Salary-compensation systems designed by local school boards also are tied to the old "input" model. Placement on the salary schedule is based partly on "seat-time" accumulated in university coursework or continuing-education experiences. These professional-development experiences need not be coordinated, nor are they tied to performance standards.

Although administrative licensure is less rigid, it, too, remains wed to an outdated input model of competence — rather than one geared to promoting high student performance linked to rigorous student standards. In some states, this process of linking licensure and staff development to student standards is known as "alignment."

State Superintendent Benson has shown an awareness of the deficiencies of this outdated system and the bureaucratic structure that supports it. In August 1994, he appointed a task force that focused on improving teacher education and licensing. In April 1995, the task force issued its report.<sup>38</sup> Among other things, it recommended discarding the multitude of licenses in favor of three stages of licensure — beginning teacher, professional teacher, and master teacher (optional). Each license level would carry performance expectations and assessments. This approach would promote — indeed, require — a career-long approach to professional development that holds teachers accountable for acquiring relevant knowledge and skills linked to the state's planned rigorous proficiency "standards" for students. At the time the task force deliberated, it relied on the Wisconsin learner goals, which are too general to be called student standards. However, the overall thrust of the task-force recommendations remains

valid — to shift licensure and staff-development policies toward a closer alignment with what students must know and to assure that teachers can demonstrate the ability to teach such knowledge. At this time, these recommendations have not been moved into concrete legislative proposals by DPI to restructure PI 3, the state regulations on licensure, or PI 4, the state rules pertaining to teacher-education program approval. These rules need a total revamping to bring them into conformity with the outcomes-based system that the State Superintendent's task force recommended.

### **Charter Schools**

Wisconsin is one of 19 states with a charter-school law. The theory behind such laws is that they will provide more opportunities for providers and consumers to innovate — thus opening more choices, and hopefully more accountability, in the larger public-school enterprise. However, despite improvements in Wisconsin's charter-school law in 1995, it still contains major impediments.<sup>39</sup> Wisconsin lacks two key components considered necessary to a strong charter-school law. *First*, only a school board can sponsor a charter school. There is not multiple charter-granting authority. In some states, intermediate districts such as CESAs, or vocational-technical colleges or universities, can act as sponsors. *Second*, there is not legal independence. Charter schools in Minnesota, for example, can operate as nonprofit corporations or cooperatives. California provides an option for legal independence, but Wisconsin requires that charter schools be legally part of a school district. Accordingly, teachers are the employees of the school district. The only exception to this legal-dependence rule is for the Milwaukee Public Schools.

There are other limitations in the law, such as no right of appeal to the state superintendent should a school district turn down a request to open a charter school.<sup>40</sup> Also, while such schools are exempt from state rules, they are subject to all local school-district policies unless they request waivers for each rule. This constraint poses a potentially chilling effect on incentives for innovation; it makes it hard for a charter school to begin its operations with a clean slate unless it is familiar with all existing district policies that must be changed first. Only in Milwaukee can employees of the charter school not be employees of the school district. Also, the procedures for alternative certification to teach in charter schools are very restrictive.<sup>41</sup> This restriction reflects pressure brought by the state teachers union, the Wisconsin Education Association Council (WEAC).

The DPI has not organized itself to provide major technical assistance and collaborative help to individuals or groups wishing to form a charter school. This responsibility is assigned to one individual at DPI, who also has other assignments. Benson cited DPI's staffing cuts as an explanation and expressed support for the charter-school concept. However, he also expressed the view that charter schools are unlikely to be a major reform lever in Wisconsin because of the large number of small school districts in the state.<sup>42</sup> Wisconsin was one of the few states denied federal funding in 1995 under Title X, Part C of the Improving America's School Act — which reauthorized the Elementary and Secondary Schools Act of 1965 — despite the availability of ample federal monies to help charter schools with start-up costs. In 1996, the Wisconsin Association of School Boards, working together with the Governor's office, took the initiative to assist DPI in writing a proposal with stronger potential for funding.

In short, both Wisconsin's charter-school law and the administrative support available from DPI have weakened the potential of this policy tool to move Wisconsin toward an outcomes-based accountability model.

### **Consumer Choice**

Wisconsin still does not have a statewide open-enrollment, public-school choice law. Its nearby neighbor Minnesota was the first to adopt such a law. While such a law probably would not involve large numbers of students moving from one school district to another, its potential for creating change must be gauged more broadly because it would most likely encourage school districts to improve programs in order to avoid losing students to other districts.<sup>43</sup> Statewide public-school choice would provide an opportunity for parents who are unhappy with an existing school district to seek better opportunities elsewhere. It would introduce a new incentive for school districts to be more responsive to student and family expectations for improved quality. Both the Governor and State Superintendent are on record supporting such a law — but legislation introduced by the Governor was defeated in 1995, due largely to opposition from small school districts.

## AN ADVERSARIAL SYSTEM

Wisconsin's leadership for K-12 education at the state level reflects our federal system of government. Power is divided within the executive branch between the offices of governor and State Superintendent. In recent years, the holders of these offices often have been in conflict. In addition, the state legislature plays a role in passing bills into law and in authorizing rules. These multiple centers of power make it difficult to approach educational policymaking in a coherent and collaborative manner. As education policy has become more important to the state and the nation, this problem of power dispersion has been aggravated.

From time to time, the state superintendent or governor, or both, have convened commissions to study how to improve Wisconsin schools. While these instrumentalities are better than nothing, they have a number of glaring deficiencies as devices for improving policymaking. Commissions are not always broadly representative of the state's citizenry. More serious, the commissions by their nature have a limited life and are not accountable for helping implement what they recommend.

Because education policy is made in a political setting, it tends to reflect the short-term requirements surrounding passage of laws and state budgets. Elected officials understandably have a limited time perspective because they are answerable to their constituents. However, electoral accountability, despite its advantages, encourages incremental approaches to reform. A focus on legislative cycles creates legislative impatience with the complex changes that may be required to transform the education system in the long run.

A characteristic of an organization or policy system that is structured around learning principles is *continuous renewal*. One aspect of a focus on continuous renewal is evaluation of programs which have outlived their usefulness.<sup>44</sup> However, Wisconsin's policy system is not structured to evaluate educational programs or structures once they become law.

A more fundamental requirement for continuous renewal in a policy system is what Peter Senge calls "a community of inquiry and experimentation."<sup>45</sup> It is the opposite of management and governance that seeks to "fix" a problem once and for all. Learning organizations employ systems thinking (a clear, conceptual framework) to improve organizational systems. Systems thinking also requires a shared mission and high levels of trust, among other things. Wisconsin's educational-policy system, as presently structured, militates against a community of inquiry and experimentation. Some impediments are structural, such as the division of powers between state superintendent and governor, as well as lack of any forums for ongoing discussion and analysis of education issues and problems. Other impediments to a collaborative approach towards addressing education reform are conceptual — for example, the tendency to focus on short-term or partial fixes to problems. However, the greatest impediments to creating a community of inquiry and experimentation may be normative ones — the tradition of political partisanship and the illusion that one political party or one leader must be "in charge" of reform.

While reform is hard to achieve in an adversarial political system, it is not impossible. On many issues, conflict and partisanship are not the norm, and the drift toward partisan bickering over education policy is a relatively recent phenomenon. The challenge is to find structures, ways of thinking, and norms that create the conditions necessary for education policymakers at the state and local levels to engage in continuous learning and inquiry on education-reform issues. It is important to understand that fundamental reform of Wisconsin's schools will require not just a clear mission, decentralized authority, and accountability policies — but, in addition, important changes in the state education-policymaking process itself.

\* \* \*

To recap, Wisconsin has not yet designed an educational system whose clear mission is high performance for all. This analysis has focused on the major components of this policy problem, all of which reflect the lack of coherent strategies to achieve this primary goal. These include the lack of clarity about the mission and goals of the state's K-12 system, the persistence of a hierarchical bureaucracy at DPI and a regulatory culture oriented to inputs rather than high outcomes, the lack of adequate policies designed to create an outcome-based accountability system in Wisconsin, and the legacy of an adversarial political system, rather than one based on collaboration around a shared mission and goals. In the next section, specific recommendations for moving Wisconsin towards such a system are addressed.

### III. STRATEGIES FOR REDIRECTING SCHOOL REFORM TO ACHIEVE HIGH PERFORMANCE

In this section, three strategies are discussed that will move Wisconsin towards the goal of high performance throughout the K-12 educational-policy system:

*Greater regulatory flexibility  
Improving accountability policies  
A collaborative approach to state leadership and a state-local partnership*

#### STRATEGY #1: GREATER REGULATORY FLEXIBILITY

Creating regulatory flexibility is not a *sufficient* strategy to transform Wisconsin's public-school system. However, it is a necessary foundation for reform. Regulatory flexibility will reduce negative barriers to reform, in the form of statutes and regulations that lessen incentives for local school officials to rethink the way they deliver educational services.

Limited progress has been made in reducing regulatory barriers. In 1995, the Wisconsin legislature gave school boards broad powers "to authorize any school board action which is within the meanings and terms of the duties and powers, if the action is not prohibited by federal or state law."<sup>46</sup> Theoretically, this should reduce the temptation of the state legislature to pass unnecessary legislation that clutters the statute books. Whether it will prevent legislative grandstanding, such as the unsuccessful school-uniform bill discussed earlier in the report, only time can tell.

Wisconsin Act 27 (1995) also allowed a school board to request DPI to waive any school board or state requirement under Chapters 115 through 121 of state statutes, with some exceptions, such as statutes or rules related to the health or safety of pupils, pupil discrimination, *etc.* Before a waiver can be renewed, the school district is required to evaluate financial and educational effects over the previous four-year period.<sup>47</sup>

However, these waivers have led to very limited innovation so far. Six waivers have sought exemption from the requirement that school meet 180 days a year. Two waivers have dealt with post-secondary options. Several have sought permission to offer the general-equivalency diploma, which has not been allowed under state administrative rules. Most of these types of waiver requests, while modest in scope, seek flexibility in application of state restrictions or mandates. Other waivers are attempts to avoid state mandates, such as the new requirement for foreign-language instruction in Grades 7 and 8. DPI has denied these requests. A number of waiver requests were withdrawn when DPI referred them to their certification section. Consequently, while the waiver opportunities have been in effect for only a year, there is little indication so far that they have unleashed a "pent-up demand" for innovative practice in school districts.

In short, more steps are needed to break the grip of a "regulatory culture" that operates at all three government levels — federal, state, and local. Accordingly, the following recommendations are made to address these impediments.

**Recommendation #1: DPI should apply to the U.S. Department of Education for EDFLEX status.**

This would greatly widen state authority to grant waivers from federal statutory and regulatory requirements. The state would be able to grant preemptive waivers on a statewide basis or to grant waiver requests from individual school systems. This, in tandem with local consolidated planning requirements for federal dollars, may create incentives for innovation at the local level.<sup>48</sup>

**Recommendation #2: DPI should encourage deregulatory experimentation with exceptional-education delivery systems.**

While these are not covered under EDFLEX, the traditional waiver process to the U.S. Department of Education can be used. The highly prescriptive regulatory framework of federal special-education programs, largely adopted by state policy, needs to be reexamined thoroughly.

**Recommendation #3: The Governor and State Superintendent should jointly convene a task force to reexamine state laws and regulations pertaining to K-12 education, which should make specific recommendations to the state legislature on repeal of unnecessary or burdensome laws and regulations.**

The present state policies with regard to standards make no sense. DPI no longer enforces the standards and is obligated to do so only upon receiving a complaint. This new *modus operandi* begs the question of whether the standards are really needed.

This task force should examine whether the current standards are necessary. The State Superintendent expressed concern that repeal of the standards would potentially deny learning opportunities to children.<sup>49</sup> This is an argument for guaranteeing access to a *minimum* set of opportunities, such as inclusion of art and music in the curriculum. But will these minimum guarantees be necessary any longer for core academic subjects covered by state standards and assessments? School districts will have to adapt their curricula and programs to meet these standards and to have students show proficiency on state assessments. Those which are covered in standards and assessments would be superfluous.

At the same time, the state standards and assessments will not cover all subjects and grades. Hence, there may be a need to retain *some* of the current standards.

The State Superintendent did acknowledge in his interview that there may be a need to reexamine whether all of the current standards and accompanying rules are necessary. As standards-development proceeds, consideration should be given to repealing unnecessary standards. A systematic study of standards and all statutory and regulatory requirements applicable to schools is long overdue.

**Recommendation #4: DPI should greatly increase its support for charter schools.**

An important way for DPI to demonstrate its commitment to deregulation is to increase its technical assistance to school districts and to other groups wishing to consider the charter-school option. Consideration should be given to locating charter-school planning centers in several CESAs around the state. Also, the department should seek federal-grant support to assist schools with start-up costs.

#### **STRATEGY #2: IMPROVING ACCOUNTABILITY POLICIES**

Wisconsin needs a systematic approach to improving educational accountability. Policies must be designed that increase the likelihood that Wisconsin public schools will focus their attention on high performance. These policies must be coherent in reinforcing one another.

**Recommendation #5: DPI, in consultation with the Governor, should oversee completion of rigorous content and performance standards in core academic subjects (language arts, math, science, and social studies) for Grades 4, 8, and 10.**

These standards should be completed without further delay. Confusion concerning terminology and the precise approach to defining standards needs to be clarified. The standards should be validated by the Council for Basic Education, New Standards Project, or other nationally recognized authorities.

**Recommendation #6: The state legislature should restore funding for development of student-performance assessments in core academic subjects linked to rigorous content and performance standards in those subjects for pupils in Grades 4, 8, and 10, and provide funds for the development of a high-school graduation test. Specific implementation timetables should be developed.**

In addition, DPI should provide technical assistance to school districts for the development of performance assessments in other grades not covered by the state assessments, linked to the state assessments in Grades 4, 8, and 10.

**Recommendation #7: DPI should be asked to undertake a study of whether to discontinue the current knowledge and content assessments, once performance assessments are in place. The results of this study should be submitted to the state legislature.**

The existing knowledge and content assessments are comforting to many educators who are accustomed to traditional testing practices — paper-and-pencil, short-answer, norm-referenced tests. Yet such tests are increasingly outmoded. Their cost on top of a new, more rigorous, performance-assessment system that is tied to standards would be burdensome, particularly when the costs of locally developed performance assessments in other grades are added. Educators tend to test excessively and to underutilize the test information they have, either for accountability, instructional improvement, or guidance to an individual student and family. The state should not prohibit local schools districts from using traditional assessments — but at the same time, the state should not endorse and finance redundant student-assessment policies.

**Recommendation #8: DPI should totally revamp its annual “Performance Disclosure Report” and accompanying documents in favor of a more understandable, user-friendly Wisconsin School Report Card. Each school also should be asked to prepare a report. Distribution of the report to the families of schoolchildren and to the public should be improved.**

Wisconsin citizens deserve better information on school performance than they are receiving. Many other states provide models on which to draw. One of the most important ingredients of a Wisconsin School Report Card, now missing, would be longitudinal information on student assessments for each subject area, relative to proficiency standards. On the school-level report card, comparisons should be made to other schools in the district, and to district and state proficiency scores. To help in interpretation, these data also should be broken down by gender, poverty status, and race. School districts and individual schools should provide information on efforts undertaken to improve performance.

Upon release of the state report, the state superintendent should be required to make an “Annual Report on the State’s Education System” to Wisconsin citizens. This report should focus on what steps DPI plans to take to increase the percentage of Wisconsin pupils who meet rigorous standards. Parallel reports from school districts and individual schools should be encouraged for distribution to the public.

**Recommendation #9: DPI and the Governor should submit recommendations to the state legislature to initiate a Meritorious Schools Program that provides annual financial rewards to schools with sustained high levels of proficiency in meeting content and performance standards for students and to schools that register high levels of improvement toward proficiency over a sustained period.**

There should be positive financial incentives for schools that meet standards or whose performance in meeting standards improves significantly. Funding for this program should be phased-in by setting aside state-equalization funds. Initially, the goal should be to distribute approximately 5% of state aids on a performance basis. There are many ways to structure such a meritorious-schools program — with regard to the qualifying criteria upon which awards are based, the time period required to demonstrate merit, the use of extra funds by the school, and so on.

**Recommendation #10: DPI and the Governor should design a policy that provides state intervention in the case of low-performing schools showing no significant improvement.**

The present state policy requiring the state superintendent to identify and provide assistance to low-performing schools is weak. It lacks any long-term strategies for assuring that such schools will become accountable to improve their performance. Until there are stakes attached to low-performance, the existing incentive system will continue to tolerate failure. The state policy should contain gradations of state intervention that, in severe cases of persistent failure, would require extraordinary steps by the state superintendent. These steps may include appointment of a new school board or superintendent, or converting failing schools to charter status.<sup>50</sup>

**Recommendation #11: DPI should present to the state legislature a plan for transforming the**

**existing regulatory system of teacher and administrator licensure to one based on performance standards for these professional personnel. This should include a report on state and local funds now spent for staff development and how these might be converted to a long-term plan for linking professional skill development to new proficiency standards expected of students.**

The present system of licensure no longer makes sense, as a task force recommended with respect to teacher licensure. Nor has DPI developed any overall plan to encourage and coordinate the most effective use of staff development as a policy lever that can help the state’s educational system make a transition to a “high-performance” orientation for all Wisconsin teachers, administrators, and students.

***Recommendation #12: Wisconsin’s charter-school law should be strengthened.***

At a minimum, two changes are needed. *First*, other entities than school districts should be allowed to apply directly to the state to sponsor charter schools — such as vocational-technical colleges, universities, or non-profit organizations. *Second*, legal independence of the charter school from school-board authority is necessary.

In addition, other measures could strengthen the law — more flexible licensure rules, more opportunity for conversion of private schools (now only permitted for the Milwaukee Public Schools) and sectarian schools (not permitted at all) to charter status, and preemptive waivers from local school-district rules, including collective-bargaining agreements. Charter-school employees should be permitted to form separate collective-bargaining units.

***Recommendation #13: Wisconsin should pass a public school-choice law that provides open enrollment statewide.***

This law would complement other recommendations in this report that are intended to move Wisconsin towards a more accountable system. Unlike any of the other strategies discussed in this report, it would place more power in the hands of students and their parents/caregivers. In this way, it complements other strategies intended to develop clear measures of student performance, better information on student performance, new incentives and sanctions linked to performance, and new ways of rewarding school professionals for the knowledge and skills they bring to their work.

**STRATEGY #3: A COLLABORATIVE APPROACH TO STATE LEADERSHIP AND A STATE-LOCAL PARTNERSHIP**

None of the policy changes recommended above will work effectively if the policy system in which they operate is broken. At present, major deficiencies in the educational-policy system need to be remedied.

***Recommendation #14: DPI should be restructured as an organization focused on high performance, local initiative, and accountability. The State Superintendent should present a comprehensive plan to the Governor and state legislature within six months. This plan should include expanded responsibilities for Cooperative Educational Service Agencies (CESAs).***

DPI speaks of a different model of management, but it has not organized itself in a way that models high performance organizations. Its traditional bureaucratic structures tend to impede an approach to school improvement and restructuring that can reorient Wisconsin educators toward the goal of high performance for all.

DPI is a dispirited agency that believes it has been decimated. Indeed, it has lost some of its most able staff through cutbacks. There has been discussion of restoring positions to the agency, which may prove necessary in a more decentralized model of organization. Before staffing positions are restored, however, it is incumbent upon the State Superintendent to present a concrete plan for redefining the agency’s direction. Restored positions should be linked explicitly to this new agency focus.

***Recommendation #15: Wisconsin’s educational-policy system should begin to operate along principles of a learning organization rather than an adversarial system. The present, formally fragmented governance system of “checks and balances” needs to work more effectively.***

As mentioned earlier, Wisconsin has inherited a governance structure that sharply separates the authority of a state superintendent from that of a governor. Local school districts also enjoy great autonomy. This fragmented system was designed to check abuses of power, but is ill-equipped to assure concerted executive or legislative leadership. The Wisconsin Supreme Court made it clear in its March 1996 decision that if this system is to be changed, it must be done through the prescribed methods of changing the state constitution.

However, progress in Wisconsin schools cannot await changes in the state's constitution. The existing system must work more effectively. Accordingly, it is incumbent on the Governor and the State Superintendent to improve their working relationship, for the sake of Wisconsin's children.

At the same time, Wisconsin requires more than good will between the Governor, State Superintendent, and legislature to make the state's educational-policy system work more effectively. It needs to be informed by work of organization theorists who have helped revolutionize private-sector organizations according to learning principles. These principles include shared responsibility for high performance, continuous renewal, no tolerance for failure, risk-taking, and others. While it is a challenge to adapt these policies to the public sector, the need has never been more apparent.

***Recommendation #16: The state legislature should create a mechanism for assuming long-term oversight of the state's educational system, including the leadership role of DPI within it.***

The legislature should consider using existing mechanisms, such as the Legislative Council, to improve its capacity to examine educational issues and problems, and to formulate appropriate policy. Alternatively, the legislature might create a bipartisan Wisconsin Commission on Excellent Schools consisting of key education stakeholders in the state, along with legislators, the State Superintendent, and the Governor (or Governor's representative) to study and debate important educational-policy issues and challenges facing Wisconsin. At present, Wisconsin lacks a public forum in which differences can be aired and policy solutions considered and weighed in a less partisan, time-constrained atmosphere than legislative processes permit.

#### IV. CONCLUSION

Wisconsin considers itself a national leader in public education. Leadership is not evident, however, from examining its state education-reform policies. While there are discrete pieces of reform policies that show some potential for reorienting the state's 427 school systems and 2,034 schools toward high performance, the policies are little more than a patchwork. This condition would not be disturbing if one could point to a slow, but steady evolution of state policies toward greater comprehensiveness and coherence. Unfortunately, the history of school reform in Wisconsin has been characterized by strong leadership from, alternatively, a state superintendent or a governor — often working in opposition, rather than in cooperation. Key interest groups sometimes have worked together on discrete issues, but they have not been able (perhaps by the nature of their individual constituencies) to set a shared agenda for reform. As a result, Wisconsin lacks a shared and sustained commitment to the fundamental reforms that will be necessary for it to remain a leader in public education in the next century. The state approaches reform at a tortoise's pace, while other states (some nearby with high-quality educational systems as well) march past.

The fundamental reform that must occur is a new mission focus on high academic achievement for all youth and high performance for all educational professionals (as well as support for excellence by Wisconsin's citizenry). That compelling vision of excellence is now missing in Wisconsin's education-reform efforts. A system built on bureaucratic hierarchy must be replaced with a system built around accountability for high performance.