

THE FIGHT FOR WISCONSIN'S EDUCATIONAL "BULLY PULPIT"

JEFF MAYERS

John Benson might be remembered as the state schools superintendent who saved the office. GOP Governor Tommy Thompson and the Republican Legislature tried in the 1995 budget bill (a.k.a. as the "power grab" in Democratic circles) to neuter Benson's elected constitutional office.

That's when Benson — with the help of Democratic Attorney General James Doyle, the education establishment and a supposedly Thompson-leaning Supreme Court — managed against long odds to maintain the office as the one that controls "the supervision of public instruction," as the state constitution's amended Article X reads. "Our review...demonstrates beyond a reasonable doubt that the office of state Superintendent of Public Instruction was intended by the framers of the constitution to be a supervisory position," Wisconsin's high court said in throwing out the GOP attempt to create a Department of Education under Thompson's control.

Thompson was able in that sweeping budget to gain direct control over the departments of Natural Resources (DNR) and Agriculture, Trade, and Consumer Protection (DATCP) and eliminate the public intervenor's office in



Doyle's Department of Justice. But the Department of Public Instruction (DPI) remained under the control of Benson and the Legislature.

And so that is why the April 3 election for the state superintendent of public instruction will still mean something and stir discussions among educators, politicians, and a likely small pool of state voters about

what's best for the children of Wisconsin. Benson is voluntarily leaving his post, and voters will have the opportunity to cast their ballots in what looks like a wide-open race to decide the 25th occupant of the officially non-partisan office.

But even as a host of candidates vie in the February 20 primary for the first open seat since 1993, debate continues about the role and true power of the state schools superintendent.

In 2000, while the race was in its initial stages, two veteran political pundits debated the value of the office for WisPolitics.com, a Madison news service and website devoted to politics and government.

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Bill Dixon, a Democratic attorney in Madison, praised Benson and placed importance on the April vote that will decide “who will lead our education system into the new century.” He said the popular election of the superintendent was “an infinitely more accountable system than having the superintendent chosen in a small room by the governor and his hand-picked cronies and contributors.” Dixon called the job “one of the more important positions in state government.”

Bill Kraus, an aide to former GOP Governor Lee Sherman Dreyfus and a longtime observer of Wisconsin politics, called the position “the most obvious — and most tenacious — anachronistic office” left in Wisconsin.

“Every governor who has not recommended abolishing the department has simply ignored it. The reason for this is that every governor quickly learns that education is the main business of state government and that the governor is, in effect if not in fact, the real superintendent of education and the Legislature, the state school board,” Kraus wrote. “Not having a cabinet Department of Education in Wisconsin makes about as much sense as not having a Department of State in Washington, D.C.”

Kraus opined that the person who wins in April will “have won a water-sweeping job.”

Benson, of course, agreed with Dixon. Benson, in a September speech to district administrators in Madison, reflected on his role and the future of education in the state. He said that “when it comes to children, there is no higher office in Wisconsin.”

And, in uncharacteristically tough language, Benson made clear his opposition to statewide private school choice — the expansion of Milwaukee’s program to the rest of the state.

“Those with narrow agendas seek to impose their will on public policy at the expense of our children. To accomplish their purpose, they are willing to tear down the

public schools that serve as the backbone of our democracy, that have fueled the engine of the most powerful economy in the world, and that have led to an unparalleled standard of living for our citizens. The critics of Wisconsin’s schools ignore the fact that we have the best schools in the nation, if not the world,” said Benson, at the same time acknowledging serious problems with minority student achievement.

“Although we aren’t afraid of competition, we are adamant that public funding must go to support public schools. Further, choice and charter school programs must respect the fundamental rights of all pupils,” Benson said in promoting a DPI budget provision that would require all voucher students to take state tests in the 3rd, 4th, 8th, and 10th grades, as well as the coming Wisconsin high school graduation test. “Our citizens have the right to know that their money is being spent wisely in each and every classroom in which a publicly funded student sits.”

Pro-voucher Republicans, some of whom want to take the Milwaukee choice program statewide, charged Benson with repeatedly trying to thwart the program — an issue sure to come up in this year’s race. The success of the Milwaukee school choice program has become even more important to a national movement recently hit by several setbacks including: a negative federal court decision regarding the Cleveland, Ohio program (setting the stage for possible U.S. Supreme Court consideration); and big November defeats for pro-voucher referenda in California and Michigan.

The growing, decade-old Milwaukee private school choice program, numbering about 9,600 students in September, clearly is the biggest program of its kind in the United States. State money, up to \$5,326 per student, goes to more than 100 schools to enroll low-income children. Total state payments are estimated at about \$49 million in the 2000-01 fiscal year.

Other key issues likely will play in the state schools superintendent race: how revenue caps are affecting schools — especially those with dwindling enrollments; how to boost poor minority student achievement — especially in Milwaukee; how to cope with teacher shortages; how to improve teacher training; how to pay for and handle special education for children with severe handicaps; how to link primary education with higher education to produce a more skilled workforce through a K-16 system; and the continued debate over how to make the whole system “more accountable.”

But those issues don't just interest the superintendent of the independent Department of Public Instruction. The governor and the Legislature, through control of the state's purse strings, have a lot — some would say, more — to say about how they're resolved.

Benson suggested in that September speech that his legacy might lie in the constitutional battle he won over probably the most powerful governor in Wisconsin history.

“If I leave office with a sense of pride over any single accomplishment,” Benson said at the time, “it will be that together we succeeded in defending our state constitution and this office against a mean-spirited and fundamentally destructive challenge.”

“As the Wisconsin Supreme Court pointed out in (its) 1996 decision, ‘The position of Superintendent of Public Instruction was intended as a crucial position, distinct from...other officers, and possessing the ability to do more than merely act as an advocate for education.’”

But every four years, some politicians spin the theory that the office's true value is not in

the oversight of a panoply of education rules and programs but as a statewide bully pulpit, and as a possible stepping stone to higher office (read governor). While there's been a Thompson as state schools superintendent, it was Barbara (1973-81) not Tommy. In fact, no state schools superintendent has ever gone on to take over the governor's office.

Now that's not to say some haven't thought about it or been encouraged to think about it. Herbert J. “The Buffalo” Grover was a former lawmaker and school district administrator who displayed great panache and was seen as a possible challenger to Tommy Thompson until he resigned in 1993 to take a

Thompson administration job focusing on education. To many in the political world, Grover (1981-93) still is the model for the office. From 1981 until his resignation in 1993, Grover's personality — as big as the man — was a force with which to be reckoned. If you wanted to do something really big on education, you had to get the governor, Grover and the largest state teacher's union (the Wisconsin Education Association Council, or

WEAC) to first agree.

After Grover came Benson, a former DPI official and district administrator for the Marshall Public Schools near Madison. Benson (1993-2001) was underestimated by friends and foes alike because of a public persona akin to Mr. Rogers, host of the public television children's show. In addition, Republicans dismissed him as a tool of WEAC.

He was no Grover-like pol, but Benson blossomed during the fight to save his office and went on to forge a decent working relationship with Thompson, who like Benson hailed from Juneau County, west of Madison. Benson and Thompson cooperated on many

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good pro-education programs, including smaller class sizes and new rules to beef up teacher standards and licensing.

When Benson announced his coming departure, several aspiring politicians eyed the April election as a political opportunity. Despite all of the talk, though, only one real politician entered the race. That was Jonathan Barry, a Democrat turned Republican who was in the state Assembly before being elected Dane County executive. He also staged unsuccessful runs for governor and state Senate.

Barry, best known perhaps for labeling Thompson a “two-bit hack from Elroy” during the 1986 GOP primary for governor, has since become a Thompson appointee to the University of Wisconsin Board of Regents and the board that manages the state’s technical college system; he also serves on the TEACH board that administers technology grants to schools. In addition, he has a strong business background.

Barry will buck the trend that says this office is only for those with education degrees and direct experience in the K-12 education field. But he’ll be bolstered by recent political history showing the four previous occupants hailing from Dane County. The last DPI secretary from outside of Dane County was Angus B. Rothwell, of Manitowoc, who served from 1961 to July 1966, when he resigned to accept another appointment.

The moderate Barry is the choice of many in the mainstream GOP political establishment who have tired of or are uncomfortable with a third consecutive bid by Hortonville teacher Linda Cross. Sue Ann Thompson is a member of Barry’s steering committee. Some suggested late last year that he could have a chance to ally with WEAC, but his pro-voucher stance appeared to make that unlikely. WEAC, frequently the kingmaker in this race, was in the midst of its involved endorsement process in late December. But Democratic sources suggested the state’s largest teachers’ union — a force in these elections because of the perennially low turnout — was leaning to Elizabeth

Burmester, on leave as principal of West High School in Madison.

A possible harbinger of the WEAC nod was the endorsement of Benson. Benson said Burmaster has the right philosophy and commitment to children. “She’s very supportive of the good work that’s been done here,” said Benson, adding he believes she’ll continue that work.

Burmester, who has spent a quarter-century in the education field beginning with music teaching, says Benson has done a “courageous job” in the face of great opposition to his office. The mother of three stresses flexibility in school funding, more resources at the local level for professional development, higher state reimbursements for special education, less emphasis on high-stakes testing, and her wish that DPI become a “repository of all kinds of best (teaching) practices” that could help the Milwaukee schools. Private school choice? “I don’t think it’s the answer. It is taking money away from public schools,” she said in December. “There’s not going to be some magic bullet (to solve Milwaukee’s problems). You have to take it one step at a time.”

In addition, she vows to collect a diverse team of the best people in education and to use the education bully pulpit “to bring attention to kids.”

Wisconsin Manufacturers & Commerce (WMC), the usual special interest rival to WEAC in state elections, was considering involvement in the race for the first time since 1993, the first post-Grover election. It’s an open seat, WMC is for expansion of choice statewide, and education in general is a priority. WMC President James Haney, in a WisPolitics.com interview in December, stopped short of endorsing Barry or promising WMC campaign involvement. But he left the door open.

“Education is such a local issue to a large extent. And there’s some legitimate question about how much power this (state) school superintendent really has.... It’s my observation that it’s a wonderful bully pulpit, and you

need the kind of charismatic leader in that position that can sort of lead by rhetoric and by example and sort of browbeat people into innovation and change," Haney said.

"A few years ago (in 1993) we had all of the candidates come in and meet with a committee of the board. There was not a consensus around a front-runner or somebody that they got excited about, so we sort of watched from the sidelines," he said. "Certainly Jonathan Barry understands the Legislature, he understands the media, he is an executive, a former county executive, he's been in the Legislature. He's been in business. He brings a lot of attributes to the job that some of the other contenders may not have.

But education is — as I suggested — a local issue and I suspect a lot of our members will have favorites based on who they know or what their experience with them has been....We're not content to let any offices go to the constituency that defends the status quo. I think to the extent that we allow the status quo to dominate our public offices, then we're never going to get innovation and change. And we can help put a little torque on the system by supporting school choice in Milwaukee, by supporting vouchers where that makes sense, we think that's healthy."

Meanwhile, the Wisconsin Realtors Association (WRA) moved in late December to become involved in the race for the first time. The association has gotten attention for moving to the political center on high profile issues such as land use (WRA was instrumental in passing the state's "Smart Growth" plan), and small class sizes (WRA joined with WEAC in touting the state program called SAGE). WRA's theory is that good education is good for the home-selling business. As one of the

group's chief strategists said in late December: "Good schools equal good neighborhoods equal good homes." One of the first questions realtors get from prospective homebuyers tells the tale: "How are the schools?" Republican insiders expected WRA to endorse Barry.

Update Endorsements?

Some analysts, however, relegate the race to second-class status — even behind local school board races that they say have a bigger impact on property taxes and the administration of education programs. One strategist dismissed an unfriendly state superintendent as a "benign tumor" unworthy of a big election effort.

In the meantime, Barry is preparing and treating the race as a bona-fide political contest, not a library debate. He has a good set of advisers (former WEAC Executive Director Morris Andrews among them) and good political antennae. If nothing else, Barry knows how to get quoted.

In an article in Madison's *Capital Times* last year, Barry proposed that the state pay to expand Milwaukee

schools into social service centers that would stay open until 8 p.m.

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In addition, Barry said he's against expanding the voucher program beyond Milwaukee, suggested revenue caps could be exchanged for performance-based teacher pay, and proposed to better integrate primary and secondary education with technical colleges and universities to create a top workforce. He said he could accomplish his goals because his

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political experience will prevent him from being “plucked” by the Legislature.

This will be a crowded race. Other candidates filing nominating papers in January were: Thomas Balistreri, principal of Rufus King High School for the college-bound in Milwaukee; Tony Evers, of Omro, a veteran administrator who ran in 1997 from his Fox Valley base; Dean Gagnon, a state DPI educational consultant from Waunakee, north of Madison; and Julie Theis of Shawano.

But if WEAC supports Burmaster, the real race in the February 20 primary likely would be a three-way one between Burmaster, Barry and Cross. That might put Barry at a regional and gender disadvantage, as voters have shown a liking to qualified female candidates — especially in vote-rich Dane County where voters turn out in relatively higher numbers during such events. The two biggest vote getters advance to the April 3 final.

Mainstream Republicans also fear that Barry could fall victim to Cross, who has had a dependable following in conservative political circles and the statewide name identification earned from two unsuccessful runs against Benson. Thompson is officially non-aligned but unofficially backing Barry, GOP sources say. Said one Thompson administration insider: “Our fear is Cross knocks off Barry.” Linda Cross has a base, most analysts agree. But they differ on how big or solid the base is.

Cross has heard before that she wasn’t the choice of establishment Republicans. The last time around, in 1997, she heard that Thompson was backing Jim Leonhart, a Madison lobbyist.

“I’ve got the name recognition statewide. I don’t see that anyone else has,” Cross said in early December. “I don’t think five people in the state know who Jonathan Barry is. The polls show I have a personal following.

“I’ve been in Republican politics a lot longer than Jonathan has,” said Cross, also questioning Barry’s “education credentials” because they aren’t centered on kindergarten through 12th grade, the usual scope of DPI.

“I’m a 31-year teacher.... I already have proven leadership in education reform.”

She claimed that Benson, after the first 1993 race, borrowed her idea for teacher background checks. And then after the 1997 race, he went for statewide public school choice (also called “open enrollment”). If Benson were running again, she jokes, he’d probably be for statewide private school choice.

“I still believe in empowering parents,” she says. She’s also promoting “character education,” saying there’s a place in public schools for the teaching “of public civility and courtesy” that will teach students to “think of others — not just themselves.” But it wouldn’t be a mandate. She says; and she’s careful to say that DPI “might” provide a curriculum model for the effort. She, as the statewide officer in charge of schools, would promote the concept, according to Cross’ vision.

She also opens the door to revenue cap “adjustments,” especially for schools with declining enrollments — a major plank of WEAC and Benson over the past few years. Benson’s latest budget plan advances three proposals to address what he calls the “constricting effects of revenue limits and declining enrollment.” Cross proposes to “take a look” at the problems with revenue caps but, at the same time says they’ve helped convince taxpayers that schools were not wildly spending money and unnecessarily increasing property tax bills.

To Cross’ critics (both inside and outside the Republican Party) who say her time has come and gone, she says a third run for a competitive candidate is not unusual. “We would not have had Abraham Lincoln as President of the United States,” she says, adding that Democrat William Proxmire wouldn’t have become the popular U.S. Senator from Wisconsin that he did had he been limited to only two runs for public office. “I came very close in both of the other races,” she said.

But some conservatives claim Cross isn’t conservative enough — that she isn’t as solid as she should be on statewide school choice

and alternative licensing of teachers. These conservatives contend that Benson and WEAC have been blocking alternative certification of teachers from other professions — what they see as a key to letting “fresh air” into the system. And that’s not going to happen unless there’s a state schools superintendent that strongly advocates for new rules, the conservatives say.

Statewide school choice is another priority item, but the day when private schools across Wisconsin get state aid to “compete” with public schools appears a long way off. It’s important to note that Tommy Thompson, the popular governor who created the school choice program and used it to bolster his national conservative credentials, never tried to implement the program statewide. In part, Thompson — ever the pragmatist — knew that such a proposal likely would have little chance

of passing the Legislature as long as Democrats controlled the state Senate. In addition, test scores outside of Milwaukee are pretty good.

Benson, however, worries what President George W. Bush — who pushed education reforms (including vouchers) during his “compassionate conservative” election campaign — might do from Washington, D.C. “It’s a critical time,” Benson said. “I fear for the preservation of this republic if public education doesn’t continue to be one of the strongest building blocks of that republic.... Accountability’s the rage, but where is the accountability?”

With an independent state schools superintendent still an elected office of some significance, voters can weigh in on that question by completing ballots for the statewide office this spring.