

PART FIVE

Two simple actions by the Legislature can greatly improve Minnesota's program of educational innovation

With Part Five we conclude by asking how Minnesota's legislature can help to get the districts moving up the Rogers curve of adoption . . . picking up the 'new technology of schooling'.

Throughout, this series has tried to explain that the Legislature's ability to improve public education depends on its maintaining a separate 'second sector' able to do what the district sector — organized as a public utility — can not or will not do.

Important as it is, this institutional innovation is still at risk. It is a combination of the 'alternative schools', those chartered schools using their independent status truly to 'do different' and those districts in which board and superintendent have begun to adopt the 'new technology of learning'. It is not well understood. It is a mixture of successes and failures. And like all innovations it is resisted by a traditional sector in parts of which the mind-set of the old 'public utility' remains alive.

This fragility should persuade us that, if Minnesota is to see its institutional innovation spread, the Legislature should now do two things. **One is to enlarge the capacity of local districts** to adopt the new approaches to teaching and learning that have appeared in the 'second sector'. This, again, means *providing for the people of a district the option to elect the chair of their board of education*. **The other is to arrange for the state to encourage the needed innovation.** This, again, means moving the oversight of innovation from its regulatory agency, its department of education, to some entity charged to assist the efforts of schools — charter, alternative and district — to try the new-and-different.

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The 'why' of the former . . . of providing local districts with stronger policy leadership . . . is grounded in two realities.

- At present the chair is chosen — after the election, by vote of the other directors — to hold an office s/he is often not unhappy to give up as quickly as possible. That is not surprising: It is an office without real leadership status, as the language of the law makes clear:

123B.14 Subd. 2. **Chair.** The chair when present shall preside at all meetings of the board, countersign all orders upon the treasurer for claims allowed by the board, represent the district in all actions and perform all the duties usually incumbent on such officer.

- The result is that under present arrangements the responsibility for innovation and the policy and political controversies associated with it fall to the superintendent, whose job, income and personal career are bound to be at stake. This makes no basic sense: It is ineffective — and unfair. *Effective policy leadership needs to be vested in a citizen elected by the people who is free to operate as a political leader . . . in the manner of the elected suburban mayor.*

The ‘how’ of it is simply to do again what the Legislature did years ago to help what were then ‘village governments’ in the Twin Cities area acquire the capacity to manage their post-war growth and development more effectively. The Legislature put into law three ‘optional forms of local government’ and a procedure by which one of these could be put on the ballot either by the council or by petition, and adopted by citizens of the municipality should they wish.

It worked: One after another, proposals went to the ballot. Quickly residents began to vote-in the city-manager form or the city-administrator form. The result was to give the Twin Cities area the well-planned and well-managed suburbs we have today.

(It is worth noting that this ingenious way to deal with the need for capacity and political leadership in the ‘village’ form of municipal government was suggested to the Legislature *by the association involved; the League of Minnesota Municipalities.*)

The ‘optional forms’ law remains in Minnesota Statutes as 412.541. All the Legislature needs to do to apply it to public education is to enact a variation setting the question of direct election and incorporating the provisions of the statute re: the procedures by which a proposal would get to the ballot.

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Along with this action to strengthen the capacity of local districts to adopt the new model of schooling, the Legislature should do something to establish *within state government* the needed ‘climate of encouragement for innovation’ in our public education.

That might be done partly by developing a mind-set; reminding everyone that ideas for new ways of doing things come best from ‘those closest to the action’. *More concretely, the Legislature should move the oversight of the innovation sector out of the entity charged to regulate traditional district schooling. Meaning, out of the Department of Education.*

And put that new responsibility where?

In years past new activities that did not seem to fit any standing department were placed in the State Planning Agency. That agency being now gone, the practical thing would seem to be for the Legislature to establish another of its ‘semi-state agencies’ for the purpose.

This element of Minnesota state government is not widely known. By way of explanation the Legislative Reference Service says this:

Semi-state Groups

Some groups that either are created in statute or receive substantial funding from the state are sometimes referred to as “quasi” or “semi” state agencies. There are no uniform definitions or characteristics for these groups. They are not considered to be executive branch agencies.

- Some groups are not state agencies because they are incorporated as private nonprofit corporations (e.g., the Minnesota Historical Society).
- The law creating some groups designates them as “public corporations” instead of creating them as executive branch agencies.

The law creating a group may provide that some of the laws that govern state agencies (e.g., open meeting law, data practices act) apply to the group.

The semi-state agencies are subject to the oversight of the Legislative Auditor.

The function of such a group will be to engage in the process of communication that is the essence of the — voluntary and gradual — strategy for spreading adoption. Note the flexibility provided.

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In concluding, it is important to broaden the perspective on what is at issue, underscoring the implications should we fail to maintain and spread this process of innovation in Minnesota public education.

Not to act — to continue with an inert district sector — would be a decision of major consequence; a major risk in what is today a dynamic field. Quite different interests are looking for ways to get in; helped in no small degree by public education's slowness to change.

Chief among these ‘others’ surely are the interests trying in one way after another to get public financing for private school. Some are nonprofit; some religious. Some are commercial, seeing in virtual schooling the potential of being capitated at present levels of expenditure and able to reduce costs as students learn from programs on the internet.

That effort is progressing. What began as the idea of letting parents deduct the cost of private school tuition from their calculation of gross income soon broadened to the idea of letting them deduct that cost from their income-tax due.

It is now broadening, astonishingly, to the idea of the state setting aside a sum comparable to what it makes available for public education; against which parents wanting private school could draw. This is the idea of the (arguably misnamed) ‘education savings accounts’; now under discussion in several states; perhaps likely to appear first in Texas. A bill to establish the ESA appeared in Minnesota's legislature this session.

Such efforts to go around public education should serve as an incentive for its associations not to count on being able indefinitely to fight off the proponents of privatizing education simply by restating the classic theory of public education.

Standing-still, not changing, public education would be leaving to private organizations first-option to offer the public varieties of 'school' different and better; would find itself bypassed by new forms of private education.

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Unfortunately, experience suggests it would be a mistake to count on the traditional district sector to do all that needs to be done. The passivity of its major associations – of boards, administrators and teachers – does them no credit. We can all hope . . . but the reality is that the change is unlikely to come from that direction.

This means change will have to follow the split-screen process; with individual districts deciding to move up the curve of 'adoption'. Which means the Legislature urgently needs to help by enacting for residents of the districts the option to have as chair of their board of education an individual able to lead them through the political debate change will involve. And by rearranging the oversight of public education in the executive branch in a way that will actively encourage innovation.

Policy changes, as Thomas Kuhn wrote, *as the questions that need to be answered change*. Today the question is how public education can develop the capacity to compete with the growing pressure for public financing of private education.

The associations of boards, superintendents and teachers need to think about this. It will be easier for the Legislature to act if it has their support. With the split-screen model it will be possible to spread the innovations that will give Minnesota a self-improving system.