Building Partnerships with the Legislature

Education policymaking has frequently been a shared responsibility between state legislatures and state boards of education. In fact, the interests of students are usually best served when these bodies work together collaboratively to improve teaching and learning in schools. In recent years, however, the lines of responsibilities have been obscured because of increased interest in education policy by both the executive and legislative branches of state government. Thousands of bills are introduced in legislatures annually to address both real and perceived needs for education reform. In addition, issues of governance and who controls education continue to be debated in state houses. This increased attention to education policymaking and governance has had both positive and adverse impacts on state board operations.

In states where there is open dialogue about the expectations of the board, the department, and other branches of government, legislatures have been inclined to strengthen or maintain the responsibilities of the state board. In states where the board operates in obscurity and fails to convey its goals and vision for education to the legislature and the governor on a regular basis, others have attempted to usurp the board’s authority. If state boards are to build effective relationships among state policymakers, there are factors that should be considered when a board develops its operating procedures.

Establish a Continuous Relationship with Key Members of the Legislature

Setting the groundwork for mutual respect and communication between the board and the legislature is critical to the work of state boards. For example, after the 1994 elections brought many new lawmakers into state offices, boards frequently neglected to make the initial overtures necessary to establish a positive working relationship with these legislators. Consequently, some lawmakers with limited knowledge of the board’s role and responsibility moved to vest greater education policymaking authority in the legislature. In some cases, they moved to abolish or radically change governance structures because they did not believe the board could move the state forward in education. Others campaigned explicitly against the board’s existing policies and efforts to develop standards and learner outcomes for students. Too often, boards did not seek common ground with these members. To build a strong relationship with the legislature, state boards should:

- Establish a process for regular, ongoing communication with members of key legislative committees and their staff;
- Regularly transmit information regarding the board’s activities to the legislature;
- Invite legislators or staff to the board’s work sessions;
- Prepare a briefing for newly elected legislators to inform them of the board’s mission, goals, and strategic plan.

Create a Legislative Committee

Many effective state boards of education have legislative committees to ensure that the board’s concerns are accurately conveyed to the state’s lawmakers. In many states, contact between the board and key members of the legislature is limited to the time when the legislature is in session. And though some view the committee’s responsibilities in a very limited fashion, legislative committees have multiple responsibilities. These committees:

- Recommend a legislative agenda to the full board;
- Maintain oversight of legislative issues as they progress through the general assembly;
- Convey board goals and visions to the legislature;
- Work with the chief and the appropriate department staff to ensure the board’s goals are reflected accurately in legislative proposals;
- Analyze new board initiatives for legislative implications.
Involve Education Stakeholders in Developing Legislative Priorities

The more support the board is able to generate for its legislative priorities, the more likely it is that they will be acted upon favorably by the legislature. The legislative committee should invite representatives of interest groups, parents, and community and business leaders to share their views and concerns about proposed legislative initiatives sponsored by the board. When possible, the board should incorporate these concerns into its legislative agenda. The more comprehensive and inclusive a proposal, the more support it engenders from a wide range of individuals.

Civility and common courtesy should prevail in all interactions between the board and the legislature. Remember that each body is committed to its duties and responsibilities, and open communication can help decrease tension and turf battles over policymaking. A few DOs and DON’Ts will make working with the legislature more fruitful for all concerned.

**DO**

- Promote accessability to the board and its activities.
- Avoid misunderstandings—clearly convey the “why” for state board policies, and the “how” legislators can help.
- Develop a long term legislative agenda that can be refined and communicated to all education stakeholders.
- Release the board’s legislative agenda to the media with a full explanation of what the board hopes to achieve with the passage of the legislation.
- Accept a compromise. A compromise does not mean compromising your goals and values. It means that the board has achieved a partial victory and will be in a better position to negotiate future legislative initiatives.
- Avoid partisan politics when possible. A board is at its best when it is focused on children, teaching and learning.

**DON’T**

- Rely solely on the chief and department staff to convey the board’s agenda to the legislature. The board chair and/or legislative committee chair should be familiar to legislators.
- Depend on the relationship between one or two board members and a particular legislator to accomplish the board’s agenda. The lack of a board/legislature infrastructure will be felt when board members or legislators leave their positions.
- Promote an individual or organizational position that is not consistent with the board’s goals and strategic plan. It will divide the board and reinforce the idea that the board is not supportive of its own agenda.

**Conclusion**

State boards are frequently caught in a “catch-22” situation with legislatures, who generally control the funding for the board and sometimes control the make-up and very existence of the state board of education. That is, boards that are not proactive, that leave most of the serious policymaking to the legislature, and that generally “rubber stamp” the proposals of the chief state school officer may be deemed as “irrelevant” by other state policymakers. All too often, however, when a board is proactive, takes a strong stand on a controversial issue, or shows other signs of independence, there is soon a call within the legislature to revamp the board by changing it from an elected to an appointed body (or visa versa), to reduce its authority in some way, or to eliminate it altogether.

Given the nature of state governance and politics, boards will always, from time to time, find themselves under attack. But following the recommendations presented here of maintaining communications with the legislature, developing and using a legislative committee, and involving a wide range of stakeholders in the policymaking process should help boards avoid such conflicts and maintain their focus on the improvement of education for all children in the state.