a state board’s demise
As of December 31, 1999, the state of Minnesota abolished its State Board of Education. Established in 1909, this nine-member, governor-appointed citizen board functioned as both an advisory panel and as a statewide educational rulemaking authority. The legislature’s decision in April 1998 to eliminate the State Board was part of the political fall-out following a controversy about the Board’s proposed multicultural curriculum and diversity rule aimed at holding schools and districts more accountable for minority student achievement.

Multicultural education proponents argue for equal educational opportunity, integration, and social justice, with a commitment to culturally relevant and responsive teaching.1 Counter to the multicultural movement is the cultural assimilation movement, which argues for assimilating diverse students into an “American culture” through an emphasis on traditional, Eurocentric curriculum and English as the language of instruction for all students.2 The case described here, Minnesota’s failed multicultural curriculum proposal called the diversity rule, provides a compelling look at what happens when these two points of view clash.

This article is based on a study we conducted to investigate the rise and fall of this proposed policy.3 The standard case study methodology used in the study included document analysis and in-depth interviews with 21 individuals involved with the diversity rule, the effort to block it, and/or the subsequent decision by the legislature to abolish the State Board of Education.

by Karen Evans Stout and Byron Stevens
BACKGROUND

Minnesota has enjoyed a reputation for leadership in education policy circles. It had one of the first statewide educational choice plans, a leader in the charter schools movement, and, more recently, passed legislation that provides tax relief to families for education-related expenditures. It has a “progressive legacy” intertwined with two core beliefs—a commitment to public education and a tradition of local control.1

At the time, education policy largely came from a bicameral legislature with House and Senate education committees and finance subcommittees, a nine-member State Board of Education, and a governor-appointed commissioner of the Department of Children, Families, and Learning (or CFL, Minnesota’s education department created in 1996, when health, education, and welfare were folded into one agency).

Within this system, the State Board of Education’s policymaking influence waned and waned over the last two decades. Tackling the long view, the Board’s statutory authority incrementally, but steadily, declined. The legislature stripped the Board of its authority over teacher licensure in 1973, and soon after this its control of vocational education. In 1983, the power to appoint the commissioner of education was transferred to the governor, which devastated the Board’s power and influence. What had been an important policy arena in the early 1970s became “largely marginalized” by the mid-1980s.1 In the late 1980s and early 1990s, under the leadership of two strong presidents, the Board took on the difficult subjects of diversity and desegregation and was perceived as having had some success with issues the legislature was reluctant to consider and debate. By the mid-1990s, however, the Board again struggled to define its policymaking role.

THE CHRONOLOGY OF THE FAILED DIVERSITY RULE

ISSUES

Minnesota is a state with a multicultural curriculum rule already on the books. The Multicultural and Gender Fair Curriculum Rule, whose name was later changed to the Inclusive Education Program, was adopted in 1988 and went into effect in 1990.2 This rule required districts to demonstrate that their school curricula are “multicultural, gender-fair, and disability-aware”; to form a diversity committee; and to develop and submit a local inclusive education plan that would be reviewed by CFL at least every six years and revised as necessary. In September 1990, school districts were notified of their compliance status with the rule; eleven plans were approved, and over 200 were returned to districts for clarification or rewriting. In 1991, the district compliance rate increased from 4 percent to 70 percent, but the Board, still dissatisfied with the approval rate, began discussions for revisions to the rule in hopes of writing in more compliance “teeth.”

As the Board proceeded with revising the policy, a separate but related issue reappeared on the political scene: desegregation. By the early 1990s, it was apparent that the two Twin Cities urban districts had failed to desegregate their schools according to the state’s desegregation rule, which holds that no school’s minority student enrollment can be more than 15 percentage points above the district average minority enrollment. When that rule went into effect in 1973, Minneapolis’s minority student enrollment was just over 15 percent; in 1992, Minneapolis’s minority enrollment was 54 percent and growing 3 percent a year, and the district was busing 90 percent of its students.

In response to the slow compliance on the multicultural curriculum rule and the desegregation issue, in 1993 the legislature created the State Multicultural Education Advisory Council to advise the Board on the diversity rule. The Board was also directed to convene discussion meetings about desegregation, and, accordingly, organized the Roundtable Discussion Group on Desegregation/Integration and Inclusive Education.

In early 1994, the Board reviewed the Roundtable Discussion Group’s report and submitted it to the legislature. In response to the recommendations in the report, the legislature created the Office of Desegregation and Integration, but its charge did not specifically include the diversity rule. The Board continued its work on diversity rule revisions, and the Department reviewed plans for the remaining 45 districts. By June of 1995 all Minnesota districts had an approved Inclusive Education Program Plan.

In January of 1995, the Board solicited public comment on its proposed revision to the diversity rule and received only two responses. Under state law, the proposed rule would be cleared for adoption following the Board’s publication of dual notice (that is, notice that the rule will go into effect if fewer than 25 written requests are received from citizens, or notice that public hearings would be held on a designated date if 25 or more written requests are received). The Board delayed proceeding, however, because it wanted to align this rule with the desegregation rule and new graduation rule. In fact, based on the Roundtable recommendations of 1994, the Board wanted to include diversity and desegregation in one rule.

Counsel from the Attorney General’s office, however, argued that the rules should be kept separate, lest the state become more vulnerable to lawsuits. The Board heeded the advice, but continued to work on all three rules—desegregation, diversity, and graduation—simultaneously to ensure that all the various “accountability” measures were coherent and integrated.

EVENTS

Beginning in 1996, a series of events occurred that increased the focus on education policy. First, the results of the first statewide Basic Skills Tests unequivocally demonstrated that minority students in Minnesota schools were achieving at much lower levels than their white peers. Public attention to this disparity of academic achievement highlighted the two separate—but to this point supposedly complementary—policy efforts already underway to address this problem: the diversity rule, in the final stages of revision by the Board; and the graduation rule (Minnesota’s graduation requirements consist of minimum competency tests in reading, mathematics, and writing, called the Basic Skills Tests, and the Profile of Learning, a high-standards component of which students must complete up to 24 standards), under development by CFL. Both were touted as ways of forcing schools and districts to be more accountable for minority student achievement.

The second event was the entrance of the revised diversity rule into the policy arena. In 1997, the Desegregation/Inte-
In the words of one legislator, “No one wants to give up power to a bi-partisan governance group.”
a public letter to Board president Dolores Fridge asked the Board “to stop implement-
ation of the proposed diversity rule . . . because the proposed rule is not in the best
interest of Minnesota children.” Carlson believed that the rule would create an
administrative nightmare for schools and increase the potential for lawsuits against
the state and districts and that the graduation rule was the more appropriate way to
address the learning gap. In addition to the letter, the governor’s office lobbied some
Board members intensely until the very day of the Board’s next public meeting. At that
December meeting, the Board voted down a motion to withdraw the rule by a 5–3 vote
(one member was absent). Opponents to scrapping the rule argued that the Board
should wait until the administrative law judge issued his ruling and then reevaluate
the proposed rule. The month of December, however, also represented the natural expira-
tion of the terms of two Board members who happened to oppose Carlson’s request
to kill the rule.11 Carlson did not renew those appointments. In January his two new
appointments tipped the balance, and, in the final event of the series, the Board voted
to scrap completely the diversity rule on which it had been working for six years.

Even if the governor had not intervened, or if the Board had somehow resis-
ted his pressure and enacted the diversity rule, it is uncertain that the revised rule
would have survived legislative scrutiny. Indeed, following the Board’s refusal to
withdraw the rule in December, two Republican senators vowed to abolish the
Board. Two years earlier, two Democratic legislators had proposed a bill to abolish the
Board because of its ineffective handling of the desegregation issue. Now, with virtually
no support from either party and no constitutional basis, eliminating the Board was
rather simple. After brief hearings before the Senate education committee, the bill to
abolish the State Board of Education and to transfer all of its powers and responsibil-
ities to the commissioner of CFL was fold-
ed into the omnibus K–12 spending bill by
a conference committee.

DISCUSSION

When the original 1988 diversity rule
was written as a policy, the problem was
the lack of “multicultural, gender-fair, and
disability-aware curriculum.” In 1991, the
problem was non-compliance. By 1995,
however, the problem had evolved and
been redefined as the “learning gap.” Sup-
porters of the diversity rule believed
strongly that the difficulties minority stu-
dents experienced were related to tradi-
tional, Eurocentric approaches to school-
ing. These people saw a real opportunity to
advance their rule when the problem of the
“learning gap” surfaced. Immediately
the diversity rule became a policy solution
to it, and the non-compliance issue
became secondary in importance. But as
soon as the diversity rule became a policy
for the learning gap, it entered a competi-
tion with the graduation rule and ulti-
mately lost to this competing solution.

To someone from the outside looking at
the policy development process, the “evolu-
tion” of the problem is significant for two
reasons. Diversity rule proponents did not
sufficiently show how the creation of “cul-
turally competent” school environments
would lead to improved student achieve-
ment, particularly as it is measured by tradi-
tional tests. Although some participants
were sympathetic to the educational premis-
es about school learning environments, they remained unconvinced that a punitive
state rule would encourage the creation of
these “culturally competent” school envi-
nronments. Thus, the diversity rule proposal
entered the decision arena coupled with,
but “ill-fitted” to, the learning gap problem.

Advocates of the diversity rule propos-
al on the State Board of Education saw the
diversity rule and graduation rule solutions
as integrated and mutually supportive. As
a competing solution, however, the gradu-
ation rule squeezed out the diversity rule
in two ways. Partly because of the nature of
the different rules, but also because of
other decisions made along the way, more
resources—real and political—were allo-
cated to the development of the gradu-
a tion rule. Also, the existence of the gradu-
ation rule gave some supporters a politically
expedient way of disassociating them-
selves from the diversity rule once it
became politically controversial. This, we
believe, describes the activity of the leader-
ship of CFL and the governor’s office.

The political climate and governance
structure for educational policy was such
that the Board probably could not have
been successful. The Board’s power base
had seriously eroded. Its statutory role and
authority had steadily diminished, and it
was perceived as “an unwelcome stepchild
of the legislature, relegated to handling
minor administrative matters . . . with its
tendency to study issues rather than decide
them.”12 Additionally, the Board had no
real resources of its own to control. CFL
could be quietly antagonistic to the Board
by supplying inexperienced staff to the
Board’s projects.

Documents provided evidence that the
Board had had serious problems with in-
fighting. In 1995, a popular black presi-
dent was not re-elected, and she resigned,
calling the Board “dysfunctional.” She
alleged that a fellow Board member had
made a racist remark to her, and expressed
frustration in the press at the Board’s lack
of movement on desegregation, charging
that it did not have the moral strength to
deal with racism in its own ranks, much
less lead the state on the issue of desegre-
gation, and that it was time to “put this
anachronism out of its misery.”13

Carlson later appointed another black
woman, who was elected president at her
first meeting; later, she too resigned,
allegedly because of a conflict of interest
(she simultaneously served in another
capacity for the state). Before the Board’s
vote on the diversity rule, Carlson stacked
it with appointees who would support his
position. Although in the past the Board
had been viewed as a non-partisan citi-
zens’ group, it had lost that distinction and
was now considered, in the words of one
legislator, “irrelevant . . . and no one [in the
legislature] wants to give up power to a bi-
partisan governance group.”

The State Board of Education had
tried to provide leadership on the
difficult issues of diversity and desegrega-
tion in the past, but the political mood,
nationally and in Minnesota, about equity
policies, in this case written as desegrega-
tion and diversity rules, had changed.14
In an exemption from the desegregation rule,
the Minneapolis Public Schools had
established neighborhood schools, and the
presidents of both the Minneapolis and
St. Paul school boards testified against the
diversity rule. And although the State
Board members may have believed that
passing the diversity rule was a way to re-
establish their turf, they were “politically
naive” to force a public showdown with
the governor—especially with no champi-
on in the legislature or CFL. In the end, the governor, with complete power to appoint the Board (at the end not even subject to legislative approval), used it to do what he wanted when the rule became a political liability.

**IMPLICATIONS**

For two reasons, the case of the diversity rule engenders some discomfort. First, it is an example of a disturbing trend suggesting that the window of opportunity for providing equal educational opportunities for all children may be closing. In a review of judicial and political trends for securing educational opportunity, Dayton and Sanders write “there is convincing evidence that both judicial and political support for race-based government programs are declining . . . race-based programs are facing an increasingly hostile political environment.” They cite the U.S. Supreme Court’s decisions in *Board of Education v. D'Amelio* (1991), *Freeman v. Pitts* (1992), California’s proposition 209, and Washington State’s measure I-200 as examples. Writing specifically about the diversity rule, a Minneapolis *Star Tribune* editorial stated, “So why the sudden turmoil after six years of hearings and study? Because it has become popular to jump on the anti-affirmative action, anti-diversity bandwagon, that’s why.”

In the case of the Minnesota State Board of Education’s attempt at securing equal educational opportunity, the diversity rule, a controversial approach to curriculum, tangled with another proposal, the graduation rule. This rule allows “local control” to determine curriculum based on statewide standards and puts its faith in minimum competency testing to hold students, teachers, and schools accountable for student learning (whether the curriculum is relevant or not).

The politicization of education policymaking raises the second uncomfortable implication of this case. The existing governance structure at the time of the case was such that it made it difficult if not impossible for the State Board of Education to enact any controversial education policy. And although the Board is no longer a policy player, fundamental questions about how educational policy could be better developed and enacted persist. In place of the progressive idea of citizen participation through a bipartisan board, Minnesota is left with a state legislature that acts as a sort of super school board. At the same time, as long as there is no political uproar, the legislature appears content to allow a considerable concentration of power in the hands of the commissioner of CFL, who serves at the pleasure of the governor. In such a politicized environment, it may be difficult to achieve bipartisan consensus on what is in the best long-term interests of children when there is an advantage to be gained for one’s own political career, narrow interest-group agenda, or political party power (indeed, after weeks of political infighting, the Minnesota 2000 legislative session altered the graduation rule, after only one year of full implementation).

As of this writing, according to CFL Commissioner Christine Jax, there are no plans to restore the Board in Minnesota. Neither the legislature nor the governor is inclined to increase the layers of government. The Board was more politically motivated than policy driven, and, in her view, “its absence hasn’t left any hole.” Nevertheless, we are left with substantive questions about how state-level policy can address the achievement gap problem. The educational governance structure in Minnesota was responsive enough to stop ill-conceived—or at least unpopular—policy. The question remains, however, if the system is conducive to formulating and implementing comprehensive, coordinated, and incremental policy without a clearer definition of structures, roles, and appropriate spheres of influence for those charged with developing and carrying out public policy.

Karen Evans Stout teaches in the Education Leadership Program at Lehigh University’s College of Education, where she researches micro policies at the school level, as well as federal, state, and local policy implementation and the politics of education. Byron Stevens is a graduate student at the University of Minnesota.

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3. The study used John Kingdon’s multiple streams model for analysis and interpretation. Kingdon describes three separate and somewhat independent streams—the problem stream, solution stream, and political stream—which converge when a “window of opportunity” opens, creating an opportunity for policymaking. Kingdon’s model seemed appropriate because the diversity rule had originally been developed to address one problem but became attached to another problem that had greater public awareness. See J. Kingdon, *Agenda, Alternatives, and Public Policy* (second edition) (New York, NY: Harper Collins College Publishers, 1995).
5. Ibid.
6. Despite this confusing name, the rule is really only about multicultural curriculum and does not concern special education or the practice of “inclusion.”
8. Ibid.
9. A draft of Fridge’s letter was provided to us by one of our respondents, and several respondents confirmed the intervention of Carlson’s office.
11. At this time, the Board president resigned in another semi-public flap that brought potentially negative public attention to the Board. Board President Dolores Fridge resigned shortly after the December meeting, stating a legal concern about whether she could serve as both a Board of Education member and human rights commissioner, a position Carlson had appointed her to in February. Speculation was strong that Fridge’s resignation was related to the diversity rule debacle, which she denied in the press. Her denial makes sense, since she was a vocal opponent of the rule, and was seen by some as the governor’s supporter on the Board. Various respondents close to the operation of the Board told the researchers that questions about Fridge’s potential conflict of interest were raised from the first day she joined the Board, but there was little the Board could do about it; they were all appointed by the governor, and Fridge’s resignation had not been confirmed by the legislature. The legislature simply had failed to carry out the approval process (no appointment after Fridge went through the legislative approval process).