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# **AGENCY RESPONSE**

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## **State-Level Education Governance**

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## Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction  
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November 21, 2005

LEGISLATIVE SERVICE OFFICE

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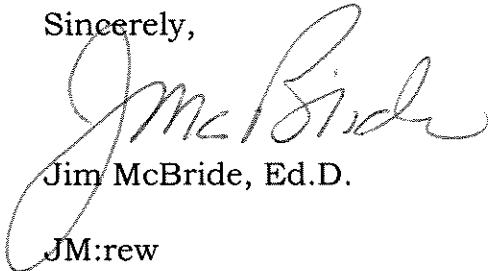
Ms. Barbara J. Rogers  
Program Evaluation Manager  
Wyoming Legislative Service Office  
213 State Capitol  
Cheyenne, Wyoming 82002

Dear Ms. Rogers:

I appreciate your work on the evaluation of State-Level Education Governance. A specific response is attached.

I look forward to our meeting with the Management Audit Committee on December 14, 2005.

Sincerely,



Jim McBride, Ed.D.

JM:rew

Attachment

cc: Duane Edmonds, Chairman  
State Board of Education





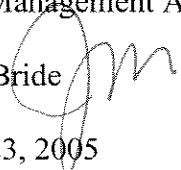
# Wyoming Department of Education

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## MEMORANDUM

TO: Representative Randall Luthi  
Chairman, Management Audit Committee

FROM: Dr. Jim McBride 

DATE: November 23, 2005

SUBJECT: Management Audit Response

On behalf of the Wyoming Department of Education, I would like to thank Barbara Rogers and her staff for providing an informative analysis of our state's K-12 governance structure. The historical perspective was helpful to me, and I am sure will be helpful to those who follow me as State Superintendent of Public Instruction. An open and honest discussion of the report's findings can only improve the relationship between the State Board of Education and the Wyoming Department of Education.

In general, the document references frictions and tensions from previous administrations. While I do not expect that my administration will be free of friction and tension, I do believe that we are establishing a new era of cooperation and communication. It is my opinion that in the administration prior to mine, these tensions were largely driven by personalities. Our goal (the current WDE administration) is to work hand in hand with the State Board, and to establish policies and procedures that best serve education in Wyoming.

We will provide a detailed analysis and response to the report, but would like to emphasize this bottom line message: The rules and responsibilities of both the State Superintendent and the State Board should be clearly delineated. We believe that this can be done internal to the two organizations in a professional, cooperative atmosphere. The Wyoming Department of Education respectfully recommends that we be given the opportunity to resolve these differences, and to provide a joint recommendation to the Legislature in a year's time.

The report notes that "the Legislature established a system based on shared and separate authority," and we concur. We would expand on that by noting such a system requires mutual respect, and an understanding of the roles and responsibilities of the other.

As State Superintendent of Public Instruction, I am keenly aware of my statutory mandate to “assist the state board in the performance of its duties and responsibilities, including providing information to the board upon request.” The Committee should be advised that I have eliminated the requirement of the Blankenship administration that all communication from the State Board be directed to a single individual. I have personally communicated to the Board that they are free at any time to communicate with any staff member of the WDE.

Page eight of the report discusses the most recent friction between the Board and the Superintendent, noting that “Some held this to be a failing of cooperation between individuals, while others saw it as a governance or structural problem.” I am one of those who believe the friction began with a personality problem. The legislatively designed governance structure does indeed depend on cooperation. When that cooperation does not exist, it is easy to point out “structural” deficiencies. Some improvements may be needed, but I am of the opinion that, though somewhat delicate, the structure is sound.

Before addressing the recommendations of the report, I would like to offer some general observations on the report.

## **Chapter 2**

In Chapter 2, the report notes that fundamental tension exists in state-level education governance. I believe that a certain amount of tension can be healthy, can result in a more complete public discussion, and is a valuable part of the governance structure. The goal is to assure that the tension is not compounded by confusion over appropriate roles. I would emphasize the view shared on page 16, that “there should be a clear differentiation between advisory roles and responsibility for leadership and implementation of education policy.

Chapter 2 further discusses the issue of accountability. The Superintendent of Public Instruction is unquestionably accountable to our citizens for the state’s education system. It is a shared responsibility. I believe the Superintendent should be held accountable for a relationship with the Board. While Board decisions involve critical issues such as graduation requirements and assessment, the Superintendent should work to assure that these decisions are made in a cooperative and collegial environment.

The report raises important concerns over the role of “implementation” which while assigned to the Board, cannot be carried out without the use of WDE resources. This issue is key to resolving potentially unhealthy tensions, and merits continuing discussion.

The 1994 legislative effort to clarify duties of the State Board and State Superintendent is discussed on page 22. It is important to note that this legislation was the result of a cooperative effort between the Board and WDE. Over the past decade many more responsibilities have been assigned to both the Board and the Superintendent. Federal education law has changed dramatically. An effort similar to the 1994 review would be appropriate.

Recent academic reform requirements have been placed with the State Board, and I agree with the report's conclusions that this placement is logical. I am among those who see shared authority as a benefit to the state's education system.

### **Chapter 3**

The experience of other states in governance issues can be instructive. I am not surprised to read of similar tensions in other states. I believe such tensions are inherent in any democratic system.

We ask that the Legislature be mindful of situations in other states that actually contribute to tension. We are aware of serious difficulties in other states between Governors and Chief State School Officers; between Chiefs and State Boards. In these instances, we have heard stories of paralysis. Whatever change may come in Wyoming's governance, we ask that careful consideration be given to improving our system.

We would include one element of the state's education governance that has not been addressed by the report. The Wyoming Education Planning and Coordination Council, established by W.S. 21-16-601, was created to coordinate education policy, kindergarten through college. Among its responsibilities, this Council shall identify goals for education in Wyoming. We were reminded of this organization after receiving the revised LSO report, and did not have an opportunity to review this with staff. If the Legislature is interested in comprehensive governance reform, this Council should likely be considered.

The report does not discuss changing the means by which either the Superintendent or member of the Board serve the education system. I want to be quite clear in advocating for the current system. An elected State Superintendent and an appointed State Board of Education should be retained.

### **Chapter 4**

The report finds, on page 35, that "Our research did not indicate that the current structure creates consequences compelling enough to make radical changes, such as abolishing the State Board or changing the Constitution so that the Superintendent is no longer a statewide elected official."

Agree. We believe that the current structure may need some legislative clarification. It does not require dramatic change.

**Recommendation:** Independent orientations could better communicate the roles of the two.

**Agency response:** Agree.

The Board and WDE should agree on a proper and complete orientation for new Board members. The most recent effort was not sufficient. A new member orientation would likely include presentations from the Office of the Attorney General, WDE, and NASBE. An orientation agenda should be developed, and materials prepared in anticipation of new appointments.

WDE employees should be trained on the roles and responsibilities of the State Board. This training agenda should be prepared in cooperation with the State Board. It would be appropriate for State Board members to participate in this training, along with the Office of Attorney General.

WDE and State Board should provide an opportunity for candidates to be briefed on the respective roles of the Department and the Board.

**Recommendation:** Enhancing Board resources would allow it to secure more information.

**Agency response:** Partially agree.

The first part of this recommendation relates to the addition of a policy analyst. Before any action is taken to provide this resource, we would appreciate defining the role and responsibility of this position. We appreciate the desire for independent policy information, but note the wealth of resources available through NASBE. WDE supports the Board's effort to receive independent information related to education policy, but would like the opportunity to work with the Board to define how this can be accomplished.

WDE currently provides full administrative support. Further, we support Board activities with several WDE professional staff members. The provision of a Board employed policy analyst would be expected to lighten the support role of WDE staff.

The report documents an instance in which the previous administration blocked Board efforts related to the Body of Evidence. We note that the addition of staff for the Board would not have made a difference in that instance.

**Recommendation:** Increasing resources could enable the Board to better represent its districts in state-level governance.

**Agency response:** Agree.

Certain issues relating to Board activities should be reviewed to assure they are consistent with other citizen boards and commissions in the state. We believe legislative authorization is required.

WDE believes the Board should adopt a travel policy to guide travel both in and outside of the state. We are in the process of researching how this is handled by other boards and commissions in Wyoming. We have received information on how other states deal with travel expenses for board members. It is our plan to present this information to the Board during the February meeting.

**Recommendation:** A Superintendent vote on the Board could help to balance authority with accountability.

**Agency response:** Agree.

This is not something I have personally advocated, but on review see that this could strengthen the Superintendent's formal role with the Board. An actual vote may have the added benefit of impressing a new Superintendent with responsibilities on the Board.

**Recommendation:** The Legislature could make the State Board an advisory body.

**Agency response:** Partially agree.

I am increasingly struck by the reality of the Board "implementing" when the resources are entirely within the control of the Superintendent. This is further complicated when one considers the extent to which state law dictates WDE activities. Since 1997 the Legislature has made many important decisions related to education policy. It has defined the "basket of goods," outlined the form and nature of the state assessment, and directed the availability of vocational education programs. I strongly support these efforts, and commend the legislative effort.

As the report has noted, there are a number of factors at play in the implementation of state law and education policy. Federal law, entirely outside the control of the Board, prescribes certain activities in school improvement and assessment. School finance litigation has pushed the Legislature to be more prescriptive.

Any effort to make the State Board advisory should be focused on strengthening and enhancing the Board's role in developing policy. The report's suggestion that "It could focus more upon the purposes of standards, assessments, teacher performance evaluation systems, and other elements of the education system. . ." is important.



This should be further explored, in a cooperative effort between the Board and WDE.

**Recommendation:** Alternatively, the Legislature could focus the State Board on its decision-making responsibilities.

**Agency response:** Partially agree.

I do not view this recommendation as exclusive of the previous recommendation. The Board has played a critical role in making decisions about accreditation and standards. My review of this past activity leads me to believe that this role should continue as an important check on the regulatory activities of WDE.

My impression is that the Board has directed WDE process in both the accreditation and standards efforts. I can not emphasize how important I believe this has been to the success of the work.

I would also emphasize that the issues of standards, assessments, teacher performance, and accreditation are at the very heart of our education system. These are the very issues in which a healthy tension should exist, and would best serve the public good.

**Recommendation:** The Legislature could maintain the current arrangement.

**Agency response:** Agree.

I became State Superintendent just as this LSO review was in the early stages. I disagree with my predecessor on the need for substantial changes. I would appreciate an opportunity to work with the Board to revive a productive relationship. If anything, we should be jointly tasked to review our relationship in light of this report, and changing legislative mandates. In 1994, a similar effort resulted in meaningful changes to the law. It should be expected that 15 years later a review process would be repeated.

## **Conclusion**

In conclusion, I look forward to addressing these issues further with the Management Audit Committee. I look forward to an expanded discussion with the State Board. We share a commitment to improve opportunities for young people in our state. We share a commitment to improving our schools. With these common goals, I am confident we can work together. It is my hope that the Legislature will give us that opportunity.



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*State Superintendent*

MARY KAY HILL  
*Board Liaison*

JENNIFER DUNCAN  
*Executive Assistant*

Representative Randall Luthi  
Chairman, Management Audit Committee

Subject: LSO Report on State-Level Education Governance

Dear Representative Luthi;

The State Board of Education has reviewed the subject report and wants to compliment the Legislative Service Office for their excellent work. We find the report to be an accurate representation of the relationship between the State Board of Education, The Wyoming Department of Education and the Wyoming Legislature. The history of educational governance in Wyoming was very interesting to all Board members.

The Board believes that the statutes and the Attorney General's recent opinion make the role of the State Board of Education very clear in setting policy and that this statutory authority was strategically granted by the Legislature with proper intent.

The report describes the tension that existed with the previous Wyoming State Superintendent of Public Instruction. This tension was primarily the result of the Board not being able to make contact with members of the State Department of Education. All contact had to be through one person so it was not possible to ask a question and get a quick response. Another situation that led to tension was the Superintendent's decision to minimize support for the Body of Evidence (BOE) that is a statutory responsibility of the State Board of Education. Ultimately, by researching legislation and budget footnotes with the help of Department personnel, the Board discovered that funding had been allocated for BOE technical assistance to schools and the issue was resolved with continued support to the School Districts.

Superintendent McBride has opened the lines of communication so this source of tension does not exist today. The State Department provides support for analytical and administrative services. The State Department has professional educators that are highly qualified in their field and are extremely dedicated to quality education.

The report has a lot of reference to "Accountability" and it implies that the Superintendent is the only person publicly accountable. This is not true, all SBE members feel accountable to the School Districts in Counties they represent and to the citizens of Wyoming.

The Board offers the following comments on the options contained in Chapter 4 of this report.

**INDEPENDENT ORIENTATIONS COULD BETTER COMMUNICATE THE ROLES OF THE TWO** (Pages 35 & 36)

Board position: **AGREE**

The State Board currently conducts an orientation with new members. However, as the report stated, the orientation charts need to be updated to reflect current responsibilities and working relationships. The orientation is normally two hours and precedes the first Board meeting that the member attends. Having someone from the Attorney General's Office conducting or assisting in the orientation would be very helpful since a major portion is with regard to statute responsibilities. The orientation should be expanded from two hours to four hours.

**ENHANCING BOARD RESOURCES WOULD ALLOW IT TO SECURE MORE INFORMATION** (Pages 36 & 37)

Board position: **AGREE**

The report suggests that the Board have a staff person, separate and independent of the Superintendent and the Department, to perform the duties it requests as the Legislature directed in 1990. The Board discusses many things in their meetings that would require research that they do not have resources to do the research. In particular, some state boards have changed their curriculum to include 4 years of mathematics, 4 years of science, and 4 years of English. There is at least one school district in Wyoming that has this 4-4-4 curriculum. It has been stated by board members from other states that student achievement is higher when more math and science are required. If we had a policy analyst that could do research in areas such as this we would be in a better position to modify the "Basket of Goods". There are many other areas that could be researched as well. These could include developing a survey for students who drop out of school in order to identify their reason for dropping out and to find out what the school would need to do to get them to re-enroll. Montana currently does exit interviews.

If we were to be provided the resources, the analyst should probably be within the Department to minimize coordination with other Department personnel. We do not have a recommendation regarding whether the position should be full-time or half time.

**INCREASING RESOURCES COULD ENABLE THE BOARD TO BETTER REPRESENT THEIR DISTRICTS IN STATE-LEVEL GOVERNANCE** (Page 38)

Board Position: **AGREE**

Board members normally attend school board meetings in their Appointment Districts at their own expense. In some of these districts the school districts are more than 100 miles from the Board member's home. For this reason, Board members do not attend as many School Board Meetings or Community Meetings as would be desirable. We have had many discussions about the need for us to have more visibility with school boards, legislative committees and state government agencies. Under the current rules for travel it is not clear that the Auditors would approve per diem for travel to meetings other than scheduled Board meetings.

Board members have been attending meeting if they are held in their community. We have had attendance at JEC, Recalibration, School Facilities, School Improvement and Assessment

meetings during the past year. We would not ask for more than one or two members to attend meetings that are not scheduled Board meetings but we believe that we would have more visibility and be better informed if we had the resources to attend such meetings.

**A SUPERINTENDENT VOTE ON THE BOARD COULD HELP TO BALANCE AUTHORITY WITH ACCOUNTABILITY (Page 39)**

Board position: **DISAGREE**

The Board believes that the State Superintendent should continue to serve on the Board as an Ex-Officio member. The State Superintendent was a voting member of the Board prior to 1994. None of the current Board members were on the Board at that time. The report states that the Legislature deliberately removed the Superintendent's authority to decide controversies arising from the administration of the state school system involving rules or directive promulgated by the Superintendent, Department, or State Board. The Superintendent is a vital resource to the Board. The previous Superintendent did not attend all Board meetings and we believe that it is essential that they be in attendance. We believe that Superintendent McBride will make every effort to attend Board meetings.

**THE LEGISLATURE COULD MAKE THE STATE BOARD AN ADVISORY BODY (Pages 39 & 40)**

Board position: **DISAGREE**

We believe that the current responsibilities of the Board should continue. The State Board and Superintendent should agree on directions for Wyoming education, and then work together to implement those by pursuing legislation or working with districts. Being an Advisory Board takes away all power to make change and have an impact on Wyoming education.

If the Board were to have an advisory role over policy implementation, outside input would need to be obtained from school districts, communities and government agencies. However, it is possible that we could place more emphasis on updates to standards, teacher evaluation systems and assessment. If our role was to be changed there are some current duties that would need to be assigned to other agencies. These include Private School Licensing, Charter School Appeals, and School District Alternative Schedules as well as proposals from Boards of Cooperative Education.

**ALTERNATIVELY, THE LEGISLATURE COULD FOCUS THE STATE BOARD ON ITS DECISION-MAKING RESPONSIBILITIES (Pages 40 & 41)**

Board position: **DISAGREE**

The current arrangement has been effective. We need to work through some improvements, but basically the system is not broken and therefore does not need fixing. The Board needs to develop a strategic plan. A strategic plan will allow the board to look at their current duties, think about changes that may occur in education and recommend changes to statutes as necessary. The Board is an appropriate body to adjudicate or decide certain education issues such as: Private School Licensing, Charter School Appeals, School Accreditation and perhaps even Teacher Licensing should return to the Board.

**THE LEGISLATURE COULD MAINTAIN THE CURRENT ARRANGEMENT**  
(Pages 41 & 42)


Board position: **AGREE**

The current arrangement has working, gives local citizens more power through communication with their local State Board members. We do not anticipate that we will experience the tension and confrontational situations that existed with the previous Superintendent. When we have areas that need to be clarified we have been able to work with Department personnel. The Board and Department have and can continue to work effectively for what is best for education in Wyoming. We do believe that we have a needed check and balance role in educational governance.

We believe that the system has worked well in the past and will continue to provide Wyoming with the best educational system in the nation.

We want to thank the Legislative Service Office for the opportunity to comment on this report. We especially want to thank Barbara Rogers, Kelley Pelissier and Karla Smith for their professionalism in conducting the interviews and reviews.

Wyoming State Board of Education

  
Duane Edmonds, Chairman