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ABSTRACT

The oversight of state education reforms is explored in this paper, with a focus on the motivations of program fixers and the strategies they use to guide implementation. Fifty-seven interviews were conducted with legislators, committee staff, and legislative agency staff to analyze the program fixing process in six states--Arizona, Louisiana, Florida, Georgia, Minnesota, and Pennsylvania. The first part reviews some institutional and political constraints to oversight performance, and the second part examines how oversight strategies minimized constraints and furthered program fixers' personal goals. Findings indicate that program fixers used a selective mixture of formal and informal monitoring that minimized time constraints and maximized their political benefits. Benefits for the reform process included the establishment of clearly defined goals and the promise that implementation would be in accordance with the spirit of the original mandates. A conclusion is that legislators' shared accountability with administrators necessitates participation by both groups for effective reform implementation. Two tables are included. (14 references) (LMI)

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**OVERSIGHT OF STATE EDUCATION REFORMS:  
THE MOTIVATIONS AND METHODS OF PROGRAM "FIXERS"**

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**OVERSIGHT OF STATE EDUCATION REFORMS:  
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**INTRODUCTION**

While educators and political commentators speculate about second and even third waves of state education reforms, the states remain focused on overseeing and fine-tuning reforms from the first wave. State legislatures apparently are interested in these reforms less for the sake of accountability than for the purpose of ensuring the success of the reforms. Through oversight, legislatures are able to spot program areas in need of repair and then to design remedies for cleaning up unfinished business or turning around programs headed toward failure.

Bardach, in The Implementation Game (1977), first introduced the concept of the program "fixer" through Frank Lanterman, a state legislator who worked diligently in the early 1970s to revamp California's mental health program. With state education reforms, some program fixers are individual lawmakers, like Lanterman, but legislative committees also play this role. Both types of fixers are (or have the resources to become) policy specialists. As Bardach describes Lanterman:

It was well understood in Sacramento that mental health policy was Lanterman's territory and that no significant changes in that area could be made without his consent... (1977, p. 13).

This paper explores oversight of state education reforms to discern the motivations of program fixers in this arena and the strategies they use to repair reforms. The need for program fixers is

justified by the characteristics of programs in the first wave of the state education reform movement, which began in 1983 with the release of A Nation At Risk. The reforms are broad and comprehensive in scope, and they were adopted by states with remarkable speed (McDonnell and Fuhrman, 1985). Furthermore, the reforms feature different distributions of political authority among governmental units and place a large number of new responsibilities on state governments (Fuhrman et al., in press). Success of the reforms likely will depend on the ability of state legislatures to monitor and adjust their strategies during implementation.

The substance of the reforms also justifies the need for program fixers. Because of the haste with which they were enacted, many of the significant reforms go beyond current knowledge about what works (McDonnell and Fuhrman, 1985). In the area of teacher policy, for example, the weak knowledge base supporting career ladder and teacher evaluation policies already has contributed to implementation difficulties in Florida and other states. Furthermore, there is little consensus regarding the best approach to improving the education system, and many states are experimenting. Program fixers are needed to monitor compliance to ensure that implementation is a true test of legislative ideas. Along with inadequate knowledge is the problem of unintended consequences that sometimes accompany unprecedented interventions. Already there is evidence that increasing high school graduation requirements, for example, can have negative effects on vocational education students. State legislatures have the power to deal with

these unanticipated effects.

The discussion that follows analyzes the process of program fixing in the area of education reform in six states --- Arizona, California, Florida, Georgia, Minnesota, and Pennsylvania.<sup>1</sup> The paper is divided into two sections. The first reviews some institutional and political constraints that impede program fixing by state legislatures and that influence oversight performance. The second section examines the oversight strategies used by program fixers in the six sample states, assessing how constraints were minimized and how oversight was used to further program fixers' personal goals.

With recent education reforms, state legislatures have made major monetary and political investments in education. State budgets feature new money for education, and improving the quality of education is a high priority on state agendas. The present study suggests that program fixing is not an altogether altruistic endeavor for legislators. Legislators in the six states studied initially involved themselves in fixing education reforms because of their concern for the success of the reforms, but their interest was sustained largely because their involvement contributed to their ability to serve constituents, their influence in the legislature, or good public policy generally.

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<sup>1</sup>The research, which was conducted in spring 1987, included 57 elite interviews with legislators, committee staff, and legislative agency staff. The sample was selected to highlight various approaches to education reform (e.g., comprehensive versus incremental); the range of policy instruments used to address problems (e.g., mandates, incentives); regional diversity; and different stages of implementation.

## CONSTRAINTS ON PROGRAM FIXERS IN STATE LEGISLATURES

Program fixers must devote considerable time and resources to monitoring programs, an activity that is constrained by the part-time operation of most state legislative bodies and the short time perspective of legislators.

Over the past twenty years many state legislatures have moved toward increased professionalism by removing limits on sessions and salaries, but the number of full-time legislators remains small in most states. A recent survey of state lawmakers conducted by the National Conference of State Legislatures (Bazar, 1987) found that in 36 states less than 10% of legislators are full-time and only Pennsylvania has a majority of full-time lawmakers in both houses (see Table 1).

Legislative sessions also remain short in spite of recent reform initiatives. During 1985, 32 states met for three months or less (see Table 2).

Among the states in the present study, Georgia's General Assembly is most constrained by the part-time nature of the legislative job. Georgia's legislative session lasts only 40 days a year, and in 1986 only 4 percent of its members were full-time legislators. As a member of Georgia's Legislative Budget Office explained, "part-time legislators don't have the time to give. They have jobs back home and can't spend the time that is needed to look into department programs."

Other states in the sample are considerably less constrained. In California the legislature met in 1985 for about 129 days, more than three times longer than Georgia's General Assembly, and in

Table 1

Proportion of State Legislators Identifying as Full-Time Legislators: 1986

<u>HIGH</u> <u>(50% or more)</u>	<u>SOMEWHAT</u> <u>HIGH</u> <u>(30-49%)</u>	<u>MEDIUM</u> <u>(10-29%)</u>	<u>SOMEWHAT</u> <u>LOW</u> <u>(6-9%)</u>	<u>LOW</u> <u>(5% or less)</u>
Pennsylvania (65%)	Illinois (47%)	Connecticut (20%)	Iowa (9%)	Georgia (4%)
New York (60%)	Wisconsin (42%)	Missouri (18%)	Colorado (9%)	South Carolina (4%)
Massachusetts (55%)	California (36%)	Hawaii (14%)	Nebraska (8%)	Texas (3%)
	Ohio (33%)	Florida (13%)	Maine (7%)	Louisiana (3%)
		New Jersey (13%)	Oregon (7%)	New Hampshire (1%)
		Arizona (13%)	Minnesota (6%)	West Virginia (1%)
				Alabama (1%)
				Indiana (1%)
				Maryland (1%)
				North Carolina (1%)
				North Dakota (1%)
				Oklahoma (1%)
				Virginia (1%)
				Alaska (0)
				Delaware (0)
				Idaho (0)
				Kansas (0)
				Kentucky (0)
				Michigan (0)
				Mississippi (0)
				Montana (0)
				New Mexico (0)
				Nevada (0)
				Rhode Island (0)
				South Dakota (0)
				Tennessee (0)
				Utah (0)
				Vermont (0)
				Washington (0)
				Wyoming (0)

Note. States are rank-ordered under each heading by the total percentage of state legislators identifying as full-time legislators.

Source. From State Legislators' Occupations: A Decade of Change by B. Bazar, 1987, Denver: National Conference of State Legislatures.

Table 2

Session Days of State Legislators: 1985 Regular Session

<u>HIGH</u> <u>(More than 100 days)</u>	<u>MEDIUM</u> <u>(50-100 days)</u>	<u>LOW</u> <u>(Less than 50 days)</u>
Alabama	Arkansas	Georgia
Alaska	Delaware	New Hampshire
Arizona	Florida	New Jersey
California	Hawaii	South Dakota
Colorado	Idaho	Utah
Connecticut	Illinois	Virginia
Iowa	Indiana	Wisconsin
Massachusetts	Kansas	Wyoming
Michigan	Kentucky	
Nevada	Louisiana	
North Carolina	Maine	
Oregon	Maryland	
South Carolina	Minnesota	
Texas	Mississippi	
Washington	Missouri	
	Montana	
	Nebraska	
	New Mexico	
	New York	
	North Dakota	
	Ohio	
	Oklahoma	
	Pennsylvania	
	Rhode Island	
	Tennessee	
	Vermont	
	West Virginia	

Source. Adapted from The Book of the States, 1986-1987 by Council of State Governments, 1986, 26, p. 114.

Pennsylvania 65 percent of legislators define their occupation as "full-time legislator." In Arizona, where few legislators are full-time, lawmakers have the benefit of relatively long sessions (115 days in 1985).

Another constraint involves the way available time is ordinarily used and the short time perspective held by most legislators (Rosenthal, 1981). For legislatures to repair reforms, there must be members interested in monitoring. Policy development activities, which give legislators opportunities to enhance their prospects for reelection (Mayhew, 1974), tend to take center stage, and little time is available during the legislative session for oversight of existing programs. As one former Minnesota legislator observed:

Personal, political agendas of legislators take precedence over responsibilities for oversight. Politicians generally run like rabbits from oversight. It's boring and it's not politically sexy.

In support of this observation, education committee staff in the six states studied report policy development as the primary mission of committees, accounting for more of members' time than activities such as fiscal review or oversight. The lack of legislative interest in oversight appears most acute among house committees in the sample as a whole and in senate education committees in Arizona and Georgia, where members must run for reelection every two years.<sup>2</sup>

In the six states studied, fixers of education reforms devised

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<sup>2</sup>In twelve states senators have two-year terms. The other ten are Connecticut, Idaho, Maine, Massachusetts, New Hampshire, New York, North Carolina, Rhode Island, South Dakota, and Vermont.

oversight strategies that minimized these legislative constraints. The time involved in monitoring and repairing was reduced by delegating tasks to staff and by having committees or legislators with special knowledge of the reforms serve as program fixers. Other fixers combined program monitoring and repair with policy development activities to increase the political rewards of program fixing.

#### PROGRAM FIXERS IN SIX LEGISLATURES: WHY OVERSIGHT?

Oversight and repair of education reforms increased implementation success and also furthered the personal goals of legislators. The oversight strategies used by program fixers varied with their personal goals. Fixers interested in constituency service focused on repairing legislation that negatively affected their constituents and usually conducted oversight in formal hearings, which could be easily seen by or reported to voters. These program fixers often combined oversight with policy development activities to gain the political rewards of passing new legislation.

In contrast were program fixers whose primary goal was good public policy. This group generally operated behind the scenes, relying on informal, quick oversight methods such as meetings and telephone calls with department of education staff to fine-tune or repair programs. Informal methods also were used by fixers who conducted oversight to protect or enhance their own reputations and gain influence in the legislature. Strategies associated with these three goal orientations are discussed below.

#### Constituency Service

State legislatures have become increasingly interested in their roles as ombudsmen (Goodman et al., 1986), so it is not surprising that program fixers in the six sample states often paired oversight with constituency service --- dealing with constituents' complaints and problems. When individual citizens or organized interest groups who were negatively affected by education reforms reported potential implementation problems, legislators responded with oversight, thus reaping the political benefits of addressing complaints from potential supporters.

Constituency service was an important goal of program fixers in Pennsylvania, Arizona, and Georgia. In Pennsylvania, vocational education teachers and directors voiced concern about the State Board of Education's new academic requirements (Chapter 5), arguing that they made graduation difficult for vocational education students. Teacher unions were angry with another new board policy (Chapter 49) that required their members who had Masters degrees to take six credits of continuing education every five years.<sup>3</sup> In both instances, the Senate Education Committee received credit from constituents for intervening to investigate the cause of their complaints.

With Chapter 49, the committee led the fight to have the State Board of Education rule statutorily repealed. It would have been difficult for the committee to garner legislative support for an education bill with specific program provisions, so they waited

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<sup>3</sup>The Pennsylvania Legislature delegates broad discretion for policy-making to the State Board of Education and so the board, not the legislature, has been the initiator of education reforms.

until June when the omnibus education bill was considered and added the repeal. The process was quick and there was no floor debate; the details were worked out by the conference committee. In responding to constituents' concerns, the senators on the education committee won credit from the teacher unions, and, equally important, they avoided having to cash in the political chits that a separate bill likely would have required.

With Chapter 5, the Senate Education Committee created a temporary subcommittee whose sole mission was to investigate the effects of increased high school graduation requirements on vocational education students. Without policy development responsibility, the subcommittee devoted nearly all its time to oversight, conducting hearings around the state and meeting with constituents and interest groups. Subcommittee staff subsequently wrote an options paper, with draft legislation, but fixing was accomplished behind the scenes by legislative staff through negotiations with department of education officials, who advise the board. Ultimately, the board amended the rule and interest groups were reassured that legislators were on their side.

For Arizona's career ladder program, the legislature created a joint legislative committee to monitor the program. The special mission of this committee (like the temporary subcommittee in Pennsylvania) gave legislators the opportunity to become specialists in education reform as well as incentives for monitoring. In contrast, the education committees in all six states spent most of their time developing new policies.

Eighty percent of Arizona's joint committee time is spent on

oversight of the career ladder program, and, like the subcommittee members in Pennsylvania, legislators have public relations opportunities: each member of the committee is responsible for visiting several local districts to monitor implementation. Legislative monitors, for example, discovered early that some districts, contrary to intent, continued to use traditional salary schedules for teacher compensation decisions. The joint committee called a meeting with representatives of local districts, and a revised policy statement was issued to clarify legislative intent.

According to committee staff, program fixing in this instance improved relations between most participating school districts and the joint legislative committee, which districts at first thought was trying to change the rules midway through implementation.

Georgia's Quality Basic Education (QBE) Act was closely tracked by special education groups, whose attention was drawn by promises from the legislature of increased funding. The groups, in effect, served as volunteer monitors, augmenting the resources of part-time legislators. During implementation, special education groups complained that their constituents received less money under QBE than in previous years. The legislature, lacking the benefit of strong staff resources, apparently had miscalculated the weights in QBE's funding formula for special education. Objections from interest groups identified the area in need of repair and led legislators to correct the formula, thereby reassuring constituents of the legislature's intent to increase funding for special education.

In sum, program fixers with an orientation toward constituency

service used formal, visible oversight methods to publicize their efforts among potential supporters. Program fixers reduced the time involved in monitoring programs by delegating monitoring tasks or relying on interested citizens to signal potential problems. As a result, legislators were able to spend less time on oversight (leaving more time for other activities) or to spend more time on oversight activities with greater personal pay-off, such as responding to complaints from potential supporters.

Justly or unjustly, time spent putting out visible fires gains one more credit than the same time spent sniffing for smoke (McCubbins and Schwartz, 1984, p. 168).

Outside monitors also helped ease the monitoring burden for legislative staff, an important benefit to states such as Arizona and Georgia where staff resources are weak.<sup>4</sup>

#### Influence in the Legislature

Legislative champions of education reforms were active program fixers in the states studied, often intervening to repair the legislation they helped to create. Equipped with staff resources (all held leadership positions), these individuals actively monitored implementation to protect against opposition and to discover whether the reforms were producing the changes they had anticipated. Success of the reforms was directly tied to their own

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<sup>4</sup>Staffing for standing committees in Georgia is centralized in each chamber, and staff work for more than one committee. This system also is used by the House and Senate Appropriations Committees in Arizona, which are staffed by the Joint Legislative Budget Committee. Arizona's education committees have very small staffs (two each in the House and Senate); and the Senate's senior staffer doubles as project director for the career ladder program and staff to the joint committee responsible for overseeing implementation of the program.

political agendas and self-interests.

Legislators in the sample states championed Arizona's 8th and 12th grade competency testing initiative, California's mentor teacher program, and Florida's RAISE legislation, which extends the instructional day and increases requirements for high school graduation. For fixers of these reforms, the impetus came from the personal benefits of oversight --- protecting or enhancing their reputations in the legislature.

The RAISE legislation in Florida was championed by a senior senator who served as education committee chair. RAISE, which increased high school graduation requirements and extended the instructional day, had been opposed initially by many school districts and teacher organizations, so there was a possibility that the reforms would be sabotaged by local implementors. The senator wanted to make certain that the reforms were successfully underway before he retired. According to committee staff, "They are his legacy." Monitoring helped the senator to head off attempts by the opposition to change the reforms and, in the process, helped protect his reputation. The success of the reforms is perhaps best judged by the fact that the champion of RAISE was subsequently elected president of the Florida State Senate.

In Arizona and California the champions of education reform were politically ambitious, and the reforms, providing nothing disastrous happened during implementation, were vehicles for building reputations. The champion of California's mentor teacher program was a rising star who had moved from the Assembly to the Senate just prior to the time he sponsored the reform. As a staff

member to the senator explained:

There was a lot of opposition to mentor teacher when the program was passed and we didn't want anything coming back to haunt the Senator. His name is closely tied to the program, so he'll get the blame if anything goes wrong.

Legislators need to protect their reputations, and not following up on something can be more damaging than failing to move on to the next issue. The champion of the mentor teacher program is now considered the Senate's education expert, and earlier this year he announced his candidacy for the U.S. House of Representatives.

Arizona's champion of competency testing for 8th and 12th graders also kept a continuous watch over implementation while she was chair of the Senate Education Committee. The Arizona Legislature has no formal rule review power, but, through telephone calls and letters, this champion guided and prodded the State Department of Education into developing rules that more closely resembled her intent. Unfortunately, once the senator was elected majority whip in 1985, good politics became more than education, her interests broadened, and monitoring of the reform stopped. In 1986, she resigned from the legislature to run for the state-wide office of superintendent of public instruction.

Across the states all legislative champions used informal methods to detect problems during implementation. There were frequent meetings and telephone calls with program staff in the departments of education. Occasionally also, champions or legislative staff made visits to local school districts. Such methods, argued the champions, are easier to schedule and less time-consuming than formal methods of review, such as oversight

hearings. Several champions speculated that, without evidence of a problem, they probably would have had difficulty getting a committee quorum during the session, when schedules are tight and new legislation is given priority, or during the interim, when many members are busy in other occupations. Off-the-record meetings, according to the champions, also are "less embarrassing" for department staff, so there tends to be more honesty, more information exchanged, and more of a willingness to build consensus. Legislative champions often fine-tuned or repaired reforms through means other than passing new legislation, a tactic that reduced the time involved in program fixing.

#### Good Public Policy

Recent research on legislators' goals at federal and state levels has shown that the importance of policy motivations has diminished since Fenno's 1973 study, Congressmen in Committees. Policy motivations are not very important to freshmen in the U.S. House of Representatives in deciding committee preferences (Smith and Deering, 1983), and policy goals also were not predominant in a survey of state legislators in Ohio (Weisberg et al., 1982; Goodman et al., 1986). For program fixers in the present study, good public policy was a primary motivation considerably less often than constituency service and influence in the legislature.

The representative from Minnesota staked out a career in the legislature changing service delivery systems, and the Postsecondary Enrollment Options (PSEO) Act, which gives 11th and 12th grade students the option of attending postsecondary institutions, was her effort to change the education system. With

a vested interest in the act, she spent considerable time in close communication with state department of education staff. For example, she assigned legislative staff to work with the department in developing PSEO guidelines, which ultimately were issued as "a cooperative effort on the part of...legislative staff and state agencies." Monitoring usually was conducted through informal meetings and telephone calls, in part because the program fixer was minority leader in the House and had control over the deployment of substantial staff resources.

To minimize the constraint of being a part-time legislator, the fixer, by her own account, took advantage of any opportunity to further the success of PSEO. For example, when Minnesota's Legislative Commission on Public Education held hearings around the state "to get a feel for the public's educational concerns and to float some trial balloons, I asked at every single meeting what people were doing to implement PSEO." School districts complained that students made the decision to attend a postsecondary school arbitrarily and with little notice to districts; that some students dropped out of postsecondary schools after several weeks and wanted to return to high school; and that estimating the number of sections to offer and teachers to hire was difficult since student enrollments were not stable. Some of the repairs to PSEO included adding deadlines that required students to notify districts in spring of their intent to participate and provisions for counseling students to help them make more thoughtful decisions.

Improving public policy was the main goal of this program fixer, and in its pursuit she was willing to make some political

sacrifices:

If you were to run a balance sheet on PSEO, it cost me more than it helped me politically. I had to lay out a lot of chits to accomplish what I did. But that's okay. I happen to believe PSEO is a major change in the structure of the delivery system.

Program fixing with Georgia's Quality Basic Education Act was needed to clean up unfinished business. The original bill, with a strong push from the governor, was rushed through the General Assembly and passed both houses unanimously. At the time of passage, some things were allowed to slide (in order to get the vote) with the expectation that repairs could be made the following year. As one staff member explained:

From the day QBE was first adopted, there were people making their shopping lists of things they felt needed to be refined. The Governor and General Assembly wanted to get the major elements into the bill and worry about fine-tuning later on. So we all knew there was a tremendous amount of fine-tuning that needed to be done.

Many of the repairs were technical changes --- correcting capitalization errors, clarifying requirements for program eligibility, and closing spending loopholes.

Most notable was the expediency of the QBE revision process, which took into account the General Assembly's short session and the time constraints of legislators. At the governor's initiative, a "revision group" was formed with staff representatives from the House, the Senate, and the executive. The group met mostly during the interim and operated consensually --- all proposed amendments were approved unanimously or deleted. Consequently, the revision bill introduced in the General Assembly had the support of all key policymakers and there was little controversy, which lessened the

time legislators spent in hearings or debate. Sharing responsibility with the executive also reduced the time most legislators had to devote to monitoring and oversight.

### CONCLUSION

This interpretation of oversight of education reforms in six states describes some of the interventions by legislators and their staffs to guide implementation and increase success of the reforms. Oversight was conducted in ways that minimized time commitments and maximized political benefits for legislators. The states preferred having education specialists (e.g., legislative champions) act on behalf of the legislature as program fixers. Oversight was selective, focusing on reports of possible violations from constituents and interest groups. Finally, legislators mixed quick, informal monitoring, such as communicating directly with department of education personnel, with formal methods, such as committee hearings, that had greater political pay-off. In every instance, program fixing furthered the personal goals of legislators, who won some private gain or profit for their efforts.

The reform policies also benefited considerably from oversight. Program fixers ensured that policies were implemented in accordance with the spirit of original mandates. Some reforms were amended by fixers in response to new knowledge or to problems encountered in implementation. Acts of legislation do not always reflect well-defined goals, in part because public advocacy has made resolving policy issues through legislation increasingly difficult. Ineffective or unpopular legislative decisions were changed later by program fixers, and reform policies improved.

In 1977 Bardach was pessimistic about legislators playing the role of program fixer.

If they can afford - or wish - to forego self-display and dirty their hands with the detailed aspects of policy and programs, they will attend to the work of crafting new legislation rather than to the work of making the old legislation produce the results intended and desired. Lanterman is the exception that proves the rule...Very few legislators are in that position (p.280).

Now in the mid-1980s legislators are playing zealous and effective oversight roles with respect to education reforms, at least in the six states studied. The national attention given to the first wave of reforms may partially explain why legislators are committed to their success, but the principal reason is that legislators with the political resources to fix the reforms also have personal incentives to do so.

This analysis has broader implications for the role of legislatures during program implementation. Generally, the status of legislators, representative of and accountable to the public, suggests that their influence on implementation is at least as proper as that of bureaucrats with their legal-constitutional status as program administrators. The two parties represent different but limited interests, and effective implementation requires active participation by both. This study demonstrates the ease with which legislatures, even those operating under severe constraints, can function as overseers and fixers during implementation.

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