



# 11 Ways New Governors Can Lead on Education Through Executive Actions

By Scott Sargrad, Lisette Partelow, and Jessica Yin | January 10, 2019

The 2018 elections were historic on many levels, with the highest turnout in a midterm year since 1914, record numbers of women winning office, and the first Native American and Muslim women ever elected to Congress.<sup>1</sup> At the state level, 36 governors' races were on the ballot, and 20 newly elected governors will take office in January.<sup>2</sup>

Many of these gubernatorial elections were contested against a political backdrop of high support for public education in the wake of massive teacher walkouts in states across the country.<sup>3</sup> These walkouts—spurred by complaints of low pay, poor working conditions, and lack of resources for students—came as many states continued to spend less on education than they had prior to the 2008 recession.<sup>4</sup> As a result, many gubernatorial candidates campaigned explicitly on education, promising to push for increased funding, higher teacher salaries, and greater opportunities for students.<sup>5</sup>

As these 20 new governors begin their first terms in office, they will look for ways to make clear statements about their priorities and achieve quick wins to fulfill campaign promises. Although long-term investment in education must be a major focus throughout their tenures, governors can hit the ground running on this important issue by penning executive actions, which they can issue unilaterally. In doing so, they would follow the lead of Govs. Phil Murphy (D-NJ) and Ralph Northam (D-VA), who issued executive orders during their first days in office to promote equal opportunity in their states.<sup>6</sup>

While there is no shortage of important issues for new governors to tackle, education deserves to be at the forefront of every state's agenda. This issue brief describes 11 state-level executive actions—from commissions and task forces to directives and investigations—that governors can enact immediately upon assuming office.

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## 1. Establish a school infrastructure task force

Due to outdated heating systems and poor building infrastructure, students across the country have been forced to wear coats and mittens in class.<sup>7</sup> Students in Memphis,

Tennessee, saw their schools close for an entire semester because of a rat infestation.<sup>8</sup> Still others jeopardized their health in schools where leaky roofs led to high levels of mold exposure.<sup>9</sup> This is unacceptable. Every child deserves to attend school in a building that provides a safe and healthy learning environment, free of harmful substances such as mold or lead; with HVAC systems that can keep the building at a comfortable temperature; and with roofs and walls that aren't crumbling.<sup>10</sup>

Governors concerned about the physical condition of schools across their states could create a task force to improve school facilities, similar to the one created in Rhode Island.<sup>11</sup> Such a task force should examine whether or not students' learning environments are safe and healthy; identify needs and disparities; and provide recommendations for funding mechanisms that would ensure that all students have access to safe school buildings. This effort could also be paired with a charge to create "green schools" that are more energy efficient and use renewable energy sources.

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## 2. Convene a funding formula commission

A growing body of research indicates that adequately funding education can make a big difference in student outcomes, particularly among low-income students.<sup>12</sup> Yet in many states, the students who would most benefit from attending well-funded schools do not receive the additional funding needed to support their success.<sup>13</sup>

To remedy this situation and ensure that all students, particularly those whose needs are greatest, have access to adequate educational resources, governors should create a commission of experts to review the state's existing funding formula. This analysis might determine, for example, how to provide more funding to the students and schools who need it most. The commission should also develop recommendations for improving state education funding equity and ensuring that all students attend schools that are funded adequately and meet their needs. Similar commissions have been created in Maryland and Illinois.<sup>14</sup>

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## 3. Create a commission charged with modernizing and elevating the teaching profession

Many aspects of education have changed over the past several decades; expectations of both students and teachers are rightfully higher as educators work to prepare all students for college and future careers.<sup>15</sup> However, the systems designed to support and train teachers have remained largely the same. Teachers are still underpaid; they do not have access to the kinds of training and advancement opportunities that are par for the course in other professions; and the education profession has not done enough to diversify, even as the students served in schools come from increasingly diverse backgrounds.<sup>16</sup> This mismatch between expectations and the supports and

opportunities needed to meet them may partly explain the declining interest in teacher preparation programs across the country or even the recent walkouts in several states with low teacher pay.<sup>17</sup>

A healthy teacher pipeline is critical to ensuring the future economic health and competitiveness of a state. Governors in states that have teacher shortages or are otherwise struggling to attract excellent teachers could create a commission of experts to examine states' teacher pipelines and consequently improve teaching and learning outcomes. Such a commission should do a needs analysis for the state to determine which aspects of the teacher pipeline are most in need of attention, such as recruitment; retention; diversity of the workforce; selectivity and quality of teacher preparation; salaries for all teachers, as well as for teachers in high-need locales and in specific subject areas; teacher shortages; and other factors.

A commission of this type should make targeted recommendations to the governor and state legislature for discrete policy actions they can take in the near term to begin to address the areas that most need reform. For states that have already done an analysis of the greatest needs, the commission could focus on a particular area, such as recruitment and retention in rural areas or higher starting salaries for new teachers.

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#### 4. Issue a declaration of students' right to be free from discrimination on the basis of sexual orientation, gender identity, and gender expression

A 2017 national survey of LGBTQ students found that they experience high levels of discrimination and harassment from their peers, from their teachers, and as a result of school policies.<sup>18</sup> Such a toxic school climate can negatively affect the mental health of LGBTQ youth, as well as their educational attainment and ability to fully participate in school activities.<sup>19</sup> However, the same survey also found that the availability of LGBTQ-related school resources such as inclusive curricular resources and supportive educators improved the school experience and academic success of LGBTQ youth.<sup>20</sup> Therefore, it is important for governors to send a clear message that LGBTQ students, as protected by Title IX, should be free to learn without facing discrimination and that the state government should implement policies that support them.<sup>21</sup>

Governors could issue a declaration that all students, including LGBTQ students, must be free from discrimination in schools on the basis of sexual orientation, gender identity, and gender expression. As part of this declaration, a governor should create a commission that would examine the needs of LGBTQ youth; determine what policies are required to ensure their safety and success in schools; and provide recommendations and best practices to disseminate to districts. Part of their research should include consulting best practices recommended by LGBTQ advo-

cacy groups, as well as incorporating sexual orientation and gender identity (SOGI) data collection into existing surveys to provide more clarity on the experience of LGBTQ youth.<sup>22</sup>

A commission similar to the one described above has been created in Pennsylvania to broadly address LGBTQ students' well-being. Connecticut also has a commission to provide guidance on equal access to public school facilities and to address harassment on the basis of many factors, including sexual orientation, gender identity, and gender expression.<sup>23</sup>

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## 5. Issue a directive to redesign high schools and improve workforce readiness

In theory, earning a high school diploma should indicate that students are eligible for the future pathway of their choosing, whether it is enrolling in college or entering the workforce. However, a review of high school course requirements across the country found that only two states both align required high school graduation requirements with public university admission standards and meet college and career readiness benchmarks, as well as other indicators of a “well-rounded” education.<sup>24</sup> In addition, many high schools are ill-equipped to meet the needs of the 21st century. States are well-positioned to redesign their high schools to better engage students and prepare them for postsecondary success.<sup>25</sup>

Governors could direct their state's K-12 and postsecondary education departments—or where applicable, the state's joint prekindergarten through college commission—to evaluate state progress related to college and career readiness. Strategies to that end could include high school redesign and better alignment of the K-12 and postsecondary education systems to address policy gaps. The evaluation should include the coursework required for both high school graduation and state college admissions, as well as other key policies that can support a high school experience that is more authentic, engaging, and rigorous.<sup>26</sup> The commission can then determine the appropriate next steps to move toward the goals of ensuring that all students who graduate from high school are ready for college and careers and improving economic mobility in the state.

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## 6. Form a task force to align school schedules and services with the needs of working families

Currently, the typical school day ends midafternoon, and schools are closed for an average of 29 days throughout the school year—significantly more days than workers are typically allotted in vacation time.<sup>27</sup> What's more, important school events—many of which expect parent participation—are often held in the middle of the day

when many parents are working. This schedule mismatch makes it difficult for working parents to balance their employers' needs with the demands of their children's schools or their ability to be involved parents.

Governors could create a task force to research and make recommendations on how schools can better serve working families. Those recommendations could include aligning school schedules with the typical work day; offering low-cost after-school programming; providing alternative programming on days when schools are closed for students; offering basic medical or dental care on site; and more.

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## 7. Initiate an investigation of the for-profit and virtual charter sectors

For-profit online charter schools have made significant inroads in certain states, receiving large sums of state education funding without being held accountable for what are often inferior results.<sup>28</sup> In addition to employing questionable business practices that put profits before kids, these schools often have much lower graduation rates than the state average and fail on a number of other academic metrics.<sup>29</sup>

Governors could request that their attorneys general or an appointed special investigator examine the for-profit and virtual education sectors in their state and produce a report on the sectors' finances and outcomes, along with other areas of concern. The investigative report should make recommendations to improve the sectors' transparency, accountability, and requirements in order for such schools to remain open and have their charters renewed. If governors have the authority to do so, they could propose a ban on for-profit, virtual charter schools based on the findings of the investigation. California, for example, enacted such a ban after an investigation led to a multimillion-dollar settlement over false advertising and anti-competitive practices by a large virtual for-profit charter operator.<sup>30</sup>

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## 8. Set up a task force on school safety and positive school climate

School safety has been a growing topic of national conversation, especially in light of the fact that 2018 saw a record number of gun violence incidents and fatalities in schools.<sup>31</sup> Out of the spotlight, however, many communities have been struggling with violence in their schools for years.<sup>32</sup> To ensure that all students are physically safe and feel safe, conversations about school safety should not only include gun violence prevention, but also consider the structures and resources that are necessary to create a safer school climate—which is key to preventing future tragedies.<sup>33</sup>

Governors could create a task force to investigate various approaches to creating a positive school climate; ensuring school safety; and preventing gun violence against children, including in schools. The task force should report its findings to the gov-

ernor and state legislature and make recommendations for research-based programmatic or funding changes in order to achieve these goals.

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## 9. Establish a commission on the status of civics education

Across the United States, civic knowledge and participation are lacking: In 2016, voter turnout reached its lowest point since 1996, and only 26 percent of Americans could name all three branches of government.<sup>34</sup> To reverse this trend, states need to support civics education, which serves a critical role in equipping the next generation with the skills and knowledge to become informed and active citizens. However, in many states, the standards and requirements regarding civics education fall short of what is needed to successfully create a more prepared electorate.<sup>35</sup>

To address this issue, governors could appoint a commission to assess the status of civics education in their states, including the coursework required; which topics are typically covered; and students' level of knowledge after completing the coursework. The commission should look into students' understanding of national, state, and local civic institutions; opportunities for students to participate in civic processes; and whether there are necessary supports in place to help develop knowledgeable and discerning consumers of news and information.

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## 10. Launch a task force on sexual health and education in schools

In recent years, the national conversation surrounding consent has shown that there is a concerning lack of knowledge and clarity on how to conduct healthy, positive relationships. This issue may in part be a result of the variance in sex education standards across the country. One study found that only 40 percent of states require sex and/or HIV education to be medically, factually, and technically accurate.<sup>36</sup> Another analysis found that only 10 states and the District of Columbia mention the terms "healthy relationships," "sexual assault," or "consent" in their sex education programs.<sup>37</sup> Comprehensive sex education is an important way to ensure that information about sexual health and safety is conveyed to young people so that they can make informed and safe decisions.

Governors could create a task force on sexual health and education in schools, which would be responsible for researching and reporting on comprehensive sexual education. The scope of such a report should encompass issues such as the presentation of medically accurate information; how to talk about the emotional, physical, and psychological aspects of healthy relationships; an explanation on consent; ways to instruct on adolescent growth and body image; and discussions about sexual orientation, gender identity, and gender expression. The task force could examine existing state standards on sex education that are more comprehensive, such as those in

California, New Jersey, and Oregon.<sup>38</sup> Finally, the task force should produce a report containing concrete recommendations for how the state can improve the current status of its sexual education requirements.

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## 11. Issue a proclamation on the need for evidence-based, positive approaches to school discipline

The numbers on disparities in school discipline are stark: In 2014, the U.S. Department of Education's Office for Civil Rights found that black students were suspended and expelled at a rate three times greater than that of white students, and students with disabilities were twice as likely to receive an out-of-school suspension than students without disabilities.<sup>39</sup> More recent reports have found that 2 in 5 LGBTQ students have faced some form of discipline, with transgender and gender-nonconforming students facing the highest frequency of discipline.<sup>40</sup> The inequities in these numbers are especially troubling, as exclusionary discipline practices have long-lasting negative effects on the student as well as their community.<sup>41</sup>

Suspensions and expulsions, for example, result in an increased risk of school dropout, grade retention, and involvement in the juvenile justice system, while also doing little to improve schools' achievement scores and overall school climate.<sup>42</sup> The Obama administration made addressing these disparities a major policy priority, issuing guidance on reforming school discipline policies to rely less on exclusionary discipline and, more broadly, encourage tools and training to create a positive school climate.<sup>43</sup> Even as the current administration moves to rescind this federal discipline guidance, states should continue to champion evidence-based discipline reform programs to help correct this disparity.<sup>44</sup>

Governors should issue a proclamation that it is the policy of the state that all students are entitled to remain in school to maximize learning, and as such, should not be subject to exclusionary discipline for minor infractions or be punished by discriminatory discipline practices. All schools that receive state funding should adopt an evidence-based, positive approach to discipline. As part of this proclamation, governors should direct the state's superintendent of education to ask districts to report back on their discipline practices and identify what efforts are being taken to align such practices with state policy.

Additionally, governors should appoint a commission to investigate discipline rates in their state, including analyzing existing state, district, and school-level data for potential disparate rates of discipline between different student subgroups. This should include disaggregating the data for students of color, by and within racial groups; students of different genders; students with disabilities; LGBTQ students; and English language learners. The commission should then research and recommend policies to address any existing disparities, including ways to improve school

climate; methods to increase funding for resources and staff to support students' emotional and mental health; and reforms of school discipline policies to reduce reliance on exclusionary discipline.

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## Conclusion

After a historic election that swept newly elected officials into power in Washington and across the country, it is critical that these leaders quickly enact policies that will help solve the pressing problems people face. Chief among these policies must be bold measures to improve education and support students, parents, and teachers. With any of the 11 executive actions outlined in this brief, governors can make a strong statement about their priorities and what they intend to accomplish. These progressive education policies can make an immediate difference, and governors should not wait to take action.

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