



# How Policymakers Started the Federal Charter School Movement: A Case Study in Policy Entrepreneurship

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How Policymakers Started the Federal Charter School Movement:

A Case Study in Policy Entrepreneurship

Michael Raymond Benezra

A Thesis in the Field of Government

for the Degree of Master of Liberal Arts in Extension Studies

Harvard University

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## Abstract

The objective of this study is to show how policy entrepreneurship can serve as a theory of policy change. The federal charter school movement is a perfect example of effective policy entrepreneurship in action. Four policymakers (U.S. Senator David Durenberger, U.S. Senator Joe Lieberman, President Bill Clinton and Secretary of Education Richard Riley) were instrumental in passing the first federal charter school laws. This investigation adopts a theoretical framework of policy entrepreneurship coined by scholars, Michael Mintrom and Phillipa Norman, who argue that policy entrepreneurs can be identified by their efforts to promote policy change and must have the following abilities; social acuity, team building, problem definition, and leading by example. This investigation will include a qualitative examination of the legislative and political activities of four policy entrepreneurs who labored independently to pass the first federal charter school law in 1994. The result will offer a case study to show the interrelationship between policy entrepreneurship and policy change.

While the state and local charter school movements have garnered significant academic attention, there is a scarcity of information to explain how federal charter policy came to fruition. This study is similar to one conducted by Michael Mintrom, where he used historical accounts to show correlational examples of policy entrepreneurship as explanations of policy change. This study proceeds along similar lines by using similar methodology to show the significant impact of four separate policymakers who played a leading role in the movement to redefine public education.

## About the Author

Michael Raymond Benezra graduated from the University of Washington in Seattle after receiving his B.A. in Social Science and Political Science. While finishing his undergraduate studies, he traveled to Washington D.C. to intern and work for U.S. Congressman Norm Dicks and the U.S. Department of Commerce under the Obama Administration. His interest in education policy stems from his experience working on the Race to the Top initiative for Governor Christine Gregoire of Washington State, where he completed a comparative policy analysis of all participating states in the competition. This research helped inform Washington State's application strategy for Phase II of the competition. In 2011 Michael moved to Cambridge, Massachusetts where he began working towards his Masters at Harvard and was recruited to conduct research at the Harvard Law School Project on Disability (HPOD).

In 2014, Michael worked in the Massachusetts State Senate, where he spent time working with the Joint Committee on Higher Education. During his tenure, Michael worked directly on charter school legislation along with a host of other issues including mental health and housing. Currently, Michael works in the Administration of Massachusetts Governor Charlie Baker as the Legislative Director for the Department of Housing and Community Development. He also sits on the Board of Directors for the Mental Health Association of Massachusetts. This thesis is a byproduct of his experience working directly on and with state and federal charter school policy during his career in public service.

To my loving wife, Tiffany Benezra

## Acknowledgements

Firstly, I would like to thank my family for always being supportive and encouraging me to pursue my dreams, including my late grandfather Ellis Levin, Tiffany Benezra, Andrea Benezra, Ellis Levin, Annette Levin, Raymond Benezra, Joyce Benezra, Mark Benezra, Cindy Benezra, Yu-Ling Weil and Craig Weil. At this time, I would also like to express my gratitude to my thesis director, Martin West, Ph.D. (Associate Professor, Harvard Graduate School of Education). Martin inspired me to take a federal focus on the development of charter school policy. His recommendations led to an in-depth journey to find answers. His willingness to share his experience and perspective was critical to my investigation, and for that I am grateful. While searching for answers to address the consistency of my hypothesis, I sought out scholar, Michael Mintrom, Ph.D. (Professor, Australia and New Zealand School of Government) and Sandra Vergari, Ph.D. (Associate Professor, SUNY-Albany). After reviewing my thesis topic, both scholars expressed their support and affirmed my correct usage of their academic theories within the context of policy entrepreneurship. In addition to building a sound theoretical argument, I also had the opportunity to learn from one of the first pioneers of the charter school movement, Joe Nathan, Ph.D., (Senior Fellow, Center for Social Change).

At the end of our first meeting, Martin asked that I read a book titled, *Charter Schools* by Joe Nathan. Although charter schools have an earlier theoretical underpinning, Nathan was the first to put theory into action. Nathan's historic

mobilization effort was inspired by his personal experience working in inner city schools, where he observed certain systemic failures of the traditional education system. His life has been dedicated to expanding new opportunities in public education for parents, administrators, educators and students alike. While most are familiar with Nathan for his role in the passing of Minnesota's first charter school law, he also played a role in the earliest policy debates surrounding school choice. I was able to capitalize on his earlier experience working for several policy entrepreneurs including (then) Governor Clinton, where he helped to inform critical policy decisions and create new school choice platforms. His greatest platform was offered through the 1985 National Governors Association (NGA) report, *Time for Results*, a byproduct of his work with (then) Governor Lamar Alexander.

I would also like to thank a true mentor who supported me throughout this process, Michael Stein, Ph.D. (Executive Director, Harvard Law School Project on Disability (HPOD)), who has been a constant source of wisdom, enlightenment and counsel. Additionally, I would like to recognize several other mentors and friends, who gave me the opportunity to be a witness to charter school, including Massachusetts State Senator Michael O. Moore and Massachusetts State Senator Pat Jehlen. Additionally, for their research assistance, I would like to recognize, the Center for School Reform in Washington DC., the Harvard Library staff and the Clinton Presidential Library for their assistance in gathering archived materials and documents requested through the Freedom of Information Act (FOIA). My experience at Harvard has been truly rewarding and has played a unique role in my endeavors while working in public service. During my tenure, I made some remarkable friendships and helped to start an organization that I hope will



remain at the institution for many decades to come (Harvard Disability Alliance). For all of the reasons stated above, I am truly grateful to the Harvard Community.

## Table of Contents

About the Author.....	iv
Dedication.....	v
Acknowledgements.....	vi
Tables and Figures.....	x
I. Introduction: The Charter School Model .....	1
Ray Budde.....	2
Joe Nathan.....	3
Albert Shanker.....	5
Ted Kolderie.....	6
II. Federal Policy Entrepreneurs: A Missing History.....	8
Sources and Organization.....	11
III. Policy Entrepreneurs in Academic Literature.....	14
Displaying Social Acuity.....	17
Defining Problems.....	18
Building Teams.....	18
Leading by Example.....	19
IV. The Origins of Federal Charter Policy: A Time for Results.....	22
V. Federal Support for Charters: Durenberger & Lieberman.....	24
The Public Schools Redefinition Act of 1991.....	27
America 2000.....	28

	Lamar Alexander.....	36
VI.	The New Democrat: Governor Bill Clinton.....	38
VII.	Clinton Appoints a Fellow Governor: Richard Riley.....	43
VIII.	Policy Entrepreneurs Coalesce Around Goals 2000 and IASA.....	48
	Clinton Introduces Goals 2000.....	49
IX.	The U.S. Senate Debates Charter Authorization.....	54
X.	Bringing the Democrats onboard with Charter Schools.....	58
	The IASA: Landmark Charter Reform.....	59
XI.	Conclusion.....	65
	Appendix I: Legislative History of Goals 2000.....	70
	Appendix II: Legislative History of IASA.....	76
	Bibliography.....	81

## List of Tables

Table 1: State Charter School Laws: Years of Passage.....	24
Table 2: 1989: National Education Goals.....	50
Table 3: Charter Schools Program Funding FY95-FY15.....	62

## Chapter I

### Introduction: The Charter School Model

In 1991, Governor Arne Carlson and the Minnesota State Legislature passed the nation's first charter school law.<sup>1</sup> More than two decades later, 6,700 charter schools were operating in forty-two states including and the District of Columbia,<sup>2</sup> which have passed charter school laws of their own (2015).<sup>3</sup> In 2013, students attending charter schools represented 4.2 percent of the entire student population nationwide.<sup>4</sup> This historic development began with a grassroots effort, led by activists, scholars, parents, administrators and teachers in Minnesota. The charter movement was strengthened by the leadership of several policy entrepreneurs, most notably Ted Kolderie, (Center for Policy Studies) and Joe Nathan, (Center for School Change). In the State Legislature, the charter school cause was championed by former State Senator, Ember Reichgott-Junge (D-MN). Although leaders can be found at the forefront of most social or political movements, policy entrepreneurs are generally “distinguished by their

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<sup>1</sup> *Laws of Minnesota 1991*, chapter 265, article 9, section 3.

<sup>2</sup> The only remaining States without Charter Laws include *Arkansas, Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont and West Virginia*.

<sup>3</sup> Center for Education Reform, *Charter School Law Rankings* (2015).

<sup>4</sup> “National Charter School Study 2013,” Center for Research on Education Outcomes, Stanford University 2013.

decisions to take risks and to act to bring new policy ideas into good currency.”<sup>5</sup>

However, before charters and school choice landed on the state or federal policy agenda, the idea had to find its way into the circles of academia and public policy. Therefore, it is vital to offer a brief tribute to the individuals who introduced and refined the charter school model over the course of two decades.

### Ray Budde

The defining mechanics behind the charter school model were introduced without much fanfare in 1974, by Professor, Ray Budde, (School of Education at the University of Massachusetts -Amherst). In 1974, Budde introduced the first mention of the term charter school in his article titled, “*Education by Charter.*”<sup>6</sup> His idea focused on the organizational restructuring of school districts. However, as noted by Kolderie, there was not a strong public demand and, “Nobody thought there was a problem significant enough to require such a restructuring.”<sup>7</sup>

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<sup>5</sup> Michael Mintrom and Sandra Vergari, “Policy Networks and Innovation Diffusion: The Case of State Education Reforms,” *Journal of Politics* 60 (1998): 126-148.

<sup>6</sup> Ray Budde, *Education by Charter: Restructuring School Districts* (Andover, Mass.: Regional Laboratory for Educational Improvement of the Northeast & Islands, 1988).

<sup>7</sup> Ted Kolderie, “Ray Budde and the Origins of the ‘Charter Concept’,” *Education Evolving, Center for Policy Studies and Hamline University* (2005).

Although chartering was a concept rooted in obscurity 1983, the demand for structural change in education was evident, as stated in the Report, *A Nation at Risk*.<sup>8</sup> According to scholar Andrew Rudalevige, the “idea of public and private school choice had been part of national debate since at least the Reagan Administration.”<sup>9</sup> Among the first lines of the report represent the general sentiment and the need to formulate solutions to improve public education, “the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future -as a Nation and a people.”<sup>10</sup>

In the same year, a public school teacher in St. Paul, Minnesota, Joe Nathan, produced a book titled, *Free to Teach*,<sup>11</sup> which provided a firsthand account of the frustrations, from an educator’s perspective, with the state of public education. A general thesis of his book claimed, “public education should provide better opportunities for teachers and parents to create new kinds of public schools”.<sup>12</sup> Nathan’s sentiment was representative of the eventual push for school choice and captured the attention of many in policy and education circles, most notably, Governor of Tennessee, Lamar Alexander

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<sup>8</sup> United States National Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform: A Report to the Nation and the Secretary of Education, United States Department of Education* (U.S. G.P.O., Washington, D.C. 1983). Can be accessed at: <http://files.eric.ed.gov/fulltext/ED226006.pdf>

<sup>9</sup> Andrew Rudalevige, “Accountability and Avoidance in the Bush Education Plan: The No Child Left Behind Act of 2001.” (paper prepared for the Conference on Taking of Accountability, Kennedy School of Government, Harvard University, June 10-11, 2002).

<sup>10</sup> United States, *A Nation at Risk*, 13.

<sup>11</sup> Joe Nathan, *Free to Teach: Achieving Equity and Excellence in Schools* (New York: Pilgrim Press, 1991).

<sup>12</sup> Junge, *Zero Chance of Passage*, 43.

(R-TN). Alexander was a policy entrepreneur in the realm of school-choice. Alexander quickly hired Nathan to mobilize his fellow Governors to work specifically on education policy through the National Governors Association in 1983, which culminated in seven task forces and a national tour to hear the concerns of teachers and parents on the ground.

As the hearings progressed through 1984, Governor Alexander and Governor Clinton continued to hear a salient message delivered by teachers and school administrators across the country, that schools would be willing to take more responsibility for their results, if they were given some flexibility from federal regulations. As a result, Governor Alexander appropriately titled this groundbreaking report, *Time for Results*.<sup>13</sup> According to Nathan, “The governors concluded that carefully designed public systems that encourage choice among alternatives were central to efforts to increase student achievement, reduce the number of school dropouts, and increase the authority of teachers.”<sup>14</sup>

Southern Governors took the lead on this education reform effort, including Lamar Alexander, Richard Riley and Bill Clinton. In 1984, South Carolina passed its own landmark education reform package under the leadership of Richard Riley. Clinton was equally effective in his home state, as one account states, “often followed through on his

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<sup>13</sup> Thomas H. Kean, Bill Clinton and Lamar Alexander, *Time for Results: The Governors' 1991 Report on Education* (Washington, DC: National Governors Association, 1986).

<sup>14</sup> Joe Nathan, “Results and Future Prospects of State Efforts to Increase Choice among Schools,” *Phi Delta Kappan* 68 (1987): 746-752.



grassroots campaigns by applying a full-court press in the legislature, cutting deals and negotiating compromises.”<sup>15</sup>

### Albert Shanker

*Time for Results* caught the attention of a renown figure in public education, Albert Shanker, President of the American Federation of Teachers, who sent testimony to the NGA Task Force on Parent Involvement and Choice. His statement remarked, “I believe we in the teacher union movement ought to support the greatest possible choice among public schools by parents, students, and teachers.”<sup>16</sup> Shanker played an important role, not only in the school choice dialogue, but particularly on bringing the idea of charter schools into the mainstream. In 1988, he delivered a keynote speech to the National Press Club, where he endorsed the idea of greater autonomy in public education and a new model for reform. Although this speech receives the greatest notoriety, an article produced by Shanker in July of 1988 made a direct reference to the term charter, and justified it by stating the following:

The idea is to encourage risk-taking and change...Explorers got charters to seek new lands and resources. Many of our most esteemed scientific and cultural institutions were authorized by charters to state and local unions. As Budde notes, the charter concept can also be applied to public education.<sup>17</sup>

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<sup>15</sup> Tim L. Mazzone, “4. State Policy-Making and School Reform: Influences and Influentials,” *Journal of Education Policy* 9 (1994): 53-73.

<sup>16</sup> Albert Shanker, “Remarks to NGA Education Task Force on Parent Involvement and Choice,” Washington, DC, mimeo, 16 December 1985.

<sup>17</sup> “Shanker on Charters,” *Education Week* 25 (2006): 44.

Budde reflected on the evolution of the charter concept, which evolved from obscurity, to a social movement and eventually into public policy. Although he may have inspired the concept, he stated “Policymakers and citizen groups in Minnesota pushed the charter concept in another direction and, in a real sense, were the ones responsible for starting the nationwide charter school movement.”<sup>18</sup>

#### Ted Kolderie

Senator Riechott- Junge, Nathan and Kolderie were the points of reference in Buddle’s observation. While speaking at an event in Minnesota, Shanker professed his support for the idea of creating public charter schools. Reichott-Junge (who was attending the event) became enthralled by the idea, and began to look for opportunities to propose charter school legislation in the State Senate. In December of 1988, Kolderie and the Citizens League released a report, which laid the framework for the charter school model (and legislation). The report established a formal set of guidelines to govern the charter school model:

A chartered school is one granted a charter by either a school district of the state to be different in the way it delivers education and within broad guidelines, to be autonomous. It need not be a building. It may result in several schools in one building. It is the process of schooling and not the building itself that will differentiate a chartered school from a conventional one.... A chartered school is a public school and would serve all children. Students would be integrated by ability level and race. Chartered schools could not select only the best and brightest students or the easiest to teach.<sup>19</sup>

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<sup>18</sup> Ray Budde, “The Evolution of the Charter Concept,” *Phi Delta Kappan* 78 (1996): 72.

<sup>19</sup> Citizens League, *Chartered Schools = Choices for Educators + Quality for All Students* (Minneapolis: Citizens League, 1988).

Features outlined in this report remain in the state and federal definition of ‘charter school’ under the law. From the scholarship of Ray Budde, which focused on school reorganization, to Nathan’s personal experience in the education system, Kolderie and the Citizens League were able to craft a cogent educational model for public charter schools. As a result, the modern understanding of the charter school concept reflects an evolution in thinking and policy from individuals, organizations, and policymakers.

## Chapter II.

### Federal Policy Entrepreneurs: A Missing History

For two decades, scholars have focused overwhelmingly on the development of state and local charter school movements. However, it is nearly impossible to find a comprehensive history concerning federal charter school policy. This is unfortunate, as the development of federal charter policy offers a glimpse into the fascinating activities of policy entrepreneurs. Furthermore, this thesis will tell a story that is similar to that of Kolderie, Nathan and Riechott-Junge, and took place just following the passage of Minnesota's historic law. This thesis will focus on four policy entrepreneurs, who were instrumental in the success of passing federal charter school language (within Goals 2000 and the IASA). Over the course of my research, I identified the following policy entrepreneurs, U.S. Senator David Durenberger (R-MN), U.S. Senator Joe Lieberman (D-CT), Secretary of Education, Richard Riley, and President Bill Clinton. While Minnesota's law was influenced by a diverse group of stakeholders and lawmakers, the introduction of charter schools in Congress presented an isolated effort, with no organizational or political support or lobbying apparatus.

For this reason, Durenberger and Lieberman had to be alert to opportunities, in order to effectively push charters onto the federal agenda.<sup>20</sup> Throughout this historical narrative, both Senators encounter and overcome obstacles, from legislative defeat to

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<sup>20</sup> Michael Mintrom and Sandra Vergari, "Advocacy Coalitions, Policy Entrepreneurs, and Policy Change," *Policy Studies Journal* 24 (1996): 420.

fierce part. Clinton and Riley faced unique challenges, particularly within the Democratic Party, and during pivotal moments, when school-choice remained a taboo concept in the political arena. Clinton not only advocated for charters as President, but showed exemplary commitment during his run as the Democratic nominee for the Presidency in 1992. Riley had a similar background as a former Governor (South Carolina), but had to use his skills to advocate for charters to the academic community and carry Clinton's message without mobilizing the opposition.

This investigation will make several arguments that bridge the study of education policy, presidential studies, congressional behavior and agenda setting. Driving the focus of this investigation is the claim, that policy entrepreneurship represents a theory of policy change. This claim operates on the premise that policymakers can certainly qualify as policy entrepreneurs. Chapter II covers the existing literature on policy entrepreneurship, and reveals that policymakers are not often referenced as policy entrepreneurs. To challenge this conventional view, I measure the actions of four policymakers against Mintrom and Norman's four criteria in their article, *Policy Entrepreneurship and Policy Change*.<sup>21</sup>

Lastly, this thesis represents over a year of intensive research on the federal response to charter school policy. It was surprising to find that such little academic coverage had been produced on the topic. This observation proved challenging at times, but also rewarding, as it confirmed the need for this type of investigation. Joe Nathan also

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<sup>21</sup> Michael Mintrom and Phillipa Norman, "Policy Entrepreneurship and Policy Change," *Policy Studies Journal* 37 (2009): 649-667.

reconfirmed the need for this type of investigation, in order to provide a context for the current policy deliberations going on with charter schools around the country.

While charter school politics remain notably combative at the state-level, this study also reveals that federal support remains salient. Both Goals 2000<sup>22</sup> and the Improving Americas Schools Act of 1994<sup>23</sup> established the Federal Charters Schools Program (CSP), which has provided a steady, and increasing level of funding to the states over the past two decades. Legislation has been passed during this period as well, leading to the expansion and scope of the CSP, which has allowed charter schools to receive funding for infrastructure improvements in addition to other needs. After the landmark IASA was passed, congress passed the Charter School Expansion Act of 1998.<sup>24</sup>

Although charter school activism continues at all levels of government, the early points of this movement proved the most difficult to securing policy adoption. Policy entrepreneurs had to introduce a new concept to a diverse group of policymakers with competing interests, loyalties and constituencies. More importantly, they had to convince their colleagues (across party lines) to adopt a federal school choice program, without frustrating the constitutional balance of federalism. This effort was successful, but was not prominently recorded into the social sciences. This investigation will serve also as a chronology of documented legislative and political events concerning federal school choice policy.

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<sup>22</sup> Goals 2000: Educate America Act, H.R. 1804, 103<sup>rd</sup> Cong. (1993).

<sup>23</sup> Improving America's Schools Act of 1994, Pub. L. No. 103-382, 108 Stat. 358 (1994).

<sup>24</sup> Charter School Expansion Act of 1998, H.2616, 105<sup>th</sup> Cong. (1998).

## Sources and Organization

The lack of scholastic attention to federal charter school policy made the process of legislative research critical to this investigation. Without precedent or similar scholarship to reference, I decided to utilize the Congressional Record and Library of Congress to track the corresponding statements of Durenberger and Lieberman on the Senate Floor and in Committee Hearings, with the introduction of legislation and amendments. Primary source material remains the predominant source of information referenced throughout this thesis. Parliamentary statements contain important information and context. These policymakers in particular, were skilled rhetoricians on the floor of the U.S. Senate. Mintrom attests to the importance of communication skills in serving as an effective policy entrepreneur:

To shape the meanings that others attach to particular objects or actions, entrepreneurs must be excellent communications. This means taking the time to listen to what others are saying, as well as thinking carefully about how to present ideas and arguments to others. The combination of these skills is rarer than we might think.<sup>25</sup>

Two important elements to making my argument (that all four policymakers are policy entrepreneurs and that policy entrepreneurship can lead to policy change) was showing the reader that such individuals were not merely opportunists (as these are not difficult to find in government). The social feature mentioned above, was paramount to the difference between a policymaker who is an expert, and one who has expert knowledge, is capable of communicating his points in front of a captive audience and is

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<sup>25</sup> Mintrom, *Policy Entrepreneurs*, 110.

strategic in his or her timing and framing of the issue. It is clear in the pages that follow, each entrepreneur has a long-term strategy to achieve policy change.

Durenberger and Lieberman are the first to show their long-term intentions of passing federal charter school language and in the process, inspiring states to adopt charter school legislation. Therefore, the most important early action in the legislative history, was the introduction of the first charter school bill to appear in Congress in 1991 (introduced again in 1993). Policymakers do not often reveal internal political strategies to the public or in scholarship. Therefore, I had to reach out to firsthand participants in the political process in 1991. Joe Nathan offered keen insight by discussing personal conversations he had with Clinton, Riley, Durenberger and Lieberman.<sup>26</sup> Firsthand accounts of the charter school movement proved the most valuable resource throughout this process.

However, as it pertains to the literature, one book proved the most useful, as it both confirmed my conversations with Nathan and provided a brilliant chronological account of the charter school movement (both state and early federal accounts), the book titled, *Zero Chance of Passage*,<sup>27</sup> by former Minnesota State Senator Ember Reichott-Junge. As a former state legislator, Junge recalls the importance of federal advocacy, as it acted as a driver for state legislative efforts.

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<sup>26</sup> I had two phone conversations with Joe Nathan, where he described his experience working on a Time for Results with Alexander and his experience in working on charter school policy with the likes of, Ted Kolderie, Senator Ember Reichott-Junge (D-MN), Albert Shanker and U.S. Senator Paul Wellstone (D-MN)). His conversations with Lieberman were not as robust as the former individuals mentioned, however he did recall working with him, his staffer John Shmur and Durenberger during the early 1990s.

<sup>27</sup> Ember Reichgott Junge, *Zero Chance of Passage: The Pioneering Charter School Story* (Edina, MN: Beaver's Pond Press, 2012).



Declassified memorandums and transcripts from the Clinton Presidential Library were extremely helpful to this study, by reinforcing my timeline of legislative events, as referenced in correspondence between Clinton's Education Department and his staff. Several documents include markups of the original charter school language in the IASA, talking points for speeches on Goals 2000 and materials that were sent out to Governors by Secretary Riley to entice states to apply for CSP grant funding. This was a fascinating and accessible resource. Although this information proved helpful, most was pertinent to the years after Goals 2000 and IASA was passed. Therefore, it contributed to mostly to advocacy efforts of Riley, but does not entirely reflect the efforts to pass charter school legislation.

The Harvard Gutman Library at the Graduate School of Education was also a great location for tracking down books or articles from education journals. Lastly, for media accounts of congressional actions, the online publication, *Education Week* was particularly helpful. After leading an academic study for the past year (and working on state and federal charter school policy) it became clear that Durenberger, Lieberman, Clinton, and Riley each helped to drive charter schools onto the federal policy agenda. However, it is not enough to say that policymakers introduced legislation or politicized an issue to show their commitment.

Rather, this particular effort on the part of four policymakers was extraordinarily conducted over the course of four years, in the midst of the extreme contention over school-choice issues and party polarization. In conclusion, they proved successful, by using their personal strengths and finding ways to leverage political realities to achieve their desired results.

## Chapter III.

### Policy Entrepreneurs in the Academic Literature

In his seminal work, *Agendas, Alternatives and Public Policies*, political scientist, John Kingdon stated, “policy entrepreneurs could be in or out of government, in elected or appointed positions, in interest groups or research organizations.”<sup>28</sup> Entrepreneurial actors also play an important role within several of Kingdon’s popular concepts, including the policy streams model, where policy development and “alternative specification takes place in within three separate streams; problems, policies, and politics.”<sup>29</sup> Kingdon also argues that entrepreneurs take advantage of policy windows (of opportunity) where a problem has been identified (by the public) and policymakers are expected to take action. Political science further acknowledged the importance of policy entrepreneurship when scholars Baumgartner and Jones made an important claim, that many of the theories on agenda setting “are based on the actions of individual policy entrepreneurs.”<sup>30</sup> Kingdon’s theory has received the attention of many scholars over the

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<sup>28</sup> John W. Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown, 1984), 122.

<sup>29</sup> Nancy C. Roberts and Paula J. King, “Policy Entrepreneurs: Their Activity Structure and Function in the Policy Process,” *Journal of Public Administration Research and Theory* 1 (1991): 147.

<sup>30</sup> Frank Baumgartner and Bryan Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993), 48.

past two decades, including the works of Cobb & Elder,<sup>31</sup> Polsby,<sup>32</sup> Roberts & King,<sup>33</sup> Baumgartner & Jones,<sup>34</sup> in addition to others. More recently, scholars Michael Mintrom and Phillipa Norman expanded on the existing scholarship, by asserting a new claim, that policy entrepreneurship could be used as a theory to explain significant policy change. This premise deviates from past investigations, which highlight policy entrepreneurs only as key actors within a larger theoretical framework. Instead, Mintrom and Norman show how the concept of policy entrepreneurship fits well with other explanations of policy change. Mintrom and Phillipa's framework was outlined in the 2009, article, *Policy Entrepreneurs and Policy Change*.<sup>35</sup> In the article, both authors ascribe four key traits of policy entrepreneurs, displaying social acuity, defining problems, building teams and leading by example. These key traits were built upon the past works of Kingdon (1984),<sup>36</sup> and Roberts and King (1996).<sup>37</sup>

Mintrom and Norman's article was the first to use policy entrepreneurship as an explanation for policy change. In doing so, they intertwine the concept into established

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<sup>31</sup> Roger William Cobb, *Participation in American Politics: The Dynamics of Agenda-Building* (Baltimore: Johns Hopkins University Press, 1983).

<sup>32</sup> Nelson W. Polsby, *Political Innovation in America: The Politics of Policy Initiation* (New Haven, CT: Yale University Press, 1984).

<sup>33</sup> Roberts and King, "Policy Entrepreneurs: Their Acuity Structure," 147.

<sup>34</sup> Baumgartner and Jones, "Agendas and Instability," 48.

<sup>35</sup> Mintrom and Norman, "Policy Entrepreneurship and Policy Change," 649-67.

<sup>36</sup> Kingdon, *Agendas, Alternatives*.

<sup>37</sup> Nancy C. Roberts and Paula J. King, *Transforming Public Policy: Dynamics of Policy Entrepreneurship and Innovation* (San Francisco: Jossey-Bass, 1996).

theories of policy development. One theme included, incrementalism, termed by political scientist, Charles Lindbloom. Lindbloom first explains the concept in his book, *The Policymaking Process*.<sup>38</sup> Within the context of incrementalism, policy development takes place in a sequence of calculated steps over a protracted period of time. According to Lindbloom:

If problems are considered sufficiently severe, partisans seeking change have a choice between pressing for immediate radical reforms or seeking to make many smaller steps in a relatively short period. The latter is often-but not always, more politically feasible and more prudent analytically than leaping well beyond the limits of understanding.<sup>39</sup>

Some scholars view incrementalism as a stagnation of the policy development process, which frustrates the effort to institute dramatic policy change. However, incrementalism does not always protect the status quo, rather, on various issues, incremental policy development can help to institutionalize a policy idea, creating precedent and subsequently allowing for greater policy change over an extended period of time. Policymakers under the Lindbloom concept are termed, proximate policymakers, “actors with decision-making powers such as presidents, governors, legislators, council members, and bureaucrats.”<sup>40</sup> Mintrom and Norman were the first scholars to use proximate policymakers to highlight the work of policy entrepreneurs.

Most of the existing scholarship refers to policy entrepreneurs as issue experts or advocates who are skilled, knowledgeable and creative in selling their ideas to

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<sup>38</sup> Charles E. Lindbloom, *The Policymaking Process* (Englewood Cliffs, NJ: Prentice-Hall, 1968), 27-28.

<sup>39</sup> Lindbloom, *The Policymaking Process*, 27-28.

<sup>40</sup> Lindbloom, *The Policymaking Process*, 27-28.

policymakers. While professional advocates have an important role in the policy process, they are not the only entrepreneurial actors in the policy arena. Through long tenures on associations or governmental committees, federal policymakers can become issue experts. Congress has seen its fair share of issue experts, who work to educate their colleagues, propose legislation, testify at hearings, author articles to various publications, and give interviews with the media or deliver speeches in the chambers of the House or Senate. It is not uncommon for a policymaker who sits on a particular committee to propose legislation on an issue that falls under their committee jurisdiction. However, policy entrepreneurs are distinctly driven, tactical and employ a long-term view of achieving their policy goals. Policy entrepreneurs who are also policymakers, can be identified by their ability to display “Social acuity, Define problems, Build teams and Lead by example.”<sup>41</sup>

### Displaying Social Acuity

In order to capitalize on opportunities in the marketplace, business entrepreneurs must be perceptive to market conditions and have an innovative solution to address demand. The same holds true for policy entrepreneurs, who must be perceptive to political conditions and creative in their strategy for introducing new policy ideas. Therefore, opportunities must be recognized before they can be used to pursue desired outcomes. Mintrom describes social acuity as, “making good use of policy networks” and “understanding the ideas, motives and concerns of individuals in their own policy context

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<sup>41</sup> Mintrom and Norman, “Policy Entrepreneurship,” 649-667.

and, responding effectively.”<sup>42</sup> Therefore, policy entrepreneurs with social acuity will be identified by their use of public speeches, statements in congressional hearings, policy proposals (bill sponsorship) and journalistic endeavors.

### Defining Problems

In order for policymakers to justify action on a particular issue, they must first, define the problem at hand. Policy entrepreneurs must be able to frame issues in a manner that demands immediate policy action. To support this attribute, policymakers can use evidence (research) to suggest an “impending crisis, find ways to highlight current policy failures, and draw support from actors who are not directly involved to show the wider scope or impact of the problem.”<sup>43</sup> With a convincing argument and captive audience, the policy entrepreneur must continue to educate the public and convince their colleagues to support an innovative solution to the address the problem.<sup>44</sup>

### Building Teams

Policy entrepreneurs often utilize their personal and professional networks, which can maintain a wealth of skills and knowledge they can draw upon to support their initiatives. “Policy entrepreneurs also recognize the importance of developing and

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<sup>42</sup> Mintrom and Norman, “Policy Entrepreneurship,” 652.

<sup>43</sup> Mintrom and Norman, “Policy Entrepreneurship,” 652.

<sup>44</sup> Mintrom and Norman borrowed theories from the following: Nancy C. Roberts and Paula J. King, “Policy Entrepreneurs: Their Activity Structure and Function in the Policy Process,” *Journal of Public Administration Research and Theory* 1 (1991).

working with coalitions to promote policy change”.<sup>45</sup> Although policy entrepreneurs often act as individual change-agents, they are able to use their skills (social acuity) to build support for their issues. Coalition building is particularly important, as it determines the strength of support and resources available to achieve their policy goals.

### Leading by Example

According to Mintrom, “Risk aversion among decision makers presents a major challenge for actors seeking to promote significant policy change.”<sup>46</sup> In many cases, policy entrepreneurs work to reduce the potential (or perceived) risk and do so by taking specific actions. One way to mitigate risk is to bring other policymakers together to “demonstrate the workability of a policy proposal”. Combining another characteristic of the PE model, policy entrepreneurs will be able to advocate for their ideas, define the problem, corral support and finally take a distinctive approach from their colleagues or deviate from the institutional norms (or views). “When policy entrepreneurs take action, they can sometimes create situations where legislators look out of touch (Mintrom, 1997b). In such situations, the risk calculations of legislators can switch from a focus on the consequences of action to a focus on the consequences of inaction.”<sup>47</sup>

As Kingdon notes, the policy entrepreneur is not confined to such a narrow definition, rather it is embodied through “individuals who introduce and promote their

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<sup>45</sup> Mintrom and Norman, “Policy Entrepreneurship,” 653.

<sup>46</sup> Michael Mintrom, “Policy Entrepreneurs and the Diffusion of Innovation,” *American Journal of Political Science* (1997): 738-770.

<sup>47</sup> Mintrom, “Policy Entrepreneurs,” 738-770.

ideas in many different fora and invest time and energy to increase the chances for an idea to be placed on the decision agenda.”<sup>48</sup> As the originator of the concept, Kingdon left the policy entrepreneur character open, perhaps to allow academia to use it as a framework for exploring policy change (as featured in this investigation). Furthermore, existing scholarship provides few clues as to the differences between policy entrepreneurs and other policy advocates.

Federal education policy provides a unique framework for exploring the policy entrepreneurship. Other authors have explored the contours of the convergence between federal charter policy and policymakers, including, Jesse Rhodes, in his study of institutional entrepreneurship. Rhodes incorporates components of the Mintrom-Norman model, but uses it to highlight the work of civil rights and business entrepreneurs in the process leading up to the passage of Goals 2000 and IASA.<sup>49</sup> However, the story of the advocates within the confines of government have been left out of existing scholarship.

This investigation will proceed by starting briefly in 1985 where the paths of Governor Clinton and Governor Riley converge within the National Governors Association (NGA) around the effort to promote new school-choice options. It then proceeds by introducing U.S. Senator David Durenberger (R-MN) and U.S. Senator Joe Lieberman, who offered the first federal charter school bill. The story carries through the actions of both Senators and Governors Clinton and Riley, who remerge on the federal scene in 1993 and carry out the conceptual framework they have designed as governors.

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<sup>48</sup> Kingdon, *Agendas, Alternatives*, 122.

<sup>49</sup> Jesse Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind* (Cornell University Press, 2012).



In the final chapter, the paths of all four policy entrepreneurs converge, which culminates in the passage of Goals 2000 and the Improving America's Schools Act. Although their entrepreneurship on behalf of charter policy is well noted by the education community, the story of these dedicated individuals has not been examined in-depth, leaving existing scholarship without a full perspective of their efficacy in promoting institutional change.

## Chapter IV.

### The Origins of Federal Charter Policy: A Time for Results

The policy underpinnings of the federal charter school movement began in August of 1985, when the National Governors Association (NGA) convened seven task forces to address the challenges facing public education. This effort culminated in the groundbreaking report titled, *Time for Results: the Governors' 1991 Report*.<sup>50</sup> In the report, the Governors came to agreement on most of the pressing issues but failed to generate a consensus solution to address the need for more school choice. Governor Lamar Alexander (R-TN) corralled a number of Governors working through the National Governors Association (NGA), with the help of Joe Nathan, to coordinate hearings around the country, with the intention of identifying salient policy issues facing public education.

As the hearings took place in 1984, Governor Alexander and Governor Clinton continued to hear the same message repeated by teachers and school administrators, that schools would willing to take more responsibility for their results, if they were given some flexibility from federal regulations. Governor Alexander turned this theme into the title of the report, *Time for Results*. Alexander broadly summarized the prevailing conclusion from the Governor's task force on school-choice by stating, "The governors are ready for some old-fashioned horse trading. We'll regulate less, if schools and school

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<sup>50</sup> Kean, Clinton and Alexander, *Time for Results*.

districts will produce better results."<sup>51</sup> This is the intellectual framework that led to the development of federal policy entrepreneurs and their relentless efforts to pass charter school reform. Joe Nathan, who worked directly on the report, stated:

Our report is called Governors 1991 Report, because it looks ahead for five years. But education reform and the improvement of schooling will need to be kept on the front burner for longer than that if real, lasting change is to take place. The Governors are in this for the long haul.<sup>52</sup>

This quote is a direct foreshadowing of the efforts by each Governor to address public education. Five years after the release of the report, in 1991, Minnesota passed the first charter school law in the United States. School choice debates had taken place across the country, leading to open-enrollment policies and debates over proposed voucher programs. However, Minnesota answered the call raised by the Governors in their initial deliberations, to allow greater flexibility to the schools in exchange for accountability of their performance, which ultimately embodies the charter school model.

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<sup>51</sup> Joe Nathan, "Implications for Educators of Time for Results," *The Phi Delta Kappan* 68 (1986): 197-201.

<sup>52</sup> Lamar Alexander, "Time for Results: An Overview," *Phi Delta Kappan* 68 (1986): 202-204.

## Chapter V.

### Federal Support for Charters: Durenberger & Lieberman

Scholars have focused considerable attention on the diffusion of state and local charter policy adoption over the past two decades. As this thesis will show, federal support for charters grew quickly, and has maintained an unprecedented political saliency both in Congress and within each Presidential Administration (1992-2016). Although the federal government didn't pass charter school language until 1994, as one can see from Figure 1.1 (State Charter School Laws: Year of Passage),<sup>53</sup> federal reform was not far behind state adoption, particularly given the rapid expansion of laws across the country in the early 1990's.

Table 1: State Charter School Laws: Years of Passage<sup>54</sup>

States	Year Law Passed
Minnesota	1991
California	1992
Massachusetts	1993
Michigan	1993
Colorado	1993
Wisconsin	1993
New Mexico	1993

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<sup>53</sup> Information on the state adoption of charter school laws was gathered from the Center on Education Reform (CER), which gathers an annual listing of charter school laws and ranks each state by a criteria based upon flexibility and possibilities for expansion.

<sup>54</sup> Center for Education Reform, "Charter School Laws Across the States: 2015 Rankings and Scorecard," *Edreform.com*. Accessed March 20, 2016.

Georgia	1993
Kansas	1994
Hawaii	1994
Arizona	1994
Alaska	1995
Rhode Island	1995
Texas	1995
Louisiana	1995
Delaware	1995
Arkansas	1995
New Hampshire	1995
Wyoming	1995
New Jersey	1996
Illinois	1996
Connecticut	1996
Florida	1996
South Carolina	1996
District of Columbia	1996
North Carolina	1996
Pennsylvania	1997
Nevada	1997
Ohio	1997
Missouri	1998
Utah	1998
New York	1998
Idaho	1998
Virginia	1998
Oklahoma	1999
Oregon	1999
Indiana	2001
Tennessee	2002
Iowa	2002
Maryland	2003
Mississippi	2010
Maine	2011
Washington	2012

Charter school policy development, at the state level is often presented in a vacuum, which suggests that federal actors were unresponsive, avoidant or unaware of the charter school movement. While the federal government did not pass charter school language until 1994, two members of the U.S. Senate proposed legislation to provide

federal assistance to charters, only one month after Minnesota passed its first charter law in 1991. Federal lawmakers are prone to supporting their states or district activities, by making a floor speech to congratulate their hometown sports team on a victory or by issuing a resolve to name a Post Office after a beloved member of the community. When the first charter bill was offered in the U.S. Senate, charter school policies were not yet sweeping the country. Therefore, it is important to highlight the diverse support that charters would eventually receive as a result of the policy entrepreneurs and their efforts to build a coalition. Over the course of two decades, charter schools would survive devastating budget cuts and the variance in partisan politics.

U.S. Senator David Durenberger (R-MN) was deeply involved in school choices issues in his home-state, including the fight over open-enrollment in 1987 in the state legislature. Therefore, Durenberger and his staff watched closely as Minnesota once again tangled over school-choice policy. After the law passed, Durenberger and his and his Legislative Director, Jon Schroeder, were swift to act, with the hope of supplementing states like Minnesota, with financial resources to start new charter schools and pay for any anticipated problems (facility or administrative) to arise along the way. Ted Kolderie and Joe Nathan had produced a bill for State Senator Riechott Junge, which eventually passed into law.

To provide uniformity, the Senator drafted legislation, which used the Minnesota model to provide a definition for charter schools (allowing recognition to the states), and create a federal grant program to provide startup funding to State Educational Agencies (SEA) and Local Education Agencies (LEA) for distribution. The following quote by

Mintrom is emblematic of Durenberger and Lieberman in their effort to achieve charter policy adoption:

The defining characteristic of entrepreneurs is that they seek to create and bring to market products or services that represent innovations. Entrepreneurs seek to establish trade among people where before there was only an absence, a void, and thus distinguish themselves by entering into new territory in the marketplace and serving as market makers. By definition, in this new territory they cannot rely on maps that others have drawn and they cannot follow familiar directions.<sup>55</sup>

#### The Public Schools Redefinition Act of 1991

On July 31, 1991, Durenberger was joined by his colleague, U.S. Senator Joe Lieberman (D-CT), who both introduced the first federal charter school bill, The Public Schools Redefinition Act (PSRA).<sup>56</sup> According to private communications between, Durenberger and Lieberman, both “were interested in revealing the hidden costs of district schools and saw chartering as a way for schools to have more control over spending”.<sup>57</sup> Lieberman also shared Durenberger’s view that federal support could spur efforts to expand charter legislation across the country, particularly in his home state of Connecticut. The bill language was a reflection of both Senator’s aspirations to allow for national charter expansion, according to Bulkey and Fisher:

The founding legislators were purposefully brief in their definition of charter schools and of state charter school law so the individual states and the schools they authorize could determine how objectives would be met. The loose definition provided the opportunity for each state to develop their own legislation. Charter

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<sup>55</sup> Mintrom, *Policy Entrepreneurs*, 109.

<sup>56</sup> Public Schools Redefinition Act of 1991, S.1606, 102<sup>rd</sup> Cong. (1991).

<sup>57</sup> Joan Little Arbisi, “Site-Based Leadership: Extrapolating from Small Business to Charter Schools” (Education Doctoral Dissertations in Leadership, University of St. Thomas, Minnesota, 2012), 12.

schools can be broadly characterized as publicly funded schools that students can choose to attend.<sup>58</sup>

The bill allowed the federal government to distribute grant funding to State Educational Agencies (SEA) for the purposes of conducting an “outcome-based public school program” and entering into an outcomes agreement.”<sup>59</sup> Like many bills, the first iteration of the PSRA was a longshot to pass through Congress. However, it was a critical step towards securing federal support for charter schools. According to Durenberger’s Legislative Director, Jon Schroeder, introducing the PSRA:

would open the door to cosponsors, statements in the Congressional Record, hearings, press conferences...it would create a bully pulpit where they could invest time in the issue, talk with people, and build support for the idea in Minnesota and around the country.<sup>60</sup>

#### America 2000

While the charter movement was gaining momentum in the states, the federal efforts to expand school choice were about to hit a roadblock. In 1991, the Bush Administration introduced its landmark education bill, (H.2460) America 2000 Excellence in Education Act.<sup>61</sup> Education scholar, Patrick McGuinn, recalls the America

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<sup>58</sup> Katrina Bulkley and Jennifer Fisler, “A Decade of Charter Schools: From Theory to Practice,” *Educational Policy* 17 (2003): 317-342.

<sup>59</sup> Summaries for the Public School Redefinition Act of 1991

<sup>60</sup> Jon Schroeder, Director of the Charter Friends National Network to the Subcommittee on Oversight and Investigations U.S. House Committee on Education and the Workforce. March 3, 2000.

<sup>61</sup> America 2000 Excellence in Education Act, H.R. 2460, 102<sup>nd</sup> Cong. (1991).



2000 Act as “a moderate and pragmatic plan to call for national leadership to promote school reform through a new focus on student achievement.”<sup>62</sup> This proposal was indeed pragmatic in some respects, as it reflected the consensus policy goals that were adopted at the NGA Summit in Charlottesville, VA in 1989. The term ‘Goals’ was literal, as the Summit produced an agreement between the President and several Governors, to adopt policies in pursuit of achieving six goals to by the year 2000. However, the Governors and the President did not formulate a clear school choice strategy. One of the key architects of the 1984 and 1989 events, Lamar Alexander was appointed by President Bush to serve as the Secretary of Education. With considerable influence over the drafting of America 2000, Alexander was responsible for the inclusion of a private school voucher program within the Bush proposal.

Along with most Southern Governors, Alexander had success in passing school choice laws in Tennessee. However, school choice policies at the federal level would prove historically divisive. With the House of Representatives controlled by the Democrats, Alexander and Bush faced considerable opposition to the concept of funding private (religious) schools with public taxpayer dollars. For Durenberger and Lieberman, this could have spurned their efforts to advocate for charter schools, as most legislators were unfamiliar with the concept. The Minnesota legislation established that charters were to be nonsectarian, and the PSRA reflected the same language. Therefore, both Senators started their efforts in policy entrepreneurship with the introduction of America 2000.

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<sup>62</sup> Patrick J. McGuinn, *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005* (Lawrence: University Press of Kansas, 2006), 66.

Therefore, it was up to both Senators to introduce the concept into the public domain, while making the distinction between public charters and private schools. Durenberger and Lieberman's social acuity skills played an important role in their ability to recognize the opportunity presented by the introduction of America 2000. As Mintrom and Norman observe that, "in policymaking contexts, as in all areas of human endeavor, opportunities must be recognized before they can be seized and used to pursue desired outcomes."<sup>63</sup> This is a distinctive characteristic, which separates the policy entrepreneur from the self-promoter or political opportunist. In this context, both Senators recognized a "policy window",<sup>64</sup> as termed by Kingdon. Citing her personal recollections, State Senator, Ember Reichgott-Junge recalls:

Senator Durenberger and his policy aide Jon Schroeder immediately recognized chartering as a viable middle position between President George H.W. Bush's focus on vouchers and House Democrats who support the education status quo. Durenberger and Schroeder positioning chartered schools as a pragmatic centrist national policy alternative.<sup>65</sup>

During the Spring of 1991, Senator Ted Kennedy (D-MA), vocalized plans to forge a compromise bill in the Labor and Human Resources Committee, by keeping some of the Administration's programs, while leaving the most controversial items to address in the fall. Public negotiations on the bill broke off in July, which allowed Durenberger and Lieberman time to lobby their colleagues and convince the committee chairman to incorporate a charter school amendment into the Senate draft. Equally important, was

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<sup>63</sup> Mintrom and Norman, "Policy Entrepreneurship," 652.

<sup>64</sup> Kingdon, *Agendas, Alternatives*, 42.

<sup>65</sup> Ember Reichgott Junge, "Reclaiming the Origins Of Chartered Schools," *Education Week* 31 (2012).

both Senator's strategic use of the media to frame charters as an innovative option, one the Democrats in the Senate could use in lieu of the private school voucher program. In doing so, Durenberger authored article in the *Washington Post*, titled *Minnesota's Choice*, where he directed the attention to the innovative charter model and Minnesota's volition to take the lead on passing legislation:

This unique blend of flexibility and the public interest makes Minnesota's new chartered schools law a positive model...the new Minnesota law represents a fundamentally different way of framing the debate now raging in Washington between proponents of public and private school choice.<sup>66</sup>

During the recess, Durenberger and Lieberman met with Kennedy, who agreed to support a charter school amendment in the Senate bill. The work of policy entrepreneurs paid dividends with this agreement, as the PSRA showed no signs of passage in 1991. Rather, the opportunity to introduce charters into the America 2000 debate, with support from the Committee Chair, gave institutional credibility to the idea, and allowed the Senators to educate their colleagues, and the public. Kennedy followed through on his promise, and introduced the compromise Senate bill (S.2)<sup>67</sup> in January of 1992.

As America 2000 progressed through the legislative process, so did the scrutiny of the Administration's plans to address school-choice. However, Democrats wanted to appear open to entertaining new ideas, which also helped Kennedy to support the introduction of the charter amendment. Durenberger took the initiative to introduce the amendment on the Senate floor, and called for a colloquy, which is a parliamentary tool

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<sup>66</sup> Dave Durenberger, "Minnesota's Choice," *Washington Post*, September 10, 1991.

<sup>67</sup> Neighborhood Schools Improvement Act, S.2, 102<sup>nd</sup> Cong. (1991).

in the U.S. Senate, designed to allow policymakers to explain the contours of their proposals.

His speech laid out the framework of charters as defined in the Minnesota law, and more importantly, elaborated on the fact that such schools were nonsectarian. This was an important point, as his Democratic colleagues were originally concerned about any Republican proposal to support school choice. An equally important point in his comments, highlights the increasing popularity of charters at the state level, and the impact such efforts have had on his colleagues in the Senate:

Chartered schools are now being actively discussed by legislators and education reformers in a number of States including Connecticut, Massachusetts, California, Florida, Michigan, Wisconsin, and Tennessee. That is one reason I am pleased that several other Members--including my distinguished colleagues from Connecticut, from Georgia, and other States--have been very supportive of my efforts to ensure that new alternative public schools will be eligible for funding under this legislation.<sup>68</sup>

The last important component to his colloquy was the submission of an article by *Education Week*, titled, *Supply Side' Reform or Voucher? Charter-School Concept Takes Hold into the Congressional Record*.<sup>69</sup> In doing so, Durenberger was highlighting the growing popularity of charters across the country. Engagement of Durenberger and Lieberman in state governmental affairs is an important point, as this demonstrates an unusual level of commitment on behalf of the typical proximate policymaker. Therefore, not only did both Senators recognize the policy window offered by America 2000, but they utilized their policy networks to influence policy diffusion in other states. Most

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<sup>68</sup> 138 Cong. Rec. S347 (daily ed. Jan. 24, 1992).

<sup>69</sup> Lynn Olson, "Supply Side, Reform or Voucher? Charter-School Concept Takes Hold," *Education Week* 11 (1992): 1.

importantly, by inspiring other states to pass the Minnesota (model law) they would immediately come into compliance with the federal grant program (proposed under the PSRA).

Former Minnesota State Senator, Reichgott-Junge recalls, that Durenberger played a key role in California's passage of charter laws, due to his "his personal relationships or through his leadership in generating the chartering conversation throughout the nation."<sup>70</sup> Baumgartner & Jones describe this type of strategy which leads policymakers to form unique alliances, "policy entrepreneurs often work to gain support from groups that might appear as unlikely allies for a cause. Used effectively, the composition of a coalition can help to deflect the arguments of opponents of change."<sup>71</sup> In this case, helping to advise states on their charter school legislation, provided an opportunity for Durenberger and Lieberman to expand their coalition of support. Senator Kennedy posed a tremendous asset to their objective of incorporating charter language into the senate bill.

Another applicable point comes from Mintrom and Norman, who described policy entrepreneurs as "making use of their personal and professional networks—both inside and outside the jurisdictions where they seek to promote policy change."<sup>72</sup> With the support of Senator Kennedy, the charter school amendment was incorporated into S.2 and in September of 1992, the internal debates among Democrats in the House surfaced more publicly. During the House negotiations, Secretary Alexander sent a letter to

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<sup>70</sup> Junge, *Zero Chance of Passage*, 185.

<sup>71</sup> Baumgartner and Jones, "Agendas and Instability," 48.

<sup>72</sup> Mintrom and Norman, "Policy Entrepreneurship," 653.

Democratic leaders, stating that he would support H.3320, but only if public-private school choice provisions were adequate.

Democrats in Congress opposed private school choice for two reasons, the first was based on ideological framework, that funding to private schools was not warranted, given the state of public schools, particularly in urban areas of the country. Several Democrats even predicted that private school choice would lead to a re-segregation of the public school system, as argued by Rep. William Jefferson (D-LA).<sup>73</sup> While these issues were present, the House version of America 2000 represented a clear political strategy to defeat the incumbent President as the election approached.

In October of 1992, the democratically controlled House approved a new version of America 2000 (H.R.4323) in a display of election year partisanship. The new bill rejected funding for private school choice and most of the Administration's priority items including national testing standards (Opportunity to Learn Standards). Democrats intended to force the President to oppose his own legislation on the eve of the election. However, Secretary Alexander was the most outspoken critic of the new bill and "urged the President to veto the bill if it reached his desk"<sup>74</sup> and argued that "it constrained the implementation of the new break the mold schools."<sup>75</sup>

Without the charter school amendment, Durenberger decided to oppose the cloture vote by parting with 40 of his fellow Republican colleagues in the Senate, which

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<sup>73</sup> McGuinn, *No Child Left Behind*, 67.

<sup>74</sup> McGuinn, *No Child Left Behind*, 67.

<sup>75</sup> Lawrence John McAndrews, *The Era of Education: The Presidents and the Schools, 1965-2001* (Urbana: University of Illinois Press, 2006), 144.

led to a defeat of America 2000. Although frustrated by the outcome, Durenberger showed his strongest qualities of policy entrepreneurship while speaking on the Senate floor after opposing the cloture vote. His remarks diverted the conversation away from the defeat of S.2, and towards a new strategy for passing charter school legislation. This plan included seven strategic goals for passing charter legislation, including a plan to reauthorize the Elementary and Secondary Education Act (ESEA). He concluded the speech by stating:

Finally, Mr. President, I would prefer to think of today's vote, not as an end, but as the beginning of a commitment by this body to define a positive and effective role for the National Government in supporting real education reform. With that objective in mind, let me take a moment to briefly look ahead to next year's reauthorization of the Elementary and Secondary Education Act, and the opportunity that reauthorization represents as we continue to work toward a national consensus on education improvement and education reform.<sup>76</sup>

Although a portion of this section has elaborated on the controversial nature of the private voucher program, politics were most responsible for the defeat of America 2000. According to my research, the overwhelming majority agreed that Democrats had designed the redraft of the bill to purposely derail any compromise. As the *Charter School Policy Bulletin* recalls the bill “falling victim to election year politics.”<sup>77</sup> The media also recognized the conference report as a political move to defeat the President’s goal of achieving significant education reform, one of his primary campaign promises in 1988. As a result, the Bush Administration failed to achieve a reformation of the American education system and in the process may have tarnished the concept of school

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<sup>76</sup> 138 Cong. Rec. S 16451 (daily ed. Oct. 2, 1992).

<sup>77</sup> Scott Williams and Mark Buechler, “Charter Schools Policy Bulletin,” (1993).

choice legislation. However, Durenberger and Lieberman remained persistent and strategic in their plan to achieve legislative success in the 103<sup>rd</sup> Congress.

Although America 2000 proved unsuccessful, it offers an example of incrementalism. Failure was not the desired outcome, however, “patient actors who hold a clear vision of the end they are seeking can still move policy in directions they desire.”<sup>78</sup> Both Senators had already proved the viability of charter language by achieving bipartisan support for their amendment in the Senate, and a group of Senators were now familiar with the policy concept.

#### Lamar Alexander

Former Secretary of Education, Governor of Tennessee and current U.S. Senator Lamar Alexander (R-TN) has been arguably the outspoken advocate for school choice over the past two decades, from his initiative to organize the NGA summit in 1985 to his service as Secretary of Education under President Bush. With his chief goal being to provide parents, teachers and students with more parity in school-choice, Alexander kept good on his word as Secretary of Education under George H.W. Bush, by drafting federal legislation in the form of America 2000. It is important to mention that during the deliberations on America 2000, only one charter law had been passed (Minnesota) and it remained an unfamiliar concept to most policymakers.

During my conversations with prominent education scholars and former policymakers, Lamar Alexander was consistently the first name to enter the dialogue.

Therefore, it is fair to ask, “*why is Lamar Alexander not profiled as a charter school*

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<sup>78</sup> Mintrom and Norman, “Policy Entrepreneurship,” 655.



*policy entrepreneur in this investigation?* While Alexander was certainly a school-choice advocate, at the time of his appointment as Secretary of Education, charters had just been introduced into the policy world. Therefore, the only other options on the table to address school choice were, open enrollment, magnet schools or as Secretary Alexander pursued, private school voucher programs.

While charter schools were neither well known nor tested for performance, they did remain a viable policy option by the time America 2000 was proposed. It was however, the decision of the Bush Administration to fight for private school vouchers instead. Durenberger and Lieberman introduced the charter concept to the U.S. Congress. In doing so, Durenberger and Lieberman, exhausted a great deal of time and political capital in the process. After the first PSRA failed in 1991, both Senators could have decided to drop the issue, as there is no evidence to show that charters were electorally significant. Policy entrepreneurs introduce innovative policy ideas into the marketplace, and this is exactly what Durenberger, Lieberman, Clinton and Riley achieved.

## Chapter VI

### The New Democrat: Governor Bill Clinton

Scholar Paul E. Peterson captures the importance of policy entrepreneurs in economic and political systems by observing that “Reputation in a social system cannot be constructed out of nothing; there must be something in an individual’s past that leads informed observers to concede him a political status of high rank.”<sup>79</sup> Bill Clinton earned his reputation as, the education Governor, for his success in passing open-enrollment laws in his home state of Arkansas. In 1984, school choice was on the collective conscience of educators, administrators and parents. Without clear strategy to employ after the NGA report, each Governor pursued their own course of action, including Clinton and Riley who fought successfully to achieve open-enrollment in their respective states. In his book on policy entrepreneurship, Mintrom conducted a poll to find consensus on which individuals classified as policy entrepreneurs, particularly on the issue of school-choice.

In this nationwide assessment, Governor Bill Clinton received the greatest number of votes. One survey respondent claimed, “School choice would never have been done in Arkansas if Clinton had not proposed it...I don’t think there was anyone else as informed about it or as enthusiastic about it as he was.”<sup>80</sup> Clinton was a staunch believer in school-choice, as demonstrated by his record in Arkansas, where he proposed fifteen

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<sup>79</sup> Paul E. Peterson, *City Limits* (Chicago: University of Chicago Press, 1981).

<sup>80</sup> Mintrom, *Policy Entrepreneurs*, 166.

school-choice bills in the state legislature, and passed the state's first open enrollment law. As the Democratic nominee for President in 1992, Clinton had established a reputation for leading on education issues, while acting through the NGA, Clinton also chaired the Education Commission of the States (ECS), a nonpartisan, intergovernmental organization.

In the late 1980s Clinton and most Governors had only a few school choice policies at their disposal (open enrollment and private school voucher programs). Although Clinton had success in passing open-enrollment, he knew it would never receive support from his party or with the largest teachers' unions the National Education Association (NEA) and the American Federation of Teachers (AFT), whom also happened to be the most influential groups in the Democratic Party. The other option, private school vouchers, was certainly off-the table, as Clinton opposed the concept publicly, and was running against President George H.W. Bush, who had championed the issue, but failed at the hands of Democratic opposition in congress.

According to McGuinn, "Democrats repeatedly argued that vouchers were not a reform but an exit option and would take money from public schools".<sup>81</sup> Therefore, charter schools presented the ideal alternative, by addressing choice without radical change. In 1992, Clinton had turned apprehension into the strongest political support ever accorded by the NEA and AFT, as the delegates from both organizations granted their collective support to Clinton by a margin of 88%.<sup>82</sup> Although he eventually earned Democratic support, his own party may have posed the greatest obstacle to Clinton's

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<sup>81</sup> McGuinn, *No Child Left Behind*, 81.

<sup>82</sup> "Time for a Real Education President," *NEA Today*, September 1, 1992, 3.

efforts to passing charter school reform. On the campaign trail, Clinton was referred to as, a ‘New Democrat’, which shifted progressive politics to the center of the political spectrum. New Democrats deviated from the Democratic establishment, which allowed Clinton to be innovative and somewhat provocative in his policy positions. The challenge for Clinton was convincing rank and file Democrats that charter schools were inherently different than private schools. Policy entrepreneurs have an innate ability to make intellectual distinctions and deliver convincing arguments to separate fact from fictional policy.

As explained by Roberts and King: policy entrepreneurs like Clinton created a “perception of "crisis," and thereby garnered a growing recognition that a policy alternative had merit.”<sup>83</sup> However, put simply by Joseph Schumpeter, “the function of entrepreneurs is innovation.”<sup>84</sup> Clinton and Riley touted charters, branding them as innovative, which reframed the presentation of the idea and allowed Democrats to avoid the perception of adopting a recycled school-choice policy. On the campaign trail Clinton was not bashful about his support for charters. Before declaring his intent to run for President, he served as the head of the Democratic Leadership Council (DLC), which according to former chairman, Al From, was designed to “expand the party's base and appeal to moderates and liberals.”<sup>85</sup>

In this regard, the public saw Clinton as a true reformer, someone who broke from the traditional power structures within the Democratic Party. Although school choice was

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<sup>83</sup> Roberts and King, “Policy Entrepreneurs: Their Acuity Structure,” 172.

<sup>84</sup> Joseph Schumpeter, *Business Cycles* (New York, McGraw-Hill, 1939), 102.

<sup>85</sup> Al From, “Recruiting Bill Clinton,” *Atlantic Monthly*, December 3, 2013.

not a reformist idea, his staunch advocacy for charters was appealing to swing voters. In fact, he touted his position unabashedly in front of the most influential supporters, Al From recalls Clinton's outgoing support for charters while both were attending a dinner in Los Angeles in 1991. After taking the stage, Clinton was quickly asked by a supporter, "you're not for charter schools are you?", in-which Clinton quickly and tenaciously replied, "Yes...I am, and you should be too...and here's why."<sup>86</sup>The DLC offered Clinton a platform in to promote charters in the media and with donors. However, the New Democrats needed a clear plan for implementing a charter policy. Therefore, to assist with policy development, the DLC founded the Progressive Policy Institute (PPI).

The PPI gathered experts from around the country to help shape the new Democratic message. The intellectual framework of charters reform laid behind the concept of innovation. However, at the time, Democrats didn't want to be viewed as resistant to change. Clinton remarked on this issue and the prevailing wisdom of his party, as he stated the following:

The Democratic Party was good at doing more. We are not so good at doing things differently, and doing them better, particularly when we have to attack the established ideas and forces, which have been good to us and close to us. We are prone, I think, to programmatic solutions as against those which change structure, reassert basic values or make individual connections with children.<sup>87</sup>

Clinton's use of the PPI shows a perfect example of his social acuity skills, by showing his ability to utilize policy networks. Mintrom and Norman found in their study, "that those actors most able to promote change in specific contexts have typically

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<sup>86</sup> Junge, *Zero Chance of Passage*, 185.

<sup>87</sup> From. "Recruiting Bill Clinton."

acquired relevant knowledge from elsewhere.”<sup>88</sup> Although many proponents and policymakers would grow to support charters, Clinton had gravitated to the idea before it was politically expedient or even familiar to the public. He fought against his own party and viewed by the public as a policy entrepreneur, Clinton had a keen ability to recognize public concerns (social acuity), and bring people together around issues (building teams), his experience in the education community, which allowed him to speak with authority (problem definition), and his willingness to stand against the status quo by making the charter school movement his own (leading by example).

After winning the election in November of 1992, Clinton assembled a transition team, and asked the PPI to craft the Administration’s education agenda. Clinton played a strong role in this process, but policy experts drafted the core policy proposals. Ted Kolderie, an early pioneer of the charter movement in Minnesota, was the author of the PPI’s charter school strategy. The report, “*A Mandate for Action*”, included the following language in the charter school proposal:

In addition to the bully pulpit, the new President can use the leverage of federal education aid to promote public school choice. He should support a proposal by Senators David Durenberger (R-MN) and Joe Lieberman (D-CT), which would permit the states to use federal education grants to start up charter schools.<sup>89</sup>

The PPI’s recommendation tied the policy entrepreneurs together, by using their strengths to sell charter school legislation to their colleagues and the public. Although the report was drafted for the Administration, it was equally important for the pursuits of Durenberger and Lieberman.

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<sup>88</sup> Mintrom and Norman, “Policy Entrepreneurship,” 652.

<sup>89</sup> Junge, *Zero Chance of Passage*, 129.

## Chapter VII

### Clinton Appoints a Fellow Southern Governor: Richard Riley

As President, Clinton took the opportunity to appoint a charter school advocate as his Secretary of Education, adding an administrative component to the federal charter movement. His conduit to fill this role was former Governor of South Carolina, Richard Riley, who was appointed Secretary of Education in 1993.<sup>90</sup> During his tenure as Governor, Riley pursued similar policies to Clinton in the realm of school-choice, by passing open-enrollment laws in South Carolina and making education a pillar of his administration. During his nomination hearings, Durenberger took the opportunity to vet Riley's commitment to charters. In doing so, he responded by leaving the door open for charter language into the eventual incorporation of the ESEA reform:

Within the comprehensive reform package that I believe is so important, there may be room for the charter school within the public school system. Because it would be under the school district umbrella, and because these could be very important safeguards to see that certain protections are provided, then I also favor that as another mechanism for careful attention. To me, it is very much like the choice within the public schools. It is another option that bears certain tremendous interest.<sup>91</sup>

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<sup>90</sup> Riley took office on January 21, 1993 and served as Secretary of Education until January 20, 2001, until the last day of the Clinton Presidency. Previously, he served as Governor of South Carolina from 1979 to 1987.

<sup>91</sup> Nomination: Hearing of the Committee on Labor and Human Resources, United States Senate, One Hundred Third Congress, First Session, to Consider the Nomination of Richard W. Riley of South Carolina, to be Secretary of Education, January 12, 1993, 103<sup>rd</sup> Cong. 625 (1993) (statement of Hon. Richard Riley, Nominated to be Secretary, U.S. Department of Education).

The media did not pick up on the subtle context of the Durenberger question, as a way to test Riley on his commitment to adopting charters as the alternative school-choice policy of the Clinton Administration. Although Riley did not go this far, he did call charters a, “promising idea.”<sup>92</sup> In this regard, Durenberger gave Riley an impromptu policy solution to the school-choice conundrum, as Republican members of the House, Labor and Education Committee pressed him on the idea of supporting the recently defeated, Bush-Alexander proposal for private school-vouchers.

However, Riley made it vividly clear that he and Clinton were diametrically opposed to the idea, “I am 100% convinced that it is not good for public schools. The bottom half would be terribly disserved to pull large amounts of dollars out of the public schools.”<sup>93</sup> The selection of Riley was politically savvy, as most of the nomination hearing was gratuitous and a tribute to his accomplishments as Governor of South Carolina. As a reformer, Riley had passed the first piece of state education reform following *A Nation at Risk*. An article in the *New York Times*, titled, *Lessons of South Carolina: What Secretary May Try for U.S. Schools*, outlines some of the most prominent features of the South Carolina education reforms during Riley’s tenure:

It raised the state sales tax by a penny on the dollar to pay for remedial and advanced classes, higher teachers' salaries, early-childhood programs, and new basic-skills tests, including a high school graduation exam. Schools that improved scores and attendance got cash bonuses; the state intervened in school districts whose scores and other indicators dipped below set levels.<sup>94</sup>

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<sup>92</sup> Julie Miller, “Choice Issue Aside, Riley Receives Warm Reception,” *Education Week* 12 (1993): 17.

<sup>93</sup> Elizabeth Shogren, “Riley Tells Congress Better Education Is Moral Mission,” *The Los Angeles Times*, January 13, 1993.

<sup>94</sup> Susan Chira, “Lessons of South Carolina: What Secretary May Try for U.S. Schools,” *New York Times*, March 24, 1993.



In 1983, with the cooperation of the South Carolina Legislature, Riley signed the South Carolina's Education Improvement Act (EIA) into law.<sup>95</sup> The work of Riley as Governor is very important to understanding his motivation and acquired skill-set, both which enabled him to be a successful policy entrepreneur throughout his career in the Clinton Administration. No one in this investigation is more versed in the 'policy' aspect of policy entrepreneurship than Riley. Not only was the EIA groundbreaking, but Riley proposed another important law in 1989 to carry out the recommendations from the NGA Summit in Charlottesville, the Target 200 Acts of 1989.<sup>96</sup>

Later in the Clinton Presidency, Riley would play a key role in selling charter schools and to the academic community, and among state Governors. Riley served as Clinton's counter-part in policy entrepreneurship, towards the latter years of the Clinton Presidency. However, among his first duties as Secretary was to sell the President's education reforms to the legislature and the academic community. A direct parallel can be drawn to Riley as a policy entrepreneur as stated by Mintrom, "To make successful arguments for policy innovation, advocates must understand their audience and they must recognize the limits and opportunities presented by their operating environments. Introducing policy innovations requires intelligence, social acuity, and endurance."<sup>97</sup>

Most important was the landmark reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA),<sup>98</sup> as, H.6, Improving America's Schools Act

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<sup>95</sup> South Carolina Education Improvement Act (1984).

<sup>96</sup> Target 2000-School Reform for the Next Decade Act, Act No. 194 (1989).

<sup>97</sup> Mintrom, *Policy Entrepreneurs*, 113.

<sup>98</sup> Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10 (1965).

of 1994 (IASA).<sup>99</sup> Riley did most of his entrepreneurial activities within the U.S. Department of Education, but was held to a similar public standard as the President. Because of his success as Governor of South Carolina, policymakers saw him as a peer to Clinton, and therefore, had no problem subjecting him to the same scrutiny. As a policy entrepreneur, he knew how to frame charters in a positive context, as innovative and accountable to their performance. In his first State of American Education Address, according to Clive McFarlane in the *Telegram and Gazette*, Riley stated the following:

Reform is best when it is voluntary, inclusive and bottom-up, when we involve parents, teachers and the entire community in putting children first. Riley said he supports such innovations as public school choice, charter schools, schools-within-schools, magnet schools and efforts to expand early childhood and after-school programs.<sup>100</sup>

Riley was also responsible for communicating the Clinton education agenda, including the push for states to adopt Goals 2000 reforms. In the process, he was creative and engaging with Governors to ensure that federal funding could be used to fund startup efforts. In an interview with the Carnegie Foundation, Riley recalled his role in the federal charter movement,

Clinton really did start federal support of the charter school program...we wanted to kind of shake things up....We wanted to create a public school that could have an original kind of administrative setup, bring in interesting people, smaller, focus on certain things as kind of a model then for the other public schools....If they didn't meet the test scores and they didn't meet the graduation requirements....They'd lose their charter. And that's a good thing....I was in Denver when I was secretary and somebody said, you know we had, five charter schools and two of them had to close down. And that was a bad thing. I said, no.

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<sup>99</sup> Improving America's Schools Act of 1994, Pub. L. No. 103-382, 108 Stat. 358 (1994).

<sup>100</sup> Clive McFarlane, "ALL School Steps Up to Charter Challenge," *Telegram & Gazette* (1994).

That's a good thing. The schools didn't work. Close them down, do something else.<sup>101</sup>

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<sup>101</sup> Carnegie Corporation of New York Oral History Project, "The Reminiscences of Richard W. Riley," *Columbia Center for Oral History, Columbia University* (2013).

## Chapter VIII

### Policy Entrepreneurs Coalesce Around Goals 2000 and IASA

Coalition building is one of the most important skills for policymakers or advocates who are seeking policy change. Durenberger and Lieberman were successful during America 2000 debates in securing legislative support. After the disappointing conclusion, marked by the failure of their charter school proposal, both Senators immediately mobilized to win support for another shot at the Public School Redefinition Act. During the recess they corralled support for the PSRA from new members of the House and Senate. As stated by Mintrom, “Policy entrepreneurs frequently seek to build and maintain coalitions to support specific policy ideas.”<sup>102</sup>

Their efforts led to a companion bill being filed in the House, Rep. Dave McCurdy (D-OK) (H.R. 1113)<sup>103</sup> with the support of Rep. Timothy Penny (D-MN), Rep. Tomas Petri (R-WI) and Rep. Tom Ridge (R-PA) in the Senate co-sponsors included Sen. Slade Gorton (R-WA) and Sen. Robert Kerrey (D-NE). Coalition building was not only important for the sake of appearance, but it was also allowed policymakers to recognize the progress of charter legislation going on in their states and respective districts. Senator Slade Gorton (R-WA) stated the following, upon the introduction of the PSRA on March 4, 1993:

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<sup>102</sup> Mintrom and Vergari, “Advocacy Coalitions,” 423.

<sup>103</sup> Public Schools Redefinition Act of 1993, H.1113, 103<sup>rd</sup> Cong. (1993).

The Governor's Council on Education Reform and Funding in Washington State recently recommended that the State encourage choice among publicly funded schools. Charter schools, by providing more and different choices, will serve to expand public school choice both in Washington State and across America....Mr. President, charter schools are not some wild concept in education reform. Excellent models already exist in both Minnesota and California, and at least a dozen other States are currently considering similar programs at the State level.<sup>104</sup>

#### Clinton Introduces Goals 2000

In his systematic study of policy entrepreneurship, Mintrom concluded that “the likelihood of policy change is affected by key contextual variables and by what policy entrepreneurs do within those contexts.”<sup>105</sup> This point is certainly accurate within the context of Goals 2000 and IASA. Clinton faced a better audience than his predecessor when he introduced H.R. 1804, Goals 2000: the Educate America Act.<sup>106</sup> Bush and Clinton both pushed the same six education goals which were agreed upon by the each governor at the 1989 National Education Goals Summit in Charlottesville, Virginia.

While not prominently featured, the Goals 2000 allowed states to use federal funds to promote “public magnet schools, public charter schools and other mechanisms for increasing choice among public schools.”<sup>107</sup> However, at the time, Goals 2000 represented the move towards standards-based reforms, which received the most attention

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<sup>104</sup> 139 Cong. Rec. S 2379 (daily ed. Mar. 4, 1993).

<sup>105</sup> Mintrom and Norman, “Policy Entrepreneurship,” 651.

<sup>106</sup> Goals 2000: Educate America Act, H.R. 1804, 103<sup>rd</sup> Cong. (1993).

<sup>107</sup> Craig R. Sautter, *Charter Schools: A New Breed of Public Schools*, North Central Regional Educational Laboratory, 1900 Spring Road, Suite 300, Oak Brook, IL 60521-1480. *Policy Briefs* (1993).

from lawmakers. The bill ultimately provided \$420 million in seed money for a number of activities and redirected \$8.2 billion in education funding for state-level reforms.<sup>108</sup>

Table 2: 1989 National Education Goals <sup>109</sup>

All children will start school ready to learn.
The high school graduation rate will increase to at least 90 percent
All students will be prepared for responsible citizenship, further learning, and productive employment in a global economy.
Teachers will acquire knowledge and skills necessary to prepare students for the next century.
U.S. students will be first in the world in math and science achievement.
Every adult will be literate and ready for lifelong learning.
Every school will be free of drugs, violence, and unauthorized firearms and alcohol.
Every school will promote parental involvement in the social, economic, and academic growth of children.

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<sup>108</sup> Elizabeth H. DeBray, “The Failure of the 106th United States Congress to Reauthorize the Elementary and Secondary Education Act of 1965: Analysis of Politics, Ideology, and Institutions,” (Ph.D. dissertation, Harvard University, 2001).

<sup>109</sup> National Education Goals Panel, “Building a Nation of Learners,” December 1998.

As Goals 2000 was moving through the early stages of the legislative process, the Administration was plotting a strategy for inclusion of the charter proposal into the omnibus bill. However, the IASA was designed to function under the framework of school reform established by Goals 2000, which would connect ESEA programs to new achievement standards. Although ESEA was set on a five-year reauthorization cycle, prior revisions failed to warrant significant reform. However, the preceding five years (as covered under this investigation) was marked by historic debates and a crisis in public education. Therefore, with the failure of America 2000, Clinton attempted to capture all of the components of the National Education Goals Panel.

Needless to say, this proposal would be far more ambitious than the previous reauthorization of the ESEA in 1988, the Hawkins-Stafford Act.<sup>110</sup> Although not recommended by the NGA, Clinton decided to include the PSRA language into the Administration's proposal. This fulfilled the recommendation of Nathan and Kolderie in the PPI report (which shaped the Clinton education agenda). After the proposal was made public, both Senators began to vigorously defend the charter school provisions and lobby their colleagues to ensure its survival in the Senate.

#### Bringing the Democrats Onboard with Education Reform

In the early 1990's, Democrats had been responsible for obstructing any attempt to pass education reform legislation. Clinton had been working to reclaim the Democratic credo, as the party of new ideas. However, this slogan required Clinton to change the

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<sup>110</sup> Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Pub. L. No. 100-297, 102 Stat. 130 (1988).

status quo, which had created a deep partisan divide, and a growing frustration of the American public to address the alarming report, *A Nation at Risk*.

Clinton campaigned on the promise of addressing education reform and supplementing legislation with new ideas, including charter schools. The unions and party establishment eventually supported this platform, leading to his successful bid for President. However, with the Administration ready to act on its policy agenda, Democrats in Congress were reverting to their original ways, this time with defiance towards its most prominent party leader. Establishment Democrats remained skeptical, particularly about the concept of supporting school-choice reforms. Secretary Riley recalled a conversation with Clinton, where he told the President, “Many Congressional Democrats would prefer not to have this bill at all, and instead substantially expand ESEA, with additional programs and funds.”<sup>111</sup> Clinton’s forceful leadership was supplemented by the persistent efforts of Durenberger, Lieberman and Riley.

As progress remained slow inside the beltway, the states continued to lead on passing charter school reform. By the end of 1993, Minnesota, Massachusetts, California, Georgia, New Mexico, Colorado, Wisconsin and Michigan had already passed charter school authorizing laws (Connecticut under consideration). The consideration of Connecticut’s law clearly offered Lieberman strong incentive to fight for federal legislation. Massachusetts was among the first to pass charter legislation, which proved valuable in gaining the support of key legislative leaders, including Senator Ted Kennedy (D-MA), who’s support was one reason that charter language remained in Goals 2000

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<sup>111</sup> Memorandum from Secretary Richard Riley to President Bill Clinton, “Goals 2000 Legislation,” WJC , Clinton Administration History Project, History of the Department of Education, box 17, folder 12, “Education— Volume I [4],” OA23863.



and IASA. While congress was pouring through the amendment process, the President and his Secretary of Education took the charter message to the public, including at the State of the Union Address on January 25, 1994:

Our Goals 2000 proposal will empower individual school districts to experiment with ideas like chartering their schools to be run by private corporations or having more public school choice, to do whatever they wish to do as long as we measure every school by one high standard.<sup>112</sup>

Clinton also made sure to incorporate charters into the standards conversation in to assure his Democratic colleagues that charters would be held to the same rigor as traditional public schools, particularly if charters were going to be receiving federal dollars. As promised, charters were (and are not) given leeway in terms of accountability for performance. In fact, charters were interchangeably called ‘outcome schools’ in the preceding years (90-91), where performance was expected in exchange for regulatory flexibility and innovative practices.

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<sup>112</sup> William J. Clinton: Address Before a Joint Session of the Congress on the State of the Union, January 25, 1994. Online by Gerhard Peters and John T. Woolley, *American Presidency Project*.

## Chapter IX

### The U.S. Senate Debates Charter Authorization

After the House version of the IASA, (H.R. 6) passed on March 24, 1994, Durenberger and Lieberman directed their attention to the issue of charter school authorization. Debated the issue of charter authorization and whether state or federal government should have authority. This was a crucial issue for both Durenberger and Lieberman, who had worked directly with state Governors on charter issues and hoped that SEA's would have authorizing authority. To rectify the issue, both Senators offered a new amendment, Durenberger explains the nature of this new redrafted bill,

The House retained the administration's proposal for the new charter school grant program with one very important and limiting change--a requirement that charter schools receiving grants be authorized and in partnership with their local school district. The House requirement that charter schools be authorized by local school districts is of particular concern to States like Massachusetts, Michigan, New Mexico, and Arizona. In those four States, some or all charter schools would not be eligible for Federal grants under the House bill since they are chartered by public bodies other than local school districts.<sup>113</sup>

Durenberger believed that giving states greater autonomy would result in more states adopting charter laws. In the words of Durenberger, "One goal of this change (amendment) is to encourage States to adopt charter school laws. Hopefully, having authority to administer the program and award grants would also encourage States to put their own funds into this program."<sup>114</sup> This was a crucial moment in the long excursion

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<sup>113</sup> 140 Cong. Rec. S 18955 (daily ed. Aug. 2, 1994).

<sup>114</sup> 140 Cong. Rec. S 18955 (daily ed. Aug. 2, 1994).

for both Senators, who were not only looking out for their electoral interest or political stature, but were committed to generating sound public policy.

As policy entrepreneurs, they revisited members of their original coalition during America 2000, including Chairman of the Committee, Ted Kennedy. As the perfect example of coalition building, the group successfully issued an override to the House language, which restricted authorization to local districts.

A fitting, but common observation about charter politics is captured by Bulkey, “charter politics are galvanized by different motives and policy frames that create strange political coalitions.”<sup>115</sup> Durenberger and Lieberman used their ability to frame the issue (define problems), in a manner that suggested a uniform commonality amongst their colleagues. Essentially, all Senators had a vested interest in making sure their states had the authority to determine how many charter schools should be allowed to operate. Upon its final passage, Senator Durenberger stated:

I am very pleased that my recommendations regarding the Charter Schools Program were accepted by the conference committee. The changes I proposed authorize a stronger role for States in awarding grants, defer to States what public agencies may authorize charter schools, and promote a stronger leadership role on charter schools for the U.S. Secretary of Education.<sup>116</sup>

This provision cannot be understated in-terms of significance to the study of charter school politics. Expanding authorization from localities to State Education Agencies (SEA) allowed state officials to weigh-in on the process, and impose charter school caps, limiting the number of charters allowed to remain in operation

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<sup>115</sup> Katrina Bulkey, “Understanding the Charter School Concept in Legislation: The Cases of Arizona, Michigan, and Georgia,” *International Journal of Qualitative Studies in Education* 18 (2005): 527.

<sup>116</sup> 140 Cong. Rec. S 14751 (daily ed. Oct. 7, 1994).

simultaneously. States now control the process of establishing caps, in some cases this falls under the state legislature and in others it's determined by the localities.

Furthermore, the policy entrepreneur wanted to give authority to states to issue grants, in order to provide an incentive to Governors searching for political cover.

According to Richard Riley, one purpose of the Charter Schools Program (CSP), under the IASA, was to, "increase national understanding of the charter schools model. This purpose was to be achieved by to assisting "the design and initial implementation" of these schools, as well as evaluation of their effects."<sup>117</sup> Goals 2000 offered an initial boost by allowing states to use the 'systemic reform grants' to "promote public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools."<sup>118</sup> The Senate in their conference report approved these provisions on March 26. President Clinton signed Goals 2000 into law on March 31, 1994.<sup>119</sup> Reform efforts in Minnesota had been led by parents, teachers and administrators who aspired to create their own educational communities, free from traditional barriers that had resulted in stagnating performance.

Clinton recognized this call for localization and had reflected this demand in Goals 2000, which allowed sub grants to be awarded from the federal governments to states, who in-turn could distribute them to localities. This would mirror a number of federal block grant programs administered by state agencies and funneled directly into

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<sup>117</sup> Richard W. Riley, "Redefining the Federal Role in Education: Toward a Framework for Higher Standards, Improved Schools, Broader Opportunities and New Responsibilities for All," *Journal of Law and Education* 23 (1994): 295.

<sup>118</sup> Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).

<sup>119</sup> Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).

communities. These policy entrepreneurs had a creative and well planned vision, by issuing block grants, states could build upon the funding to incentivize localities to participate. State legislators and Governors could also reap political benefits by issuing federal dollars to local communities.

## Chapter X

### Bringing the Democrats onboard with Charter Schools

Although the language was in place, Clinton and Riley now faced the difficult task of bringing the Democrats on-board with school-choice reform. As mentioned earlier in this thesis, charters were popular among the Democratic establishment. Clinton did not shy away from intellectual or political debate with members of his own party. To Clinton, charters were not only representative of a new Democratic platform, but also an opportunity to support a movement taking place at the state and local level. According to Fusarelli, “charters were framed as safe competition and as a safe choice.”<sup>120</sup> Clinton’s ability to draw moderate support ultimately saved the IASA. As McGuinn recalls, “strong Presidential lobbying that gained the support of most Democrats, the Improving America’s Schools Act overcame conservative opposition to pass the House and Senate and headed to conference, where other issues threatened to derail the legislation.”<sup>121</sup>

However, Clinton was able to make concessions to avoid a partisan standoff. This allowed deliberations on the legislative language to continue, keeping the promise of federal charter support alive. Author Jesse Rhodes credits Clinton with securing the political and legislative victory, “Clinton again played an important role in mediating between educational liberals, educational conservatives, and state leaders, both by

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<sup>120</sup> Lance D. Fusarelli, *The Political Dynamics of School Choice: Negotiating Contested Terrain* (New York: Palgrave Macmillan, 2003).

<sup>121</sup> McGuinn, *No Child Left Behind*, 94.

blocking deal breaking proposals and offering appealing concessions.”<sup>122</sup> The Clinton Administration argued that IASA would allow states to have more discretion over the use of federal dollars, and that parents would be given more school-choice options in the form of charter schools.

Given the complexity of education politics at the time, Clinton greatly benefited from the help of Durenberger and Lieberman as Goals 2000 and IASA were passed in somewhat unusual fashion, according to former Clinton education advisor, Andrew Rotherham, “Clinton got as far as he could in 1994 but there was a lot of resistance. He had to rely on a strange alliance of moderate Republicans and Democrats to get the bills passed.”<sup>123</sup> Clinton expressed his enthusiasm about the passage of the reauthorization, On October 5, 1994:

I am gratified by the broad bipartisan support in the Senate for final passage of the elementary and secondary education act (ESEA). This act is good news for students, teachers, families, and communities across our country. It encourages parental involvement in the education of their children. And it puts the Federal Government squarely on the side of public school choice, innovative charter schools, and character education.<sup>124</sup>

### The IASA and Landmark Charter Reform

The IASA was signed into law on October 20, 1994, delivering on Durenberger and Lieberman’s policy agenda, and establishing a federal mechanism to support charters

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<sup>122</sup> Rhodes, *An Education in Politics*, 98.

<sup>123</sup> Patrick McGuinn, “The National Schoolmarm: No Child Left Behind and the New Educational Federalism,” *Publius: Journal of Federalism* 35 (2005): 52.

<sup>124</sup> William J. Clinton: “Statement on Senate Action on Education Legislation,” October 5, 1994. Online by Gerhard Peters and John T. Woolley, *American Presidency Project*.

schools in the law. Although Goals 2000 authorized charter program funds, the IASA provided an authorization of \$15 million, and appropriated startup funds in the initial amount of \$6 million in FY1995.<sup>125</sup> The federal Charter Schools Program (CSP) was the legislative vehicle to issue funding directly to states and localities. A placeholder in the federal budget allowed states to ask for necessary funding, which took pressure off the states, which in many cases, did not have the political appetite to revisit the charter school debate (by asking for additional funds). Clinton lauded bipartisanship in the Senate, but had to lobby to prevent the bill from dying in the Republican controlled House.

The law achieved a number of important reforms for the charter movement including the formal adoption of a federal charter school definition. This definition described charter schools as nonsectarian schools, operating under federal antidiscrimination laws and “in accordance with an enabling State statute, are exempt from significant State or local rules that inhibit the flexible operation and management of public schools.”<sup>126</sup> According to Richard Riley, the Secretary of Education during the Clinton Administration described the purpose of the CSP, which intended “to increase national understanding of the charter schools model. This purpose is to be achieved by assisting ‘the design and initial implementation’ of these schools, as well as evaluation of their effects.”<sup>127</sup>

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<sup>125</sup> Improving America’s Schools Act of 1994, Pub. L. No. 103-382, 108 Stat. 358 (1994).

<sup>126</sup> Improving America’s Schools Act of 1994, Pub. L. No. 103-382, 108 Stat. 358 (1994).

<sup>127</sup> Riley, “Redefining the Federal Role,” 295.



The law allowed states greater flexibility over spending federal dollars and parents were given greater school choice options (charter schools or magnet schools). The caveat was that states adopt uniform accountability standards, which proved important to support the idea of charter schools as incubators for innovation. Both themes of flexibility and accountability would be the centerpiece of future revisions to the ESEA (NCLB).

Charter schools were truly an innovative concept, and the policy entrepreneurs involved in the passage of Goals 2000 and IASA were nothing short of aspirational. They had high-hopes that a small piece in the passage of two landmark education bills would produce a new model for success in public schools. It was a ‘hail marry’ approach that would change the education system by redefining the very model of public education. More importantly, the process of policy change was fulfilled under Mintrom’s criteria for policy entrepreneurship, as Senator Durenberger, Senator Lieberman, Secretary Riley and President Clinton built coalitions, led by example, defined the problem and used their social acuity to identify opportunities to insert charters into the political dialogue. Goals 2000 served as the first example of incremental change, as it set the stage for more significant reforms to come in the form of Clinton’s ESEA reauthorization proposal.

Grassroots efforts and policy entrepreneurs at the state-level led similar efforts to the federal entrepreneurs, some occurring simultaneously while others, like Minnesota preceded federal legislation. However, changes in federal charter policy were not complete after 1994, rather policy entrepreneurs once again led the fight to expand charter school startup efforts, and fulfill the needs of charter school operators around the United States. The diffusion of charter school laws swept the United States during this

period, now policy entrepreneurs were focused on providing the fiscal support to ensure long-term success.

President Clinton and Richard Riley led this part of the charter saga, with the ultimate victory of passing the Charter School Expansion Act of 1998.<sup>128</sup> With the popularity of charter schools sweeping the nation, the strategy of federal political activism would eventually contribute to the success of Clinton’s long-term fulfillment of passing charter legislation to help create 3,000 charters by the end of 2000. Congressional and Presidential support for charters transcends rhetoric, and is best understood while reviewing annual appropriations for the federal Charter Schools Program (CSP). Figure 1.2 includes data collected from the National Alliance for Public Charter Schools.

Table 3: Charter School Program Funding (FY95-FY15)<sup>129</sup>

Fiscal Years	CSP Appropriations
FY15	\$253,100,000
FY14	\$248,100,000
FY13	\$241,500,000
FY12	\$254,836,000
FY11	\$255,519,000
FY10	\$256,031,000
FY09	\$216,031,000
FY08	\$211,031,000
FY07	\$214,783,000
FY06	\$214,783,000
FY05	\$216,000,000

<sup>128</sup> Charter School Expansion Act of 1998, Pub. L. No. 105-278, 112 Stat. 2682 (1998).

<sup>129</sup> National Alliance for Public Charter Schools, “Charter School Program Funding: Fiscal Year 1995-2015.” Accessed on December 12, 2015.

FY04	\$218,000,000
FY03	\$198,000,000
FY02	\$200,000,000
FY01	\$190,000,000
FY00	\$145,000,000
FY99	\$100,000,000
FY98	\$80,000,000
FY97	\$50,000,000
FY96	\$18,000,000
FY95	\$6,000,000

Passage of IASA marks the completion of a shared vision by two U.S. Senators who personify the concept of policy entrepreneurship. It is my belief that the story of Durenberger and Lieberman represents the type of unique strategy and leadership that took place at all levels of civic society to bring charter schools into the mainstream. Although this case study is not complete, the IASA would be the last vote on education legislation for Senator Durenberger. His closing comments on the Senate floor very much represents the evolution of federal education policy and charter school reform throughout his tenure in the Senate (1978-1995). As shown throughout the last two chapters, Durenberger was opportunistic in his efforts to insert charters into the public dialogue; this resulted in a dozens of floor speeches, statements at committee hearings and articles in national publications. However, his floor speech on October 7<sup>th</sup>, 1994, on the passage of IASA brilliantly highlights two decades of politics and policy surrounding federal education reform.

His speech recaptures the sentiment about school-reform during the Bush Administration and that pivotal moment when policymakers raised the specter of *A Nation at Risk*. His central thesis was that federal school-choice legislation was anchored by the work of several policymakers, from different states and political parties, who

worked for several years to get charter schools onto the federal policy agenda. As is apparent from each policy entrepreneur in this study, Durenberger had been invested in school-choice reform, pre-dating the advent of charter school legislation. In his concluding comments, Durenberger offered his advice to the congress, to continue to advance school-choice reform:

Let me conclude these comments where I began, Mr. President, with an appeal to my colleagues on both sides of the aisle to continue the work we have begun to design an effective and proper role for the federal government in education...Flexibility, choice, competition, parent and teacher empowerment, making the whole community the classroom—these are the essential elements of education reform...the national government can play a useful and supportive role in improving results—in meeting the challenges articulated by Joe Nathan and *A Nation at Risk* and the National Education Goals and the needs and aspirations and potential of every American child.<sup>130</sup>

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<sup>130</sup> 140 Cong. Rec. S 14751 (daily ed. Oct. 7, 1994).

## Chapter XI

### Conclusion

Charter school policy was championed at local, state and federal levels of government. However, scholarship on the latter is not comprehensive or easily found. More importantly, little context is offered in terms of understanding how or why federal charter policy implementation took place in the early 1990s. This was a growing interest of mine, and the lack of scholarship on the topic came as a true surprise. After reviewing a legislative history of federal charter legislation, and reading considerable amounts of scholarship on the topic and development of school choice policy, it was clear that certain individuals were pushing charters directly onto the federal legislative agenda. The evolution of school choice policy was also important to highlight in this thesis, as the lack of political consensus on school choice policy led to the defeat of private school vouchers, and a vacuum for innovative policymakers to capitalize on opportunities to answer the call for more school choice options.

Bill Clinton and Richard Riley both offer the ideal examples of Southern Governors who had supported one form of school choice in the late 1980s, through open enrollment, but when introduced to the charter school concept, saw the same opportunities as Durenberger and Lieberman to take action. From these actions, one can begin to view federal charter school policy development through the actions of several ambitious policy entrepreneurs.

Mintrom explored a similar topic in his book, *Policy Entrepreneurs and School Choice*, which serves an important role in this thesis. While it presents a similar investigation, school-choice does not necessarily encompass charter school policy. This is explained in an earlier chapter, while discussing the reasons for not highlighting Lamar Alexander as a charter school policy entrepreneur. Such a distinction is one reason that I was compelled to bridge the gap between federal charter school policy and the policymakers who worked tirelessly to achieve reform. In order to make this distinction between policy actor and policy entrepreneur, this investigation used the framework established by Mintrom and Norman.

Both authors acknowledged the difficult task of narrowing down this archetype to suit a specific individual within the policy process, this challenge is “ensuring that the definition of policy entrepreneurship is specific enough that we can readily determine who should and who should not be given this title.”<sup>131</sup> The following characteristics were used to justify the selection of the four policymakers in this thesis including, Social Acuity, Defining Problems, Building Teams and Leading by Example. Mintrom demonstrates the value in using policy entrepreneurship to measure policy outcomes by stating:

The concept of the policy entrepreneur and the theory that undergirds it can serve as a powerful tool of analysis when it comes to exploring and understanding instances of policy change...the policy entrepreneur should be seen as a prime candidate for inclusion in the stories we tell of the development and diffusion of policy innovations and of policy change.<sup>132</sup>

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<sup>131</sup> Mintrom, *Policy Entrepreneurs*, 29.

<sup>132</sup> Mintrom, *Policy Entrepreneurs*, 288.

Charter schools have emerged as the salient school choice policy endorsed by the federal government. While other school choice policies have received debate and investigation at the state-level, charters are the consensus alternative to traditional public educational institutions. Therefore, it is important to show how this rapid diffusion of charter policy adoption has captured the attention of local, state and federal governments. This investigation began by highlighting the first charter school bill introduced in Congress.

If federal charter policy does not receive adequate coverage, this bill is woefully neglected by scholars. It presents a clear example of how federal policymakers captured the state-led movement and essentially fulfill the title of the bill, by redefining public education. These lawmakers had to undergo similar experiences to those of state policy entrepreneurs, by engaging in multi-year effort to convince their colleagues to adopt the first new innovation in public school choice at the federal level. Moreover, Evidence of policy entrepreneurship on the part of Durenberger and Lieberman is not difficult to discern from a close examination of the congressional record, and cross-referencing of the articles released during the America 2000 debates.

After using this methodology, both Senators possess unique skills, which were employed strategically to introduce charters into a divided congress, amidst the most contentious federal debates concerning school choice. Most policymakers would have avoided the introduction of a school choice proposal to avoid entanglement in the debate or loss of electoral support. However, both Senators Properly Defined the Problems facing public education, introduced charters as an innovative component to larger solution, led by Example through public statements and media engagement, built a

Diverse Coalition of legislators from both political parties and states which had ambitions for charter school passage.

Clinton and Riley fought an uphill battle with an unexpected set of rivals, including prominent members of their own political party. In doing so, they took considerable risks by forging a new policy position on school-choice. Charter schools were unfamiliar to the average voter and risked polarizing the education establishment (teacher's unions) who made the largest financial contributions to the Democratic Party in the early 90s. Both policy actors continued to sell state governments and the public on the charter school model, with Goals 2000 and the IASA codified in law, they faced an uphill battle in their effort to defend this new concept across the country. There is clear evidence of both actors, who were not shy about their championing of charters, as Clinton set a goal of creating 3,000 charters by the year 2000.<sup>133</sup> In essence, although the public was ready for new school-choice options, Clinton could have easily won the election and passed the IASA and Goals 2000 without charter school provisions. Therefore, political considerations were not a considerable driver of charter policy for any of the policy entrepreneurs mentioned in this investigation.

Laws passed in the early 90's also set the stage for landmark education reforms. To strengthen its support for the program, congress increased appropriations funding from \$6 million in 1995 to \$253 million in 2015.<sup>134</sup> As political and financial support

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<sup>133</sup> William J. Clinton, "Address Before a Joint Session of the Congress on the State of the Union," January 27, 2000. Online by Gerhard Peters and John T. Woolley, *American Presidency Project*.

<sup>134</sup> National Alliance for Public Charter Schools, Charter School Program Funding: *Fiscal Years 1995-2015*.



increased at the federal level, 42 states (including Washington D.C.) were submitting proposals for the CSP grant. However, between 1995 and 2015, the grant would eventually reflect a litany of new policy programs, definitions and statutory requirements for states to follow. However, the Charter School Program was a direct creation of the work achieved in Minnesota, and the work of four policy entrepreneurs.

At the time of this thesis (2016), the Charter School Program has received \$253 million in funds, and – States have passed charter school laws. Political support at the federal level has remained uniquely salient, and shows no signs of regression. Therefore, the work of Durenberger, Lieberman, Riley and Clinton cannot be understated in terms of the significant impacts on public education in the United States. These individuals, acting as policy entrepreneurs, effectively redefined the American concept of public education.

Appendix I. Legislative History of Goals 2000

Date	Type	Action	Links
April 12, 1994	status	Enrolled in the House on Monday, March 28, during the adjournment of the House	140 Cong Rec H 2176
April 11, 1994	status	Signed by the President on March 31, 1994, (P.L. 103-227)	140 Cong Rec D 345
April 11, 1994	status	Enrolled in the Senate on March 28, 1994, during the adjournment of the Senate	140 Cong Rec S 4075
March 25, 1994	status	Senate agreed to a motion to proceed to the consideration of the conference report, by a recorded vote of 83 yeas and 12 nays (D 55-0; R 28-12) (Vote No. 83)	140 Cong Rec S 3861
March 25, 1994	status	A third motion was entered in the Senate to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, March 28, 1994	140 Cong Rec S 3903
March 25, 1994	status	Senate agreed to the conference report on the bill, by a recorded vote of 63 yeas and 22 nays (D 53-1; R 10-21) (Vote No. 86)	140 Cong Rec S 3903
March 25, 1994	status	A fourth motion was entered in the Senate to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, March 28, 1994	140 Cong Rec S 3903
March 25, 1994	status	Subsequently, the aforementioned cloture petitions became moot when Senate invoked cloture on the conference report	140 Cong Rec S 3903
March 25, 1994	status	Senate, three-fifths of those Senators duly chosen and sworn voted in the affirmative, agreed to close further debate on the conference report, by a recorded vote of 62 yeas and 23 nays (D 53-1; R 9-22) (Vote No. 85)	140 Cong Rec S 4035
March 24, 1994	status	Remarks by Rep. Woolsey CA	140 Cong Rec E 544

March 24, 1994	status	Remarks by Rep. Franks CT	140 Cong Rec E 585
March 23, 1994	status	H. Res. 393, the rule which waived points of order against the conference report, was agreed to in the House, by voice vote	140 Cong Rec H 1921
March 23, 1994	status	House agreed to the conference report on the bill, by a recorded vote of 306 yeas and 121 nays (D 247-6; R 59-115) -- clearing the measure for Senate action (Roll No. 86)	140 Cong Rec H 1925
March 23, 1994	status	House rejected the Duncan motion to recommit the bill to the committee of conference with instructions that House conferees include section 405 of the Senate amendment regarding school prayer, by a recorded vote of 195 yeas and 232 nays (D 29-224; R 166-8) (Roll No. 85)	140 Cong Rec H 1935
March 23, 1994	status	House agreed to H. Con. Res. 320, to correct an error in the enrollment of H.R. 1804, by voice vote	140 Cong Rec H 1937
March 23, 1994	status	Senate agreed to a motion to proceed to the consideration of the conference report on the bill, by a recorded vote of 60 yeas and 31 nays (D 49-0; R 11-31) (Vote No. 70)	140 Cong Rec S 3533
March 23, 1994	status	A motion was entered in the Senate to close further debate on the conference report, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Saturday, March 26, 1994	140 Cong Rec S 3535
March 23, 1994	status	A second motion was entered in the Senate to close further debate on the conference report, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the second cloture motion could occur on Saturday, March 26, 1994	140 Cong Rec S 3536
March 23, 1994	status	House requested the concurrence of the Senate	140 Cong Rec S 3548
March 21, 1994	status	House Rules Committee granted a rule waiving all points of order against the conference report to accompany the bill,	140 Cong Rec D 295

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		and against its consideration. The rule provides that the conference report shall be considered as read	
March 21, 1994	status	Remarks by Rep. Mfume MD	140 Cong Rec E 499
March 21, 1994	status	H. Res. 393, waiving points of order against the conference report to accompany the bill, reported in the House (H. Rept. 447)	140 Cong Rec H 1564
March 21, 1994	status	Conference report on the bill, reported in the House (H. Rept. 446)	140 Cong Rec H 1564
March 17, 1994	status	Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of the bill	140 Cong Rec D 280
March 16, 1994	status	Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of the bill	140 Cong Rec D 267
March 15, 1994	status	Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of the bill	140 Cong Rec D 255
March 11, 1994	status	The Speaker made corrections in the previous appointment of conferees to the conference on the bill; Additional conferees were appointed from the Committee on Energy and Commerce and the Committee on Foreign Affairs	140 Cong Rec H 1308
March 02, 1994	status	Senate disagreed to the amendment of the House to the amendment of the Senate to the bill, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Kennedy, Pell, Metzenbaum, Simon, Dodd, Harkin, Mikulski, Bingaman, Wellstone, Wofford, Kassebaum, Jeffords, Coats, Gregg, Thurmond, Hatch, and Durenberger	140 Cong Rec S 2258
February 24, 1994	status	Remarks by Rep. Inhofe OK	140 Cong Rec E 262
February 23, 1994	status	House agreed, with an amendment, to the Senate amendment to the bill, by voice vote	140 Cong Rec H 582

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February 23, 1994	status	House then insisted on its amendment to the Senate amendment to the bill, an asked for a conference	140 Cong Rec H 582
February 23, 1994	status	House appointed as conferees for consideration of title II of H.R. 1804 and sections 901-914 of the Senate amendment: Representatives Ford of Michigan, Owens, Payne of New Jersey, Scott, Sawyer, Goodling, Ballenger, Barrett of Nebraska, and Fawell	140 Cong Rec H 582
February 23, 1994	status	House appointed as conferees for consideration of all provisions of H.R. 1804 and the Senate amendment thereto except for title II of H.R. 1804 and sections 901-904 of the Senate amendment: Representatives Ford of Michigan, Kildee, Miller of California, Sawyer, Owens, Unsoeld, Reed, Roemer, Mink, Engel, Becerra, Green of Texas, Woolsey, English of Arizona, Strickland, Payne of New Jersey, Romero-Barcelo, Goodling, Gunderson, McKeon, Petri, Molinari, Cunningham, Miller of Florida, Roukema, and Boehner	140 Cong Rec H 582
February 23, 1994	status	House agreed to the Duncan motion to instruct House conferees to agree to section 405 of the Senate amendment concerning school prayer, by a recorded vote of 367 yeas and 55 nays (D; 193-55, R; 174-0) (Roll No. 30)	140 Cong Rec H 648
February 11, 1994	status	Remarks by Sen. Cohen ME	140 Cong Rec S 1522
February 08, 1994	status	Passed in the Senate, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1150, Senate companion measure, as amended, by a recorded vote of 71 yeas and 25 nays (D; 54-0, R; 17-25) (Vote No. 34)	140 Cong Rec S 1093
October 19, 1993	status	Remarks by Rep. Clinger PA	139 Cong Rec E 2468
October 14, 1993	status	Remarks by Rep. Molinari NY	139 Cong Rec E 2439
October 13, 1993	status	House agreed to H. Res. 274, the rule under which the bill was considered, by voice vote	139 Cong Rec H 7735

October 13, 1993	status	Passed in the House by a recorded vote of 307 yeas and 118 nays (D 250-2; R 57-116) (Roll No. 496)	139 Cong Rec H 7739
October 13, 1993	status	On demand for a separate vote, House agreed to the Goodling amendment that clarifies that nothing in this bill gives the Federal Government the authority to control or manage local curriculum, instruction or allocation of resources, by a recorded vote of 424 yeas and 0 nays (D 251-0; R 173-0) (Roll No. 495)	139 Cong Rec H 7769
October 13, 1993	status	House, in the Committee of the Whole, agreed to the Goodling amendment that clarifies that nothing in this bill gives the Federal Government the authority to control or manage local curriculum, instruction or allocation of resources, by a recorded vote of 420 yeas and 0 nays (D 247-0; R 173-0) (Roll No. 493)	139 Cong Rec H 7769
October 13, 1993	status	House agreed to the Kildee en bloc amendments, that clarify the bill's intent that any new guidelines for occupational skills shall meet or exceed current standards; allows for every school and home to engage in partnerships to increase parental involvement and participation; requires compliance with Buy American Act; provides that funding for the Parental Information and Resource Centers Program be used for grants for Parents as Teachers Programs; provides that funding from the Parental Information and Resource Centers Program be used for planning, implementing and funding Federal programs that serve children and their families with activities that coordinate the education of children; alters the objectives for math and science education, by voice vote	139 Cong Rec H 7771
October 13, 1993	status	House agreed to the Payne amendment that adds access to physical and health education as a goal of the Student Achievement and Citizenship Goal (SACG), by voice vote	139 Cong Rec H 7774

October 13, 1993	status	The Porter amendment that sought to prohibit any school district that serves more than 250,000 students from using state grant funds for school reform, offered but subsequently withdrawn	139 Cong Rec H 7775
October 13, 1993	status	House, in the Committee of the Whole, rejected the Armev amendment in the nature of a substitute that authorizes \$400 million in fiscal year 1994 and requires that the funds be used for only four uses: merit schools, model schools, school choice programs, and decentralized management programs involving parents, by a recorded vote of 130 yeas and 300 nays (D 1-255; R 129-45) (Roll No. 494)	139 Cong Rec H 7776
October 13, 1993	status	House agreed to amend the title, by voice vote	139 Cong Rec H 7792
October 13, 1993	status	House agreed to the committee amendment in the nature of a substitute, as amended, by voice vote	139 Cong Rec H 7792
October 13, 1993	referral	The Clerk was authorized to correct spelling, punctuation, cross-referencing, and section numbers and to make such other technical and conforming changes as may be necessary in the engrossment of the bill	139 Cong Rec H 7793
October 12, 1993	status	House Rules Committee granted a rule providing for the consideration of the bill	139 Cong Rec D 1116
July 01, 1993	status	Reported in the House, amended (H. Rept. 168)	139 Cong Rec H 4505
July 01, 1993	status	Cosponsor(s) added	139 Cong Rec H 4507
June 24, 1993	status	Remarks by Rep. Ford MI	139 Cong Rec E 1621
June 23, 1993	status	House Education and Labor Committee ordered reported amended	139 Cong Rec D 707
May 20, 1993	status	Cosponsors added	139 Cong Rec H 2687
May 06, 1993	status	House Subcommittee on Elementary, Secondary, and Vocational Education approved for full Committee action amended	139 Cong Rec D 475
April 22, 1993	referral	Referred to the House Education and Labor Committee	139 Cong Rec H 2022

Appendix II: Legislative History of IASA

October 08, 1994	status	Signed by the President on October 20, 1994 (P.L. 103-382)	140 Cong Rec D 1254
October 05, 1994	status	Three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the conference report, by 75 yeas to 24 nays (D 55-1; R 20-23). (Vote No. 320)	140 Cong Rec S 14154
October 05, 1994	status	Senate agreed to the conference report, by a recorded vote of 77 yeas and 20 nays (D 54-0; R 23-20) -- clearing the measure for the President (Vote No. 321)	140 Cong Rec S 14207
October 04, 1994	status	A second motion was entered in the Senate to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, October 6, 1994	140 Cong Rec S 14038
October 04, 1994	status	Senate resumed consideration of the conference report	140 Cong Rec S 14038
October 03, 1994	status	Senate resumed consideration of the conference report	140 Cong Rec S 13902
October 03, 1994	status	A motion was entered in the Senate to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Wednesday, October 5, 1994	140 Cong Rec S 13905
September 30, 1994	status	H. Res. 556, the rule waiving all points of order against consideration of the conference report, agreed to in the House, by a recorded vote of 230 yeas and 168 nays (Roll No. 454)	140 Cong Rec H 10391
September 30, 1994	status	Senate began consideration of the conference report	140 Cong Rec S 13850



September 30, 1994	status	Senate will resume consideration of the conference report on Monday, October 3	140 Cong Rec S 13850
September 29, 1994	status	House Rules Committee granted a rule by a recorded vote of 4 yeas and 3 nays, the rule waives all points of order against the conference report on the bill, and against its consideration, the conference report shall be considered as read	140 Cong Rec D 1168
September 29, 1994	status	H. Res. 556, waiving points of order against the conference report to accompany H.R. 6, reported in the House (H. Rept. 767)	140 Cong Rec H 10372
September 28, 1994	status	Conference report filed in the House (H. Rept. 761)	140 Cong Rec H 10006
September 20, 1994	status	House appointed as conferees, from the Committee on Education and Labor, for consideration of the bill and the Senate amendment (except for sections 601-603 and 801-805), and modification committed to conference Reps. Ford of MI, Kildee, Williams, Owens, Sawyer, Payne of NJ, Unsoeld, Mink of HI, Reed, Roemer, Engel, Becerra, Gene Green of TX, Woolsey, Romero-Barcelo, English of AZ, Strickland, Underwood, Goodling, Petri, Roukema, Gunderson, Ballenger, Molinari, Boehner, Cunningham, McKeon, and Miller of FL	140 Cong Rec H 9253
September 20, 1994	status	House disagreed to the Senate amendments to the bill and agreed to a conference	140 Cong Rec H 9253
September 20, 1994	status	House appointed as conferees, from the Committee on Agriculture, for consideration of sections 801-805 of the Senate amendment, and modifications committed to conference, Reps. de la Garza, Stenholm, and Roberts	140 Cong Rec H 9253
September 20, 1994	status	House appointed as conferees, from the Committee on Ways and Means, for consideration of sections 601-603 of the Senate amendment, and modifications committed to conference, Reps. Gibbons, Ford of TN, and Archer	140 Cong Rec H 9253
September 20, 1994	status	House agreed to the Gunderson motion to instruct House conferees to insist on the House position regarding school	140 Cong

		prayer, by a recorded vote of 369 yeas and 55 nays (D 195-55; R 174-0) (Roll No. 426)	Rec H 9253
August 09, 1994	status	Senate requested the concurrence of the House	140 Cong Rec H 7204
August 02, 1994	status	Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Kennedy, Pell, Metzenbuam, Dodd, Simon, Harkin, Mikulski, Bingaman, Wellstone, Wofford, Kassebaum, Jeffords, Coats, Gregg, Thurmond, Hatch, and Durenberger	140 Cong Rec S 10317
August 02, 1994	status	Senate passed H.R. 6, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1513, Senate companion measure, as amended, by a recorded vote of 94 yeas and 6 nays (D 56-0; R 38-6) (Vote No. 252)	140 Cong Rec S 10317
June 15, 1994	status	Senate Labor and Human Resources Committee ordered favorably reported	140 Cong Rec D 675
April 19, 1994	referral	Referred to the Senate Labor and Human Resources Committee	140 Cong Rec S 4463
March 24, 1994	status	Passed in the House, by a recorded vote of 289 yeas and 128 nays (D 244-4; R 45-124) (Roll No. 95)	140 Cong Rec H 2020
March 24, 1994	status	House agreed to the Hancock Amendment, as amended by the Unsoeld Amendment (agreed to by a recorded vote of 224 yeas and 194 nays (D 197-55; R 27-139) ), that prevents funds from being used to carry out a program or activity that supports homosexuality as a positive lifestyle alternative; and states that nothing should be construed as allowing the Federal Government to have control of school curriculum, by a recorded vote of 301 yeas and 120 nays (D 146-108; R 155-12) (Roll No. 92) (Roll No. 91)	140 Cong Rec H 2020
March 24, 1994	status	House agreed to the Durbin Amendment that requires all schools receiving funding to prohibit smoking, except in areas where children are not present and that are separately ventilated, by voice vote	140 Cong Rec H

			2048
March 24, 1994	status	House rejected the Miller of Florida Amendment that sought to eliminate a \$200 million fiscal year 1995 authorization for low-interest loans to poor school districts for renovation or construction, by a recorded vote of 181 yeas and 235 nays (D 32-217; R 149-18) (Roll No. 93)	140 Cong Rec H 2049
March 24, 1994	status	House agreed to the Gunderson Amendment, as amended by the Stark Amendment, that requires all organizations that bring high school students to Washington to learn about the Federal Government disclose to the students' parents pertinent information about the cost of the program before accepting payment; and restricts discrimination by such organizations on the basis of race, disability, and family income, by voice vote	140 Cong Rec H 2055
March 24, 1994	status	House rejected the Boehner Amendment that sought to eliminate Urban and Rural Education Demonstration Grants programs, by voice vote	140 Cong Rec H 2056
March 24, 1994	status	House rejected the Miller of Florida Amendment that sought to strike the provisions regarding the National Writing Project, by voice vote	140 Cong Rec H 2058
March 24, 1994	status	House rejected the Michel Amendment in the nature of a substitute that sought to reduce funds allocated to the school districts; cancel all new programs offered; eliminate the authorization of funds for use in family planning and reproductive services and provisions for opportunity-to-learn standards; and retain provisions for magnet school assistance, bilingual education and Indian education, by a recorded vote of 173 yeas and 245 nays (D 9-241; R 164-4) (Roll No. 94)	140 Cong Rec H 2149
March 24, 1994	status	On a demand for separate vote, the House agreed to the Arney Amendment, as modified, that clarifies the provision regarding nonrecipient, nonpublic schools, by voice vote -- the amendment was agreed to earlier in the Committee of the Whole, by a recorded vote of 374 yeas and 52 nays on February 24 (Roll No. 32)	140 Cong Rec H 2151
March 24, 1994	status	House agreed to amend the title of the bill, by voice vote	140 Cong Rec H 2152

January 05, 1993	status	Remarks by Rep. Goodling, PA	139 Cong Rec E 14
January 05, 1993	status	Remarks by Rep. Kildee, MI	139 Cong Rec E 5
January 05, 1993	referral	Referred to the House Education and Labor Committee	139 Cong Rec H 82

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