

Newcomer's Guide to the Policy Process

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Table of Contents

INTRODUCTION	1
PURPOSE	1
REVIEWING BASIC CIVICS	1
THE PUBLIC POLICY PROCESS	2
STATUTORY POLICY	2
EXECUTIVE AGENCY POLICY	4
IMPLEMENTING STATUTORY AND EXECUTIVE AGENCY POLICY	4
LITIGATING STATUTORY AND EXECUTIVE AGENCY POLICY	4
EFFECTIVE PARTICIPATION IN THE PUBLIC POLICY PROCESS	5
STEP ONE: ARTICULATE YOUR ISSUE.	5
STEP TWO: RESEARCH THE CURRENT STATUS OF YOUR ISSUE.	5
STEP THREE: SET YOUR GOAL(S).	7
STEP FOUR: CONDUCT AN INFORMAL GAP ANALYSIS.	7
STEP FIVE: IDENTIFY AND ANALYZE POLICY OPTIONS.	7
STEP SIX: ASSESS TIMING.	8
STEP SEVEN: STRATEGIZE.	8
STEP EIGHT: ASSESS PROGRESS.	9
CONCLUSION	10
REFERENCES	11

Introduction

Purpose

This short, informal guide to state-level policymaking is designed to (a) give newcomers a general sense of how policy is made and (b) provide tips for becoming an effective participant in the policy process.

Reviewing Basic Civics

When you decide to engage in the public policy process, you are fulfilling the vision of our Founding Fathers that citizens would pay attention to and participate in making the decisions that govern them. Ours is a representative democracy, meaning that we elect citizens to act on our behalf rather than have the entire electorate assemble and administer the government in person. Those you elect to make decisions for the common good can sometimes seem far away and difficult to influence. You can bring them closer and sway their thinking by following the guidelines provided here.

At the state level, “government” encompasses three basic branches: the executive (governor and executive agencies), the legislature (consisting of two chambers – typically called the house and the senate – composed of citizens elected from districts, except in Nebraska which has a unicameral or single chamber legislature) and the courts. Duties are divided among the three branches such that each branch is capable of checking any abuse of power attempted by one of the other branches. This is called a system of “checks and balances.”

For example, a governor will typically possess veto power allowing him/her to return to the legislature any legislation passed by simple majority that the governor determines is not in the best interest of the state. The legislature, in turn, may re-pass the same or similar legislation with a super majority (usually two-thirds) that overrides the governor’s veto. The courts may, if called upon, uphold or strike down the same legislation based on their analysis of the state constitution and legal precedent.

The Public Policy Process

What is public policy? Simply stated, public policy is the sum of decisions made by elected and appointed leaders about specific issues. Or, as it has sometimes been described, public policy is “the process of deciding who gets what, when, where and how.” Two types of policymaking are covered here:

1. Statutory policy made by elected leaders
2. Executive agency policy made by appointed or elected boards.

Statutory Policy

To influence statutory policy decisions, you need a grasp of the process for creating public policy. Two core ideas to understand are:

1. **Responsibilities are divided.**

Each branch of government has a defined set of responsibilities laid out in the state’s constitution and limited by our federal system. Generally speaking:

- a. The **governor’s** fundamental jobs are to uphold the state constitution, implement laws passed by the legislature, propose new legislation, propose a budget and appoint certain officials – typically including a range of public board members and agency heads (and, in some states, judges), unless these are elective offices.
- b. The **legislature’s** fundamental jobs are to represent constituencies, enact statutes relating to all aspects of our society, levy taxes, adopt a budget, conduct oversight of executive branch agencies and, in the case of state senates, approve certain gubernatorial appointments.
- c. With regard to state statutes, the **court’s** fundamental jobs are to protect the constitutional rights of individuals and corporations, keep the executive and legislative branches within the bounds of the state constitution and interpret the constitutionality of any laws that are challenged.

2. Statutes and budgets embody policy.

Policy decisions are made through the process of enacting, implementing and litigating statutes made by the legislature and approved by the governor. Successful policy implementation is frequently tied to the amount of money made available through the budget. Each of these elements is briefly described below.

The process begins with the introduction of a proposed statute, called a bill, into the legislative process. A bill may be drafted by anyone, e.g., a governor, legislator, lobby group or private citizen, but must be sponsored by one or more members of the legislature in order to gain consideration. Bills sponsored by legislative leaders, committee chairs, or senior members typically have a greater chance of passage than those sponsored by junior members of a legislature.

Leaders in each chamber assign sponsored bills to legislative committees for disposition. Committees are of two basic types – *substantive committees* deal with policy options and directions while *money committees* deal with raising and spending tax dollars. Substantive committees, such as education, health, or transportation, will print the bill (in essence, this logs the bill into the legislative system) and frequently schedule hearings and testimony to gather varying perspectives on the impact of the bill.

Next, the committee will make any changes it deems necessary, called “marking up” the bill, and then votes. A committee may “kill” a bill by not acting on it or voting not to forward it to the full body. If the committee approves the bill, leadership will typically schedule the bill for debate in the full chamber where it may again be voted down or approved (with or without amendments).

Approved bills are presented to the other chamber for consideration (frequently a bill will be introduced into both chambers simultaneously and proceed on parallel tracks). Any differences between the two chambers are worked out in a *conference committee* composed of members of both houses.

The final bill is forwarded to the governor for his/her signature. A governor's *veto* sends the bill back to the legislature for further consideration of those parts the governor finds objectionable. Another vote, requiring a super majority (usually two-thirds of members elected or present) is required to pass a bill over the objection of the governor. Once

approved, bills are called statutes and are codified (given a number within the appropriate chapter of laws, e.g., education).

Knowing the statutory authority for a policy is only the beginning. Most new statutes require action of some kind by the executive. Action costs money – for personnel, office equipment, program expenses, travel, etc. Money comes through the legislative appropriations process, that is, the process of determining how tax dollars will be spent. It is always smart to examine the level of funding made available to carry out a statute. In some cases, a bill becomes law without any additional funding being provided. This is known as an unfunded mandate.

Executive Agency Policy

Within the context of statutory delegations and limitations, executive agencies will frequently create their own policies. This is particularly true in education where our history of buffering academic processes from political interference has resulted in a variety of public boards that oversee the growth and development of schools, colleges and universities. A state's board or commission of higher education, for example, may adopt a strategic plan for meeting citizen demands for higher education, prepare a unified budget request for all of a state's public colleges and universities and approve new degree programs.

Sometimes a public board adopts a policy that grabs the attention of elected policymakers. When this happens, new statutory policy may result that overrides the public board's policy.

Implementing Statutory and Executive Agency Policy

It is the responsibility of the executive agency staff to carry out the provisions of a new statute or policy. Implementation of larger, more complex programs typically require the development of regulations designed to give operational guidance to state and local employees as they perform new functions required by the statute or policy. Development of regulations follows a prescribed pattern that usually includes issuance of draft regulations, a public comment period, revisions and issuance of final regulations.

Litigating Statutory and Executive Agency Policy

An individual or group who believes that a particular statute violates the state constitution or is in conflict with another statute already on the books, may ask the courts to determine the constitutionality of a statute or to sort out perceived conflicts among policies.

Effective Participation in the Public Policy Process

Anyone can participate in the policy process because it is open and accessible to all. *Effective* participation, however, requires focus, knowledge, organization, persistence and patience. This section outlines how to be effective in making or influencing public policy if you are neither an elected or appointed policymaker. In other words, if you are seeking to shape policy by influencing those charged with making policy decisions.

Step One: Articulate Your Issue.

A strong issue statement contains six parts:

1. A clear, succinct statement of the issue or problem you are trying to resolve
2. A quick statement of the issue's importance; i.e., why should a policymaker care?
3. A context section on the "big picture" surrounding your issue
4. A brief overview of research and data that gives focus and concreteness to the issue
5. Links or references to the most relevant Web sites or documents
6. Contact information, i.e., how does a policymaker get in touch with you?

Creating Your Own Issue Statement

Issue statements should be short because policy makers have little time. The ideal length is 1-2 pages. Try this exercise: in two pages or less, write an issue statement that contains the elements outlined above. Share it with a neighbor or friend who is not steeped in these issues. Did they have an "I get it!" reaction? If not, you have more work to do.

Step Two: Research the Current Status of Your Issue.

Your research should cover the following points:

1. **Find and study reports about your issue.**
Look for clearly reasoned arguments for and against an issue that are supported by data, policy options that offer clear choices, and policy recommendations that fit current conditions in your state. Pay special attention to research that focuses on your state or locale, because such research carries increased clout with policymakers.

2. Know what's happening in your state.

First, dig into available information and create a status summary for your issue in your state (see "Information Sources" box to right). Understanding the current situation in the state will be very useful when you do a gap analysis later (see #4 below).

Second, check with state sources to find out who is active on your issue within the state. Sources might be a state agency staffer, a legislative staffer, an association, a lobby group or a general issues group such as the League of Women Voters. You want to know who is interested in your issue, why they are interested and what they are planning.

You also want to know about any ongoing research, study committees, Blue Ribbon Commissions, or legislative proposals. Don't worry if you aren't well connected in the beginning. The "ripple effect" will soon take over. That is, one contact leads to another that leads to three more and pretty soon you are plugged in.

Third, learn the political environment. Is this a good time to propose a new direction on this issue? Timing is good when decisionmakers have the issue on their agenda but have not yet coalesced around a specific policy direction. It is also helpful to know whether funds are available to support new policy initiatives. Timing is bad when the issue is not "on the radar screen," was dealt with in the recent past, and/or has low possibility of attracting funds. Timing within the political cycle is also important. For instance, early in a political leader's term in office is preferable to the waning months of a term.

3. Learn the players.

As you plug into what's happening in the state capital, you will begin to learn about other people also seeking action on your issue. Study them – what are their goals? Who are their constituents? How much clout do they have with decision makers? How well funded are they? Are they possible allies? If you expect legislation will be necessary to effect the change you seek, stay alert for elected political leaders who might serve as

Information Sources

Good sources of information on education policy are Web sites such as the Education Commission of the States (www.ecs.org) and its' Community College Policy Center (www.communitycollegepolicy.org) or the U.S. Department of Education (www.ed.gov). Each of these sources has a search feature to find what you need quickly and will have many links to related web sites.

To learn about your state, go to www.ecs.org, click on "States & Territories" then, on the national map, click on your state.

If you want to cast a broader net, try a Google search on the Internet. Go to www.google.com, type in key words describing your issue, hit the search button and see what comes up.

“champions” for your issue, that is, they support your ideas and might serve as legislative sponsors. Going in the other direction, don’t dismiss those with goals different from yours. You need to understand what others are thinking and doing. Remember, the policy decisionmakers you are seeking to influence will be hearing from all sides.

Step Three: Set Your Goal(s).

Now that you know the lay of the land, it is time to add goals to your statement of the issue. Your goal should be simply stated, easily remembered and include concrete, specific results that can be measured. And your goal must enjoy broad support within your group or organization.

Step Four: Conduct an Informal Gap Analysis.

When you are satisfied with your goal, you are ready to do an informal gap analysis. A gap analysis identifies the difference between where you want the state to be on an issue and where the state is currently. Describing the gap is the first step to laying out an action strategy for moving from the current condition to the preferred future condition.

Step Five: Identify and Analyze Policy Options.

What policy options are likely to move the state toward the outcomes you seek? You may find some of these options recommended in the studies you reviewed. You may learn of others from your conversations with people engaged on the issue. You might look at policies employed by other states. You may develop your own options based on your knowledge of the research and the current situation in the state.

With the options identified, ask if any of these options are “off limits” in your state, that is, there is little or no chance of successfully creating a given policy because of some limitation, for example, deep-seated political opposition, uncommonly high costs, or high impact on a very limited segment of the citizenry. Remove such options from your list of possible approaches. Surviving policy options should be subjected to a rigorous analysis of their strengths and weaknesses. Here are the core areas that should be covered in your analysis of each policy option:

- 1. Quality of outputs**

Choose a quality measure and make estimates of the ability of the policy option to produce the level of quality you are seeking. For teacher preparation programs at community colleges, for example, a quality indicator might be: degree recipients pass

teacher licensure examinations at a rate equal to or greater than degree recipients from four-year institutions.

2. **Quantity and timeliness of outputs**

Choose a quantity and time goal that fits your issue - for example, meeting regional teacher demand in targeted disciplines within ten years – and, for each policy option, estimate the feasibility of meeting this goal.

3. **Cost**

How much will it cost to meet the quality and quantity goals? Costs should be examined from two perspectives - overall cost and unit cost (usually per student cost).

4. **Funding availability**

What funding sources will support policy implementation? This analysis is typically the same for each option with variations based on the overall cost of each policy option.

Step Six: Assess Timing.

The two basic considerations are (a) Are you ready to act? and (b) Is it a good time to act? If you have done the homework outlined above, you are ready to act. The other question requires an assessment of the political environment. Have you located a “champion” to sponsor your ideas in the legislative process? Have you found allies to bolster your clout? Is your issue “on the radar screen,” that is, is some action likely to be taken on this issue regardless of what you do? Is there money available? Are there other barriers to success? Depending on your answers, you might elect to push forward immediately or hold off for more favorable conditions. Timing is critical to success and patience is often the key to good timing.

Step Seven: Strategize.

You have, of course, been engaged in strategy development from the beginning and should have a strong overall plan in place by this time. Now you are ready to shift from the thinking/talking stage to the action stage. Chances are, without consciously working at it, you have developed a decisionmaking process and identified leaders. The next piece you need is an action strategy (see “Moving to Action” box to right).

Moving to Action

Now is the time to ask, “What do we do on Monday?” Implicit in this question is the development of a specific short range plan that makes assignments, sets deadlines and schedules ongoing strategy sessions. This may be quite informal - as in “I’ll do the first three items on the list; you do the next three” – or it might be quite sophisticated, e.g., using Gantt charts, media campaigns, professional lobbyists, and subject-matter experts.

Step Eight: Assess Progress.

From the beginning, you should be thinking about how to measure progress toward your goal. This is where the distinction between means and ends is important. The end you seek - for example, authorizing teacher preparation baccalaureate degrees at community colleges - is likely to require a variety of means – for example, changing state policy, starting new programs, hiring faculty, recruiting students, securing scholarship funds. While each of the means is important, assessing progress should focus on the end. In the case of meeting the demand for paraprofessionals, the appropriate measure is a diminishing gap between supply and demand. Therefore, you need to monitor supply and demand (or make sure someone else is reporting on supply and demand). Because reporting often lags reality by a year or more, you might give some attention to creating an early warning system that gives a rough indication of the direction of change. This could be used to launch discussions about needed adjustments to any new initiative and thus shorten the cycle of improvements.

Conclusion

Don't get discouraged. As one business leader said after years of policy work, "I had to develop a habit of patience to go along with my sense of urgency." Good policy work means being clear about your goals, using data to support your arguments, basing policy options on solid research, and being persistent in pursuit of goals. Good politics means knowing the players, being willing to compromise, choosing the right sponsors and the right timing and pushing for favorable action.

Finally, have fun and celebrate your successes.

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