

2020

# The Impacts of Coercive Federal Incentives on State-Level Policy Coalitions

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*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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James Wilson

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Walden University  
2020

Abstract

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by

James E. Wilson

MA, Loyola College in Maryland, 2002

BS, Duquesne University, 1994

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

August 2020

## Abstract

The increase in the requirements by state departments of education to be more accountable for student achievement is a key initiative of the federal government. The federal Race to the Top initiative provides a competitive system to qualify for grant funds. The nature of this funding program required accountability systems to be in place prior to application and awarded funds on a competitive system. There has been no research conducted on how a competitive federal grant program would impact the state-level policy coalitions. The purpose of this study was to examine the impacts a federal incentive had on the existing state-level policy coalition. The framework for this research is the Advocacy Coalition Framework developed by Sabatier and Jenkins-Smith. The research questions examined the impact of the federal incentive on the actions of policymakers within the coalition, what perceived benefits or drawbacks this type of incentive has on policymaking, and what impact similar incentives would have on vulnerable populations. This study relied on review of the bills and amendments, hearing testimony, and public documents associated with this initiative. Additionally, an interview conducted with a policymaker involved in this initiative was conducted to confirm any findings in the documentation. The findings showed that the incentive impacted the process by providing an external push for designing education policy in the state. It also impacted the actions of advocates for special interest groups took during the process, adjusting their advocacy for certain positions to be supportive of the overall initiative. Understanding how this type of federal incentive impacts state policy development allows policy makers and advocates to adjust their actions and continue to serve their respective constituent groups appropriately, resulting in social change.

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## Chapter 1: Introduction to the Study

### **Introduction**

The system of government in the United States divides responsibilities for policymaking between the federal government and the states. Depending on the specific policy area, states will have the primary responsibility for deciding how policymakers will address key issues affecting their constituents (Gramkhar & Pickerill, 2012).

Throughout U.S. history, there has been ongoing work centered on the role that the federal government plays in the development of policies at the state level. One of the ways in which the federal government can influence the creation of policies that align with national goals is using grant programs. Through these programs, the federal government will provide funds to states in support of activities that align to its agenda, even if these areas are primarily the responsibility of state policymakers. These federal funds will be provided if states create and implement policies meeting set criteria (Manna & Ryan, 2011).

Typical grant programs require states to draft and implement policies before qualifying for any funds. The criteria used is primarily objective, meaning no judgement on the potential effectiveness of the policies are used. The federal government is concerned that the state-level initiatives are aligned with the national goals. Funds can be issued equally to each state, varied based on individual state size, or will be adjusted based on specific objective benchmarks such as time of implementation or meeting intended goals (Manna & Ryan, 2011).

The Race to the Top (RTTT) initiative was one aspect of the American Recovery and Reinvestment Act (ARRA) of 2009. The intent of RTTT was to distribute \$4.35 billion dollars in incentives to states that implemented education reforms at the Kindergarten through 12 grade level. Any reform implemented by states needed to meet certain requirements surrounding assessment of learning and accountability. States that intended to apply for the federal grant made regulatory changes and submitted applications for funds, and the first round of awards was limited to two states—Delaware and Tennessee. Of these states, Tennessee had previously enacted policies that partially met the goals of RTTT. The grant program initiated a policymaking process intended to further develop these educational policies, which and continued the process through their application to the USDOE for RTTT funds (McGuinn, 2012).

### **Background**

The system of government used in the United States assigns specific powers and responsibilities to states. Areas of responsibility not assigned to states are reserved to the federal branch. This division is laid out in the Constitution and has been further defined over time through debate and review by legislators and court decisions issued by the federal court system. Certain policy areas, such as education policy, are solely under state level control (Patrick, 2012). While the federal government has an interest in the overall improvement of the education of its citizens, states are responsible for designing and implementing changes to their policies.

While the federal government does not have direct control over policy decisions, it can influence the decisions made by states through the use of incentives. These incentives, usually through a grant process, provide funds to states that meet certain criteria. Historically, incentives for education reform have centered on changes states made by states to implement accountability structures, or to eliminate specific barriers citizens may face in seeking educational opportunities (McGuinn, 2012).

### **Problem Statement**

The Race To The Top (RTTT) initiative was a key educational initiative of the Obama administration. This initiative was a push for increased educational effectiveness by states, school systems, and teachers, and shifted responsibility for enforcement towards the federal government (Boser, 2012). States wanting to apply for the grant needed to enact policies that would address achievement issues in their jurisdictions within a limited time or be eliminated from consideration. This federal push for proposals required state legislative, regulatory, and advocacy coalitions to make changes in the way they approached policy development and implementation (McGuinn, 2012). To be successful, state level coalitions could not rely on time-intensive methods to address issues in their jurisdictions.

Limited research has been conducted on how a federal initiative using a design like RTTT's would have on the policymaking coalitions that form around a specific area. These coalitions are typically stable over long periods of time and operate in a way to address issues in a way that meets the needs of constituents (Sabatier & Jenkins-Smith,

1993). Due to RTTT being a recent initiative, there has been no study on how effective this process was able to improve education policy in the United States, as well as how it impacted populations that do not have the same access to those involved in the process.

### **Purpose of the Study**

The purpose of this qualitative study is to fill a gap in understanding about what changes to state policy advocacy coalitions were made because of the competitive design of the RTTT. Potential impacts include the ways members of existing policy coalitions interact with each other, including the potential for excluding vulnerable populations that do not have the same access to decision makers in policy decisions. This study will rely on legislative, regulatory, and related documents that were produced during the decision-making process leading to the application. Supporting information will be in the form of interviews of key actors involved in the process.

### **Significance of the Study**

The federal initiative on the RTTT used a completely new method to entice states to act. This method relied on competitive grants, where states had to develop and implement required changes before applying to a competition-style review process. Unlike other policy initiatives, states that applied did not have an assurance that they would qualify for funds if they made the required changes and applied by the deadline.

In previous federal policy initiatives, state policy makers had developed methods for developing state policy. With increased time to comply, actors would draw lessons from other states that have developed successful initiatives that met the goals (McGuinn,

2014). Additionally, at the state level, policymakers have developed groups of key individuals who help inform and support the development of new policies (Sabatier & Jenkins-Smith, 1993). The methods employed by policy makers in states would need to change to meet federal initiatives using the structure employed in RTTT.

If the structure of the RTTT initiative is used in the future, the potential for limiting access to the state level process by vulnerable groups will increase. There has been a lack of scholarly research conducted on the impact this new process has had on vulnerable populations, especially if these groups were limited in their ability to voice concerns or suggest changes in the state level policy. Understanding how the process changed the state procedures will add to the research base and allow advocates for these groups to develop strategies to have their concerns addressed if this method of federal policymaking is used again.

### **Research Questions**

RQ1: How does the design of the Race to The Top federal policy initiative impact the actions of a policy network?

RQ2: What were the observed benefits or drawbacks to state implementation of policy because of the use of this structure of federal initiative as reported by those involved in the process?

RQ3: How does the structure of this federal policy initiative affect future initiatives and advocates for vulnerable populations?

## Research Design

This study used a qualitative research design, specifically a version of the grounded theory approach. The use of a grounded theory design will enable the data collected from legislative and regulatory resources, as well as structured interviews, to generate relevant data that can be used in this study (Glaser, 2016). This design relies on constantly comparing newly collected data with previously collected items. This constant analysis will allow for the issues that are important to the individuals impacted by any changes to the state Advocacy Coalition to come to the forefront of the study.

In this study, a constructive form of grounded theory will be used. This form of grounded theory relies on an analysis of legislative and regulatory materials to shape the direction of the study (Richards & Farrokhnia, 2016). Analyzing the legislative record can provide a listing of key concepts that are important to the individuals involved in the process. This will also support the discovery of emergent themes and refinement of knowledge developed from the system (Richards & Farrokhnia, 2016). The system does not rely on a hierarchical approach, but instead allows the analyzed data to shape the direction of the research.

Analysis and substantive coding will occur throughout the data collection process. The process will first begin with open codes, organizing data as it is collected into major categories before it can be used to identify the core category (Hernandez, 2009). As new information is collected and analyzed, core categories associated with the main issue should emerge.

As these core categories emerge, the next phase of theoretical coding will begin. Data collection continues, but the initial codes and categories are organized in a way that demonstrates how they relate to each other (Glaser & Holton, 2004). It is important to remain open to new categories as additional data is added, allowing for the data to lead in the direction the study will take (Glaser & Holton, 2004).

To maintain a clear organization of the collected data, analyzed data will be summed up with memos. These memos allow the data to be sorted, organized, and maintain a clear focus on the direction of the study (Holton, 2007). These memos will be used in the theoretical coding process.

Theoretical codes will be developed, using the information collected to uncover the underlying issue that is central to the study (Holton, 2004). These codes will be able to show how the substantive codes developed previously relate to the core category of the study (Hernandez, 2009). The theoretical codes developed as a part of this design will be related to the core issue of the study and will allow the study to cover as much of the subject as possible (Glaser & Holton, 2004).

Use of publicly available legislative resources for the initial analysis improves the reliability and validity of the study (Richards & Farrokhnia, 2016). Additionally, the use of developed theoretical codes provides additional support for the relevance of the study, due to the relationship between the codes and the core issue (Glaser & Holton, 2004). This information will direct the actions taken by the researcher as the study progresses and will shape the questions as issues important to those affected emerge.



## **Theoretical Framework**

The process of legislative and regulatory development at the state level is a complex process involving several stakeholders. Over time, individuals have attempted to study this process to determine to what degree the actions taken by these stakeholders have on the outcome (Sabatier & Jenkins-Smith, 1993). Due to the inherent complexity of the policy process, as well as the number of individual actors involved in the creation of policies (Fischer & Maggetti, 2016), researchers have attempted to develop systems to study the policy process.

One way to understand the policymaking process is the Advocacy Coalition Framework (ACF). As developed by Paul Sabatier and Hank Jenkins-Smith (1993), the ACF provides for an understanding how individuals involved in the policy process at the state level interact during the drafting and implementation process. This approach considers various actors at multiple levels of government and public organizations, as well as how these ideas develop over time (Sabatier & Jenkins-Smith, 1993, Cairney, 2013). By taking account of several variables, the ACF attempts to develop an understanding on how state level policies are developed and implemented.

The goal of any policy coalition is to provide an opportunity for individuals who share a common policy belief to influence how the solution to a particular issue will be designed and implemented (Fisher & Maggetti, 2016, Matti & Sandström, 2013, Lubell, Scholz, Berardo, & Robins, 2012). The combination of individuals from multiple areas of government and the public can enable policymakers to effectively implement solutions

that meet their vision and other goals. Individually, each member of the coalition may not have enough influence or power to create solutions to issues and have the support to enact legislation. The combination of individuals into a coalition provides additional support and resources needed.

There are several key assumptions of the ACF that can help in understanding the policymaking process, which are illustrated in the critical hypotheses developed by Sabatier and Jenkins-Smith:

### **Advocacy Coalition Framework Hypotheses**

*Hypothesis 1:* On Major controversies within a policy subsystem when core beliefs are in dispute, the lineup of allies and opponents tends to be rather stable over periods of a decade or so.

*Hypothesis 2:* Actors within an advocacy coalition will show substantial consensus on issues pertaining to the policy core, although less so secondary aspects.

*Hypothesis 3:* An actor (or coalition) will give up secondary aspects of a belief system before acknowledging weakness in the policy core.

*Hypothesis 4:* The core (basic attributes) of a governmental program is unlikely to be significantly revised as long as the subsystem advocacy coalition that instituted the program remains in power.

*Hypothesis 5:* The core (basic attributes) of a governmental action program is unlikely to be changed in the absence of significant perturbations external to the subsystem, that is, changes in socioeconomic conditions, system-wide governing coalitions, or policy outputs from other subsystems.

*Hypothesis 6:* Policy-oriented learning across belief systems is most likely when there is an intermediate level of informed conflict between the two.

1. Each coalition has the technical resources to engage in such a debate; and
2. The conflict be between secondary aspects of one belief system and core elements of the other or, alternatively, between important secondary aspects of the two belief systems.

*Hypothesis 7:* Problems for which accepted quantitative data and theory exist are more conducive to policy-oriented learning than those in which data and theory are generally qualitative, quite subjective, or altogether lacking.

*Hypothesis 8:* Problems involving natural systems are more conducive to policy-oriented learning than those involving purely social or political systems because in the former many of the critical variables are not themselves active strategists and controlled experimentation is more feasible.

*Hypothesis 9:* Policy-oriented learning across belief systems is most likely when there exists a forum that is:

1. Prestigious enough to force professionals from different coalitions to participate; and
2. Dominated by professional norms

*Hypothesis 10:* Elites of purposive groups are more constrained in their expression of beliefs and policy positions than elites from material groups.

*Hypothesis 11:* Within a coalition, administrative agencies will usually advocate more centrist positions than their interest-group allies.

*Hypothesis 12:* Even when the accumulation of technical information does not change the views of the opposing coalition, it can have important impacts on policy – at least in the short term – by altering the views of policy brokers or other important governmental officials. (Sabatier & Jenkins-Smith, 1993)

The ACF relies on individual actors who represent varied agencies involved in the policy development process. These individuals include elected and appointed government officials, advocacy groups, interested individuals, and members of the media. These coalition members coalesce and remain stable over time by their shared common policy beliefs (Cairney, 2013, Leifeld, 2013; Sabatier & Jenkins-Smith, 1993). The core beliefs that each of the members share can include an ideological or policy focus (Cairney, 2013), and provide a common ground for individual actors to work with each other.

It is important to note that the coalition that forms is specific to the core belief shared by the members. It is possible that members of an established coalition may not share beliefs outside the area and could be members of competing coalitions in other policy areas (Sabatier & Jenkins-Smith, 1993). When investigating the process in which a policy is developed, it is important to limit the focus to the specific core policy belief shared by all coalition members. Any areas outside of the policy area should not have an impact on the process taken on the issue being addressed.

Coalitions form based on shared core ideologies over policies rather than the perceived level of influence or power individuals may have (Matti & Sandström, 2013). Inclusion in a coalition does not rely on political power or influence within a governmental structure, instead base their formation on their shared beliefs (Leifeld,

2013). In basing the structure on policy beliefs rather than implied power and influence, a coalition is able to maintain its structure over time, and can address issues that impact the core policy belief with a long-term approach.

Issues that are addressed by policy coalitions exist within the overall political environment established within the state (Sabatier & Jenkins-Smith, 1993). The existing environment provides coalitions a basic framework in which they can operate and attempt to implement changes (Cairney, 2013). Members of the coalitions must be cognizant of the over-all political environment to make correct decisions on how to successfully implement their version of policies. If the environment is not considered, the success of initiatives may be adversely impacted by lack of support by the public or others outside the established coalition.

It is also important to note that for every policy issue that is addressed, there can be several competing coalitions within the policy environment attempting to implement their solution to the issue. The coalition membership of these competitors is still based on the core policy values shared between all members (Cairney, 2013). These competing coalitions will be structured based on how they believe solutions to policy issues should be made and could be structured in a significantly different manner when compared to other groups. Regardless of structure, each competing coalition is still subject to the overall policy environment and will need to take that into account as they attempt to implement their vision for addressing issues.

The ACF relies on looking at policy changes over longer terms, such as a decade or more. This longer-term view enables each coalition to have a level of stability with regards to membership and focus on core policy initiatives (Sabatier & Jenkins-Smith, 1993). The stability of each coalition over time allows for individual members to be replaced with like-minded individuals as they leave their positions due to elections or retirements (Fischer & Maggetti, 2016).

For coalitions to be effective, members must be able to freely communicate with each other, and be able to articulate their beliefs to individuals outside the group (Matti & Sandström, 2013). Although policy implementation requires individuals from multiple levels of government, the key to success for a coalition is the ability to communicate freely, regardless of the perceived level of importance an individual has. This communication is vital in allowing information that is needed to make a decision to spread. Information that is generated from outside the coalition must also be disseminated among the group to allow the membership to adjust decisions accordingly. Clear communication is also vital when attempting to build support from the public. Coalition members should be able to communicate with outside individuals for the purpose of building support.

Membership into a coalition centers on a specific core policy belief (Matti & Sandström, 2013). These core beliefs allow individuals with varied backgrounds and abilities to come together and direct the creation of new policies (Lubell, Scholz, Berardo & Robins, 2012). These connections allow policy initiatives to be addressed across

multiple institutions and other venues, increasing each member's ability to influence factors that can assist with implementation (Lubell et al., 2012).

### **Nature of the Study**

The federal government has influenced the creation of state policies in areas that are not constitutionally assigned to it. The main mechanism used to exert this influence has been grant programs to states that implement changes the federal government sees as beneficial. While the traditional form that these grants have taken allows state policymakers to have time to thoughtfully develop and implement changes, the RTTT initiative significantly changed the way these officials needed to address required changes (Manna & Ryan, 2011). The most significant change was the need to implement changed regulations with no guarantee of meeting the grant criteria. The strict timeline for implementing new policies before application eliminated the traditional ways states have qualified for federal grants.

Sabatier and Jenkins-Smith's (1993) Advocacy Coalition Framework (ACF) enables researchers to examine how state-level policies are developed and implemented. Established groups of lawmakers, regulatory personnel, and advocates form around a central core belief that drives the development of new policies. Any new initiative will involve these individuals, allowing for their various levels of expertise to be used as a new policy is drafted and approved. In addition, these individuals will utilize their professional networks of other policy officials in other states to inform their own policy development. States that have less resources available to take the lead on new policies

will rely on others to be first, using the lessons they learned in the drafting of new policies.

With RTTT, the timeline was compressed, eliminating the ability for states to wait for others to take a lead role. Each state attempting to apply for the grant would need to be able to move quickly on their own, prepared for the possibility that the new initiatives may not lead to a disbursement of new funds (McGuinn, 2012). The changes required may impact the decision-making process of the coalition members, as well as change the level of involvement individual members have in the process. These changes may limit the level of input some members have had in the past, limiting the level of influence groups who would feel the most impact from the new policies on their creation.

### **Elected Membership**

One of the most visible membership positions in any coalition group are elected officials. These individuals hold positions in state governments and are directly impacted by the desires of the electorate. These positions in a coalition are responsible for introducing legislation that is directly responsive to the issue that needs to be addressed (Mahoney & Baumgartner, 2015). Elected members of a coalition will be the named individual(s) on any legislation, and the results may have an impact on their prospects for holding their office.

An additional role these individuals play is that of overseeing and directing major parts of the bureaucratic process (Palus & Yackee, 2012). They can direct resources and influence actions of other members of the coalition. This ability allows for areas of



interest to get more attention over others, allowing for personal interests to become a part of the policy process.

Elected officials, in addition to their leadership position, may also fill a partial advocacy role in policy development. Their public position enables these members to use the access to media to introduce their positions to the public (Mahoney & Baumgartner, 2015). Depending on the type of access that exists to media and the receptiveness of the public, elected officials can develop a level of support from the public, increasing the likelihood of a policy's success.

One last area that elected officials fill is one that relies on continuity. Elected officials will direct legislation through the process, but that have been designed with pieces that have been implemented in the past (Klüver, Braun & Beyers, 2015). This viewpoint that elected official have is important for two reasons. First, any legislation must be able to fit with current policies. Any new legislation that does not runs the risk of being unsuccessful during the adoptions process or could be overturned on technicalities later. Second, new legislation will either build on past successful initiatives, or will be designed to correct those policies that have failed over time. Elected officials are ultimately responsible for the success of new pieces of legislation and maintain this knowledge of past work is important as new items are introduced.

### **Regulatory Personnel**

Regulatory personnel maintain a unique position within an advocacy coalition. These individuals are either appointed by elected officials or have obtained their positions

through the regular hiring process. Individuals in regulatory organizations typically have a set of technical knowledge obtained in prior positions or education (Palus & Yackee, 2012). These regulatory personnel who are members of advocacy coalitions can use this knowledge in various ways.

One way in which regulatory personnel can be used by elected officials is to conduct research into specific issues (Moreland-Russell, Barbero, Andersen, Geary, Dodson, & Brownson, 2015). These individuals can use their unique perspective on a subject to provide elected members of the coalition with the tools they need to make decisions (Moreland-Russell et al., 2015). Depending on the knowledge of elected members of the coalition, the beliefs of these specific actors can be transferred through this reliance on their knowledge of the subject.

In addition to the information delivery and research role they fill in for elected officials, regulatory personnel may also serve other members of the coalition by transferring information between different groups within the coalition. The technical knowledge of these individuals provides them the opportunity to come into regular contact with other potential members of a coalition. Through these contacts, regulatory personnel can relay information between these members, which may provide for a broad dissemination of ideas across the coalition (Palus & Yackee, 2012). This access may allow other areas of the coalition to influence each other, as well as build support for specific policy initiatives.

The role of actors in a regulatory position also includes the oversight of the process after legislative adoption. Once passed, regulatory personnel are responsible for drafting and implementing legislative decisions in the form of regulations. The role of the regulator in this part of the process ensures that the intended goals of the initiative are attainable by maintaining control of the rulemaking process (Palus & Yackee, 2012). Regulatory personnel understand how their state's process for rulemaking is conducted and can ensure that the intended outcomes of the policy initiative are reached by following the proper procedures.

### **Advocacy Groups**

The advocacy position in any coalition may be filled by any number of groups. These individuals may be interest groups with an economic interest in a policy. Additionally, non-government related individuals with technical expertise can also join a coalition in this role. Finally, concerned individuals not associated with any organized group may act in the role of advocate based on their personal beliefs on a subject (Sabatier & Jenkins-Smith, 1993).

The advocate position within a coalition may play an important role in the development of new policies. Due to their varied backgrounds, these individuals may be able to overcome objections from opposing forces in government and the general population (McGuinn, 2012a; Balla, 2014). These individuals may also have a level of technical expertise on the subject and can speak to others without the potential pushback on the information if it had come from a governmental official.

The position of these individuals may be used by other members of the coalition to gain access to populations previously unattainable (Scott & Jabbar, 2014). Objections by non-elected individuals may be overcome if the information is relayed by individuals that do not appear to have a political bias or agenda. Additionally, if a coalition member in the position of advocate has access to media resources, the information about the intended effect of the policy initiative can be spread over a wider audience.

As with members of the regulatory group, individuals in the advocate role may have some level of technical expertise in the subject. These individuals can provide justification and support for the policy initiatives by developing independent data used in discussions (McDonnell, 2013). This information is used by elected officials and public facing advocates to frame the arguments used to justify any proposed changes. Additionally, these coalition members can be utilized by organizing public campaigns to develop support for the initiative (McGuinn, 2012a). The combination of their expertise and lack of overt political agenda enables these individuals to have credibility with the public when voicing their support for new policies.

### **Variations and Issues**

The information presented above represents the typical features of members of an advocacy coalition as presented by Sabatier and Jenkins Smith (1993). It is important to note that there can be slight variations in the roles each group fulfills within the coalition, which can have an impact on the overall success and final design of any policy initiative.

One key area that impacts how effective an advocacy coalition will be regarding a policy initiative is the level of experience each member has. Over time, members may leave the coalition due to the loss of elections or retirements. New members can join as time progresses, but the level of expertise they may bring could be different than those who are replaced (Elgin & Weible, 2013). Loss of individuals may result in changes to the technical expertise or political influence the coalition may have. Additionally, the credibility of newer members may be questioned depending on the perception of the public. Finally, changes in the coalition membership may introduce new directions for the policy initiative based on the opinions of these newer members.

Advocacy coalitions are made up of various individuals from different areas. Although they share a common core belief, it is possible that the success of any policy initiative can be impacted by the lack of an identified leader who directs the actions of the coalition (Matti & Sandström, 2013). The ultimate result of any policy initiative may be impacted by personal or organizations priorities introduced through the actions of coalition members. For example, regulatory officials may take a more moderate approach toward policy development due to their role in the rulemaking process (Leifeld, 2013). While other members may push for radical changes to policies, the ultimate result may be an incremental change or compromised position.

### **Definitions**

*Advocacy Coalition Framework (ACF)*: The Advocacy Coalition Framework is a description of a group of individuals formed around a specific issue who can impact the

direction of state-level legislation and regulations. These individuals include elected officials, appointed members of government agencies, and private citizens who can provide external advocacy and influence on the policymaking process. The ACF provides a mechanism in which those involved can communicate clearly across the various discipline areas (Jenkins-Smith, Nohrstedt, Weible, & Sabatier, 2014).

*Race to the Top (RTTT)*: The Race to the Top program is a competitive grant program designed to entice states to engage in reforming their K-12 education systems. RTTT was a part of the American Recovery and Reinvestment Act of 2009 and awarded states a portion of a \$4.4 billion grant based on submissions after implementing reforms.

*First to the Top (FTTT)*: First to the Top is the name given to Tennessee's efforts to qualify for Race to the Top grant funds.

*No Child Left Behind (NCLB)*: The No Child Left Behind act of 2001 is the name of the reauthorization of the Elementary and Secondary Education Act (ESEA). The purpose of NCLB was to support state K-12 educational reform efforts using high standards and objective goals.

*Policy transfer* : Policy transfer describes the ways in which states learn from other jurisdictions in developing and implementing their own policies.

### **Assumptions, Limitations, and Scope**

#### **Assumptions**

The intent of this study is to analyze the impact coercive federal incentives have on state-level policy networks. The sources for this study include official policy

documents, advocacy materials, and interviews of network members familiar with the adoption of Race To The Top compliant policies in Tennessee. These sources will be used in the analysis of the impacts to the state policy coalition.

Documentary source materials are readily available to the public through official governmental sources. Focus will be needed on securing participants to be interviewed. Once scheduled, it is assumed that interview subjects will want to participate and will have personal recollections of the period they were involved in the policy process. Additionally, it is assumed that participants will respond to the interview questions in an honest manner, providing an accurate description of what they viewed during that time. The purpose of the study is not intended to single out any individual in a negative light and is designed to determine how external forces changed the interactions between coalition members.

### **Delimitations and Scope**

This study will be delimited by examining official policy documents connected with the education policy adoption in the state of Tennessee. In addition, supporting advocacy documents will also be included to determine how those items may have impacted members of the state policy network. Finally, interviews with individuals identified as members of the state policy network will be conducted; the results will be compared to the analyzed documents to determine what effect coercive federal incentives had on the state policy process.

**Limitations**

This study is based on the impacts the coercive incentives used by the federal government had on an existing state-level policy coalition addressing education issues. The study will rely on documentation and interview responses to generate information that can be analyzed to determine any potential effects on the process used by the participants.

Documentation on what was developed is readily available through multiple sources. However, part of this study will rely on having access to individuals involved with the process. While many of the individuals who participated in the process leading up to the Race to the Top application are still members of the Tennessee state legislature and other agencies, these people may not agree to be interviewed for this study. Reasons for this could include lack of time in their schedule, low interest in the potential results of the study, or limited recollection of what happened during the time these policies and regulations were being developed.

An additional limitation is centered on the policy area that is the focus of this study. The research is focused on the impacts coercive federal initiatives have on state-level education policy. While all states will need to address issues surrounding education, the way coalitions formed around other areas may not have the same reactions to federal incentives. Further studies into other jurisdictions and other policy areas may extend this research into these other areas.



One final limitation is the willingness for individuals to participate in this study as secondary sources. Individuals who were involved in the process may have limited recollection of the process or could have other reasons to decide not to participate.

### **Significance**

In this study, the level of influence that the federal government has over state policy creation is one area that is significant. While the federal government cannot directly control areas that are primarily under state control, the use of grant program is an attempt to entice states to implement policies that align with national initiatives. States have established processes in which new policies can be implemented and have shown to be successful when responding to normal federal grant proposals. The Race to the Top proposal instituted changes to the process, both in the time needed to adopt new policies, and eliminated any guarantee that adoption of new policies would result in winning grant money. Understanding how the state policy system changed as a result of this process will allow for a better understanding on what areas would need to be addressed in order to ensure all individuals impacted by the initiative can remain involved in the creation. This is especially important if the federal government chooses to use a grant proposal like the Race to the Top design in the future.

### **Summary**

In this chapter, an introduction to the problem was introduced. Additionally, background information on the issue being researched was presented. The theoretical framework that will guide the study was also introduced, as well as descriptions of any

assumptions, limitations, delimitations, and scope. A list of definitions for key terms was provided, and a brief explanation of the study's significance was provided.

In the next chapter, a review of pertinent literature will be presented. This will include additional information on the Advocacy Coalition Framework, the methods states employ when developing and implementing new policies, and roles that individuals involved in the process will fill. Chapter 3 will describe the research methods that will be used in the study. Additionally, this chapter will describe the sources of data that will be used, and their importance to the study.

## Chapter 2: Literature Review

### **Search Strategy**

For this study, various databases and sources of information were accessed to collect relevant scholarly research, legislative and regulatory documents and data, as well as advocacy information developed for public consumption. Due to the subject matter of this study, databases used included both public policy and administration, as well as education databases. These databases included Political Science Complete, Political Science: a Sage Full-Text Collection, ProQuest Central, ERIC, and Academic Search Complete. Additional research on this topic was conducted using the ProQuest Dissertations and Theses database. Finally, state legislative archives were used to collect information on legislation and regulations developed during the RTTT process.

To conduct the search of the literature, the various terms were used depending on the type of information being sought. In education databases, terms used included Race to the Top, No Child Left Behind, school improvement, and federal education policy. These terms were used in combination with the date slider to limit information to specific policy initiatives as well as providing an opportunity to demonstrate historical initiatives to place the Race to the Top initiative in perspective with past reform efforts.

Terms that centered on the existing systems for state-level policy development included Advocacy Coalition Framework, advocacy coalitions, Sabatier, and policy advocates. These terms were used primarily in the policy databases to collect information on how the Advocacy Policy Framework (ACF) has been applied in past state-level

initiatives. Specific focus on how the interactions between individual members of the coalition occur and possibly change as the process continues.

This study attempts to understand the impact that a competitive federal grant program has on existing state-level policy coalitions. The RTTT initiative will allow for an examination on how established coalitions consisting of elected officials, appointed regulatory personnel, advocacy groups, and interested parties changed the way they interacted with each other in order to qualify for entry into the competition. If a competitive grant program is used in the future, adverse impacts that result from these changes, including the exclusion of groups with limited access to policymakers, can be accounted for and addressed.

### **The Advocacy Coalition Framework**

Advocacy coalitions are defined as a group of individuals that coalesce over a shared belief in order to implement policies (Sabatier & Jenkins-Smith, 1993). These groups are made up of a number of individuals representing various areas. Politicians, individuals working in governmental agencies, lobbyists, members of the media, and concerned citizens can form these coalitions. Each member attempts to influence the creation of policies with individuals who share similar beliefs and have the ability to implement changes (Edler & James, 2015; Matti & Sandström, 2013,). Individuals who do not have the ability to make these changes on their own work within the context of a coalition that includes individuals with abilities or governmental positions that allow policies to be altered.

Coalitions will form over time around a core issue that is shared by all members (Geels & Penna, 2015). This shared issue becomes the binding issue that enables individuals to pool their resources and abilities to make incremental changes over time. These issues require solutions that take many incremental changes. Actors that make up the coalition tend to be stable, especially those that have positions with the access for implementing changes (Nowlin, 2011).

It is important to note that coalition members may or may not agree on all areas of policy (Matti & Sandström, 2013). Any review of a specific advocacy coalition must be limited to a specific core belief. Coalition actors that agree on a specific policy issue may not agree in other areas (Nowlin, 2011). Variations in each individual's core policy beliefs do not impact the overall effectiveness of the coalition that is formed. Individual actors within a policy group have the goal to solve the specific issues facing the core belief.

Maintaining a focus on a specific policy issue will allow the coalition's structure and coordination system to be studied (Elgin & Weible, 2013). Viewing coalitions within the context of a specific policy issue enables a study of the ways in which individuals interact with each other. Specific focus can be made on the roles each member takes within the coalition and how this may change over time. In cases where unique issues are being addressed, changes that occur in the coalition with regard to overall makeup can be viewed.

### **Coalition Membership**

As stated previously, state-level policy coalitions are formed with individuals who fill various roles related to governance. Formation of a coalition will occur as individuals who share policy beliefs interact with each other during the regular policy development process (Weible, Sabatier, & McQueen, 2009). These individuals fill roles within the coalition that serve to push forward policies that support their common vision. Stability of the coalition relies on the shared core beliefs of members. New members are added to the coalition over time, and reinforce the overall stability of the group due to their shared policy beliefs.

Within any coalition, individuals will serve in roles that are designed to effectively implement policy changes aligned with the group's core policy beliefs. Roles of members will depend on the level of expertise they have in both the subject area (Elgin & Weible, 2013) as well as the process that is used in implementing policy change (Olsson, 2009). Experience is required in both areas to better navigate any potential issues that could hold up or divert the process.

In addition to knowledge and positional roles, coalition members may be viewed in roles based on other areas such as strategy, resources, and political environment (Olsson, 2009). These outside forces may change the level of involvement a particular coalition member may have in policy implementation. Coordination between members of the coalition will determine how the group will deploy each actor as the initiative progresses in the process.

Key to a coalition's effectiveness is the ability for members to share knowledge through the various levels (Elgin & Weible, 2013). Members must be able to spread information through multiple channels in order to remain unified in their presentation of a policy solution (Adshead, 2011; Mahoney, 2007). Transfer of knowledge enables all coalition members to make decision within their area of control that are in line with the core policy beliefs, as well as sustain the coalition's structure.

Coalitions also rely on individuals who work in areas outside of government. These individuals may serve as subject experts, journalists, concerned citizens, or interest group lobbyists who interact with elected and appointed officials. These actors may provide key information on the subject area (Elgin & Weible, 2013), enabling regulatory personnel to move legislation and regulations forward.

Nongovernment actors can also be used by the other areas of a coalition to build or gauge support for a particular initiative. These advocate actors provide elected officials information on how much support a particular initiative may have within the community they serve (Mahoney, 2009). This support may direct officials to make necessary changes to a policy to make it more effective or to gain needed support by constituents. In areas where elected officials need support from a community in order to remain in office, this information can be used to adjust the implementation schedule of an initiative.

Actors in the advocate position can also be used to spread information supporting an initiative throughout a community. These individuals already have an interest in the policy area the coalition has a focus on. Since these members have a voice within their

respective community, they are able to spread information in the hope that support for the initiative can be increased.

### **Mechanisms of Policy Transfer**

The federal system of government in the United states utilizes a decentralized system of control over policy areas not included in the Constitution (Adler, 2012). In the United States, policy development at the state level will involve a number of entities. These groups will be made up of individuals who have an interest in the subject being discussed, as well as having knowledge and skills in the area that can be used in an attempt to secure successful implementation. These individuals will make up the bulk of advocacy coalitions based on their deeply held core beliefs (Cairney, 2015).

While policymakers have an understanding of how regulations and legislation is crafted, the ideas on how to best address issues may not be as evident. In most cases, states will rely on the work other jurisdictions have completed in order to guide and inform their own work (Dolowitz & Marsh, 2000). Effectiveness of the adoption of policies will rely on the size and power that each jurisdictional group has over their process (Füglister, 2012). Additionally, various groups working within states will attempt to become involved in the policy process to ensure aspects of their agenda are addressed (Lubell, 2015). The transfer of policy language and ideas across state lines can be vital to states attempting to address similar problems in a timely manner.

Policies will spread across state lines as needed, with the receiving jurisdictions seeking to find solutions to similar issues. Additionally, states that are located in the same



region may be forced to adopt policies to gain or maintain a competitive advantage for resources or citizens (Baybeck, Berry, & Siegel, 2011). States may also attempt to influence regional neighbors to act in policy areas in order to gain influence through the spread of their specific policy solutions (Neumayer & Plümper, 2012). Diffusion in these cases becomes a series of reactions between states to maintain economic or quality of life balance within the region.

While competition between states may be a compelling factor in diffusion of policies, there can be some external factors that adjust the effectiveness of implementation. States that have other jurisdictions bordering it on multiple sides may need to balance their implementation of policies (Obinger & Schmitt, 2013). These states may only see a competition for resources in a targeted area, and may not need to adopt solutions that only work for a specific group.

Competition with neighboring jurisdictions might be a compelling reason for a state to attempt policy adoption, but internal issues must also be considered. States must remain cognizant of their own constituents when developing policies in reaction to external trends (Pacheo, 2012). Policy makers must be responsive to the needs of citizens within their state, and take their individual needs and desires into account (Kim & Schachter, 2013). Decisions made by policy officials have impacts on citizens, who can hold them accountable through the election process if they feel they have not been heard.

While citizens have their own feelings regarding policy direction, they can also be affected by the competitive nature of neighboring states (Pacheo, 2012). Citizens within a

jurisdiction may feel the same pressures to spend their time and resources in other states if they feel there are significant benefits for doing so. Policies in neighboring jurisdictions may develop a desire to implement similar policies in their home state (Lubell, et al, 2011). Residents can place pressure on their home state policy makers to begin the development process in their area.

State policy actors may learn of policy initiatives from other jurisdictions through their professional connections and networks they have developed. These networks can be created through involvement in professional associations or other groups of like-minded individuals. Connections made between these individuals enable information to be freely shared among states, especially across regional lines (Walker, Avellaneda, & Berry, 2011). The shared interest in similar policy areas permits the transfer of information.

State-level coalition members will utilize their professional networks they have developed over time to learn how other regions are attempting to address issues (Starke, 2013). Jurisdictions with more resources available to them may be able to develop solutions earlier than most. These early adoption states are able to conduct the initial stages of research that inform policy development, and are used to evaluate the potential success of solutions.

Regardless of the way in which interest in a policy initiative has been raised, policy makers will need to remain aware of any variations that need to be developed before implementation. Variations in the make-up of citizen demographics, as well as economic and environmental differences will need to be addressed in any policy initiative

that is developed (Pampel & Hunter, 2012). This can be achieved by involving citizens to have a voice in the development process (Rhodes, 2015), as well as maintaining a relationship with constituents to understand their specific needs.

In addition to the demographic variations that may exist in their state, transferred policies transferred from elsewhere can be impacted by the specific ideologies of the individuals in positions of authority. Chief administrators, legislators, and appointed officials may focus on their specific ideological views when making decisions on how to proceed with an initiative (Whitaker, Herian, Larimer, & Lang, 2012). It is possible that these ideological beliefs may have an impact on the ultimate form the new policy takes upon adoption. While officials may have strong political beliefs, keeping mind of the pressures placed on them by their constituents is important to remain in their positions (Whitaker et al., 2012). Officials must remain responsive to those individuals who have the ability to enact changes to their positions (Pacheco, 2012).

### **Policy Development in the Advocacy Coalition Framework**

Traditional methods used to study state-level policy development focus on how individual members or groups impact the way initiatives are created and implemented. Elected officials or state regulatory bodies may rely on procedures and rules as a way to evolve policies over time (Sabatier & Jenkins-Smith, 1993). Advocacy organization may apply pressure on elected and appointed government officials to implement new policies based on what they have observed in other jurisdictions (Pacheco, 2012). In addition, identifying the social and economic environmental factors that could force a state to act

may also be used (Prince, 2012). These individual parts may not provide a full understanding of how a state responds to issues requiring policy changes.

The ACF combines these variables in a way that allows for a deeper understanding of the process. This also allows for observations over a long period of time, showing how policies grow (Sabatier & Jenkins-Smith, 1993). Additionally, the ACF expands the number of individuals who have an impact on the process to anyone who shares similar core beliefs (Sabatier & Jenkins-Smith, 1993). Viewing policy decision in this way allows those studying the policy process to account for and explain how the final implemented initiative was developed.

The development of policies at the state level will require a high level of communication and coordination among all individuals involved. Jurisdictions that have addressed an issue in the past may have different political structures and economic variables than those addressing the same issue later. Policy makers involved in the process must keep these variations among jurisdictions in mind as they go through the development process (Gupta, 2012). This may also impact the actions policymakers will take associated with the development process, making minor adjustments over long periods of time to help direct public sentiment toward their intended goals (Geels & Penna, 2015). These variations, and adjusting the implementation strategy as a result of these variations, will help with building support for a solution.

Part of the review of jurisdictional variations includes understanding what resources are available to policymakers. The existing networks of policy actors will affect

the resources available to assist with the development of a solution (Lubell, Scholz, Berardo, & Robins, 2012). Networks will also have an impact on the direction that policymakers will take in addressing issues through the influence they have developed over time (Elgin & Weible, 2013). The ultimate direction that a state will take will depend on how these variables are able to interact with each other.

While individuals connected to policy networks will have significant control over the direction development will take, network actors and surrogates will need to be aware of the influence those not associated with the network may have. These nonaffiliated individuals may not be attached to any policy network, but could influence the overall direction that is taken through actions aligned with their own self-interests (Ljubownikow & Crotty, 2015). These individuals may have influence over members of the network, or could rally support of others to place pressure on network actors (Ljubownikow & Crotty, 2015). Individuals in the policy process will need to be sensitive to the potential that these individuals may exist, and not only be working to counteract competing coalitions.

The interaction of these variables will depend on how well network actors are able to navigate their interactions with each other. Network actors must have developed the capacity to have these resources available for use, and have developed strong relationships with other policy actors to be able to work with them toward addressing a policy issue (Elgin & Weible, 2013). Individuals may also use their influence to exploit deficiencies that exist in competing policy networks (Elgin & Weible, 2013). Effective

policy adoption will require actors to work not only with individuals they are collaborating with, but also counteract competing coalitions addressing the same issue.

Policy networks will need to build support from their constituents if their solution is to be accepted for the long term. Network actors will need to win the support of their constituencies by demonstrating how the proposed solution will have a positive impact on their lives (Parsons, 2015). This is especially true if policymakers and their surrogates demonstrate how the new policies align with currently accepted beliefs (Eising, Rash, & Rozbicka, 2015), or demonstrate the potential positive or negative consequences for choosing a particular solution (Klüver et al., 2015). Gaining support of individuals outside of the existing policy network is important for adoption of the preferred solution.

### **Summary and Conclusions**

This review of literature provides the background of past research that has been developed around the ACF that is used in this study. Additionally, the literature review also provides a brief overview of the key methods state legislative and regulatory personnel use while creating new policies.

As defined by Sabatier and Jenkins-Smith (1993), the ACF is an organization that forms over time among policymakers. This organization tends to remain stable, with minor changes occurring as members leave their positions due to normal attrition or through the election process. New individuals will be attracted to the coalition, and other existing members will be elevated into more influential positions.

Members of a coalition are attracted to become associated to it through a shared common belief (Geels & Pena, 2005). This common core belief acts as the central structure that guides the actions of all members. It is also important to understand that this belief is unique to the specific coalition that is formed. Members of a structure may have divergent beliefs in other policy areas and can be members of different coalitions addressing those topics (Matti & Sandström, 2013). Using the ACF to study the policy development process must be limited to the specific area being addressed, not the overall ideological beliefs of the membership.

States also employ several techniques while creating new policies. Due to limited resources or knowledge on the subject, a state may look to other jurisdictions who have taken a lead role in addressing the issues to inform how best to proceed (Dolowitz & Marsh, 2000). States can either copy what previous ones have implemented, or draft their own version using the lessons those states have learned to implement a unique version tailored to the needs of its citizens. These receiving states rely on the resources of the early adopting states before making their attempts at policy adoption.

States located in the same region of the country may also adopt rules based on the need to compete for the same resources (Baybeck et al., 2011). Policies adopted in this manner are used to attract resources such as business or jobs to a state. This is especially true if neighboring states have significant populations located near each other. A state may implement policies that are designed to attract this activity to their jurisdiction or

may design a policy in reaction to a neighboring state to defend against the loss of these revenues.

In Chapter 3, the research methods for reviewing how coercive federal grants impact existing state policy development structures. Due to the unique nature of this type of federal grant design, there is limited information on possible changes this design had on the traditional process.



## Chapter 3: Research Method

### **Introduction**

The purpose of this qualitative study is to fill a gap in understanding about what changes to state policy advocacy coalitions were made because of the competitive design of the RTTT. Potential impacts include the ways existing coalitions interact with each other, including the potential for excluding vulnerable populations that do not have the same access to decision makers in policy decisions. This study will rely on legislative, regulatory, and related documents that were produced during the decision-making process leading to the application. Supporting information will be in the form of interviews of key actors from states, including legislators or other members of state coalitions involved in the process.

### **Research Design and Rationale**

#### **Research Questions**

RQ1: How does the design of the Race to The Top federal policy initiative impact the actions of a policy network?

RQ2: What were the observed benefits or drawbacks to state implementation of policy because of the use of this structure of federal initiative as reported by those involved in the process?

RQ3: How does the structure of this federal policy initiative affect future initiatives and advocates for vulnerable populations?

### **Role of Researcher**

This study relies on the researcher to act as an observer to the policy development process at the state level. The collection of data that will be used for this study includes official documents created by state legislative bodies, advocacy groups, and other official outlets. Additionally, qualitative interviews will be conducted with key individuals involved in the policy process. The recollections of these individuals may be able to provide additional information on how the interactions between the key groups may or may not have changed during the implementation of education reforms for the RTTT initiative.

This study is not conducted in work environment of this researcher. Additionally, the author has no affiliations or involvement in any agencies associated with the participants of this study. No incentives have been offered to interview subjects for their participation.

### **Methodology**

The Walden University Institutional Review Board approval number for this study is 11-13-18-0297704.

The primary source of data will be official documents generated during the time states were developing policies to meet the RTTT initiative. Specifically, the focus will be placed on the process employed in Tennessee. These documents will include drafts and amendments to state legislation, committee meeting transcripts, fiscal notes, and testimony at any public hearing. Additional information will include position statements

and publications from nongovernment individuals who sought to have influence over the direction the state level process would take.

As stated above, the primary documents used will be the final legislative and regulatory records that enabled the various initiatives to be implemented. These documents will show how the state attempted to change the structure of their educational system to improve the chances the RTTT application would be successful. The federal initiative required applications to have structures in place that would have a positive impact on the key areas for improvement.

The use of official state government documents, such as hearing transcripts and amended drafts will also be important to the analysis. Focus will be placed on looking at what changes were made or proposed in each version of the bill or regulation. These changes will be important in understanding what the intent of the authors was at the time (Coffey, 2014). Subsequent versions of these documents may be able to show any structural changes, or changes in the control of the policy coalition as the development progressed.

Collection of documents outside of the official government record will also be useful in understanding the structure of the policy coalition during this process. Articles and advocacy group documents, both for and against the changes being made, may provide additional opportunities to view the intent of those involved in the process. Specific attention will be focused on which individuals are associated with these documents, and changes to the language used in these items as the adoption process

continued. The changes in the language over time may allow for an analysis of the intent of individuals involved in the process, but who may not be part of the official record (Coffey, 2014). While the official government documents will use structured language appropriate for government operations, records collected from outside state government structures may provide insight into the thought process and intentions of those involved.

Open-ended interviews with individuals identified as members of a traditional education policy coalition at the state level will also be conducted. The purpose of these interviews will be to collect information on how the process to address the Race to the Top initiative differed from previous processes. There will be a focus on how each subject perceived change that occurred between members of the established policy coalition network. In addition, the interview will look to see if the RTTT initiative forced existing coalitions to seek out potential new members, and how these newer members changed the way the coalition operates.

An open-ended interview will be employed to allow for the maximum amount of information to be collected from individuals. The design can also account for multiple interpretations of what was occurring during the time policies were being developed (Miczo, 2003). This study has a focus on how the existing policy development structure changed because of the federal initiative, so allowing for the subjects to relay their perceptions of what occurred at the time is important during analysis.

Open-ended interviews also allow for the building of trust between the researcher and subjects. The interview subject, if allowed to relay information they feel is important,

can help begin to build a rapport with the interviewer (Miczo, 2003). This rapport can lead to a more detailed record of the time and could reveal details that may not have been expected in the planning stage. Interviews with subjects should be conducted until the data collected is felt to be accurate (Morse & Maddox, 2014).

### **Issues of Trustworthiness**

This study relies on data that is collected from public and governmental sources. The intent is to collect all available sources of information that was created during the time state legislation to support RTTT was being developed. Since this information is part of the public record, it is available to any interested parties interested in the subject. Additional information will be collected from individuals who participated in the lawmaking process during that period. This information will be used to corroborate the public records, as well as add any information that could be important to understand the changes that may have occurred in the policy coalition during that time.

All documents collected will be uploaded into the NVivo qualitative software for analysis. Documentary evidence collected for use in this study will be organized as either a primary or secondary source. Primary sources, which include documents produced by policymakers involved in the process, provide a direct account of what was taking place during the development on new rules (Mogalakwe, 2009). Secondary sources provide information developed by individuals watching and reacting to the policymaking process, but who did not have direct access to those involved. This information can provide

insights on how adoption of new policies impacted those living in the area at the time (Mogalakwe, 2009).

Within each category, documents in the primary category will be further organized by placing each item into a specific type: legislative record, public advocacy document, or interview transcripts. The legislative and public advocacy records will have sub-categories associated with each. Legislative records can be divided into hearing transcripts, drafts and amendments, and final documents. Advocacy documents will be categorized by positive and negative support for the initiative, and then will be grouped by the type of individual providing the documentation.

Interviews of key individuals who were involved in the legislative and regulatory development process at the state level will also be conducted. These interviews will focus on what changes to the existing policy development process occurred during the development of the Race to the Top legislation. This includes any pressures individuals felt because of the incentives the federal legislation presented on the state-based individuals during the process. Interview subjects will be asked to recall how the process changed from previous initiatives they were involved in.

### **Ethical Considerations**

The primary sources of data are available from the Tennessee State legislature archives. These primary documents were downloaded from the publicly available online archives. The Tennessee archive includes all versions of the legislation, including the minutes from various committee meetings. These supporting documents were also

collected from the archives. All documents are the official records provided to the public by the Tennessee legislature, and are an accurate record of the policy development process.

Due to the public nature of these documents, there is no need to ask for permission to access and use the information. This information is free to use and clear of any issue concerning copyright issues.

Secondary sources of information will include interviews with key individuals that were involved in the development of the policies in Tennessee. These interviews will be structured to ask participants about their memories of the time that this legislation was being developed. Specifically, interview participants will be asked about any changes to the typical process they have used to develop legislation, especially anything that they feel would have been related to pressure to submit the proposal to meet the Race to the Top deadline.

Participants in the interview process will be solicited based on their involvement in the policy development process. Interview subjects will only be invited after completing all university approvals. Individuals who agree to participate will be given the opportunity to receive a transcript of their responses, as well as a copy of any results of the study.

This study is looking at the impacts coercive federal grants may have on state level policy development. As the researcher, one of the roles I must take in the study is to make sure it is reliable, verifiable, and valid. I have proposed to use a constructive form

of grounded theory. This form will allow the primary and secondary sources of information to shape the direction the study will take. The documents and interviews will be coded and analyzed using the qualitative software NVivo. This software will allow for important issues and themes to become apparent as the study progresses. Additionally, a list of key words and themes will be produced and made available, allowing for the study to be replicated later.

### **Summary**

This study is focused on the impacts a coercive federal incentive has on existing state-level policy groups. Choosing one of the initial winning states that had a documented history of education regulatory reforms will be used to identify any potential changes to the relationships within the established network of policymakers traditionally involved in the process.

This study will use a combination of document reviews and key interviews with those involved in the regulatory process. Primary documentation will include a review of all proposed regulations associated with the Race to the Top application, including all prior versions and any supporting documents (hearing transcripts, financial impact statements, floor discussions). Secondary documentation, both in support and against the proposed measures, will be included to determine if any changes to the normal interaction between policy network actors occurred. Interviews of key individuals will be conducted to provide additional insight into what changes may have occurred at the time. All



documentation, including interview transcripts, will be uploaded, and coded using a qualitative software package.

## Chapter 4: Results

This chapter presents the analysis of data collected in support of this study. The data consists of publicly available legislative documents (draft bills, amendments, hearing testimony), articles from external sources in support or against the initiative, and qualitative interviews conducted with legislators involved in the process of drafting the language. Legislative records were collected from the state of Tennessee General Assembly's Legislation website. This site also identified key legislators who could be interviewed regarding the policy development process. External documents were identified by searching news sites and through information provided in the qualitative interviews. The information gathered was organized in a qualitative analysis program.

### **Settings**

As stated previously, the legislative documents used for this study were collected from the State of Tennessee General Assembly's Legislation website. This site provides access to the final enacted bills in previous session. Additionally, this site provides a chronological record of all amendments made to bills, as well as a record of each amendment's passage by each side of the General Assembly. Please see Appendix A for a list of the legislative documents used for this study. The site also provides access to testimony during committee meetings where bills are discussed. This site is available to the public and is searchable by bill name or citation.

Key legislators were identified using the General Assembly's website. Individuals listed as sponsors or cosponsors of the FTTT legislation were selected based on their

prior involvement in education related initiatives in Tennessee. Invitations were mailed to individuals, with an email sent as a follow up a few weeks later. These invitations were sent throughout 2019. Interviews began in January 2019.

Other documents related to this initiative were identified by doing a search of education advocacy websites, news organization, and through suggestions by the interview subjects.

### **Data: Legislative Documents**

The documents collected from the General Assembly were organized by chamber – Senate and House. The documents included the initial language, amendments, and the final enacted bill. The documents collected were downloaded in PDF format and saved to a protected folder on a computer with password protection.

### **Data: Legislative Hearings**

Recordings of various hearings held regarding the First to the Top legislation were obtained from the General Assembly website. These recordings are video archives recorded during the initial work on the house version of the bill and subsequent amendments. These recordings were transcribed into text and uploaded into the NVivo program for analysis. Hearings included information and debate from legislators, staff from the Tennessee education department, and individuals representing various interest groups.

### **Data: Public-Facing Documents**

Information was collected from publicly available sources for inclusion in this study. These items included news articles, archived websites, and other information developed at the time the FTTT legislation was introduced. Sources of these documents were primarily interest groups such as the Tennessee teacher associations, journalists, and other education advocacy groups. There were no items found from parent or student advocacy organizations that fell into this category.

### **Data: Interviews**

For a secondary source of information, I attempted to conduct interviews with individuals identified as being involved in the policy development process for this initiative. The initial research identified 30-40 individuals with some involvement in the First to the Top process, which included elected officials, staff members from state agencies, and educational experts. Outreach was conducted to these individuals, however, only one person agreed to be interviewed for this study. All other potential subjects did not agree to participate or did not respond to the invitation to participate.

The subject who agreed to participate is an elected official in the Tennessee General Assembly and has extensive knowledge of the policy making process in the state. This included information specific to the process during the time FTTT was being developed. The interview was conducted over the phone based on the preference of the individual. This conversation was recorded and was transcribed using the Otter Transcription software. The transcription was reviewed against the recording to check for

any errors, and a copy of the transcriptions was sent to the subject for their final review. I also provided the subject the opportunity to add to their responses if they had additional information to provide. Once the transcript of the interview was approved, it was converted to a PDF document and saved in a protected folder on a password-protected computer.

## **Data Analysis**

### **Document Analysis Process**

Any information from an audio or video source was converted into a text-based document and checked for accuracy prior to analysis. These documents were organized by type and source into folders and saved in the secured drive. The groups included, House Amendments, Senate Amendments, Interview Transcript, and Public Documents. Each group of documents were uploaded into the NVivo software for analysis to be conducted.

### **Legislative Record Analysis**

Legislative records were downloaded from the Tennessee General Assembly website and saved in a PDF format in a secured folder on a password-protected computer. These documents were categorized in the folder by House or Senate. The collected documents were uploaded into the qualitative analysis software by chamber for analysis. This organization was used to review amendments for their intended purpose as the bill progressed through the approval process.

The Senate and House versions of the bill (SB7005, HB 7010) were filed in their respective chambers on January 12, 2010. The bills were assigned to committee hearings in each chamber, taking place on January 13<sup>th</sup> and 14<sup>th</sup>. Voting on the Senate version of the bill began on January 15<sup>th</sup>.

The Senate bill had 17 amendments proposed as it progressed through the session on January 15<sup>th</sup>. Of the 17 amendments, 10 amendments were adopted. These amendments included changes impacting oversight of the initiative, use of data for evaluation of educators, and how funds for schools identified for this initiative will be managed. Amendments not adopted included items related to oversight of services to schools, evaluation procedures, and funding levels for schools identified for assistance. A full description of the process through the senate follows.

### **Legislative Progression**

The initial bill was submitted on January 12, 2010. After the bill was introduced in the Tennessee Senate, there were several amendments proposed that would potentially change the impact of the legislation. A small number of amendments proposed by Senators were either withdrawn or defeated when voted upon. Ten amendments were successfully added to the legislation prior to it being submitted to the House for their consideration.

No records of Senate Committee assignments exist on the Tennessee Legislative website. Concurrent with the Senate calendar, the House companion bill was assigned to the House Government Operations Committee for review. The Government Operations

Committee held an initial hearing on the same day, in which this bill was one of the items discussed. The Government Operations Committee took up the bill again during its second meeting on January 13, 2010. After the Government Operations Committee, the bill next went to the House Education Committee. This Committee met about the bill over two days, January 13<sup>th</sup> and 14<sup>th</sup>. It was during these meetings that most of the testimony by internal and external constituents were heard. On January 15, 2010, the bill was transferred to the House Finance, Ways and Means Committee, which approved it for consideration by the elected members of the House.

Amendments approved by the Senate included changes made to areas such as evaluation of staff in schools impacted by this legislation, powers of the board that would be developed to oversee the initiative in Tennessee, oversight and accountability of school funds that are assigned to affected schools, requirements for membership of the board, any exemptions to these rules, and the types and percentages of data that would be used in evaluating staff as well as systems.

Analysis of the approved amendments indicated most of the proposed changes centered on the rules for evaluation of staff. Staff includes both instructional staff (teachers) as well as principals. Of the ten amendments, four (SB 7002, 7005, 7006, and 7019) contained language refining the types, frequency, and overall makeup of evaluations within the new system.

Second to the staff evaluation amendments were amendments refining the powers of the board. The changes adopted in these amendments defined the actions board

members could take when overseeing a school impacted by this initiative. This includes limitations to types of external providers that can contract to provide educational services in identified schools.

A significant number of amendments were focused on oversight of funds used by affected schools. Changes to the bill language defined how funds derived from the grant were to be used, and how they would be accounted for in state and local budgets. Additionally, educational funding that was traditionally provided to schools would be placed in separate accounts, held until the school or system was removed from the status.

Almost equal in significance to the funding amendments were those centered on board oversight or membership. The initial draft of the legislation defined the board as being made up of key stakeholders from the state, including individuals from businesses and higher education. The approved amendments changed the makeup of the board to include a significant number of individuals with K-12 teaching experience in Tennessee as members of the board.

Amendments surrounding data were parts of three amendments. These changes included additions to requirements on specific student achievement data to be used in evaluating instructional staff as well as administrators. Other amendments adjusted the percentages that would be used in evaluation, changing the weight of specific areas to be considered.

A small number of amendments were concerned with possible exemptions to the oversight rules. These include eliminating the requirement for evaluations of staff



assigned as substitute teachers, as well as exemptions for class size requirements of career or technical classes. These exemptions addressed issues created in finding qualified staff to cover courses on a temporary basis. Additionally, the exemptions removed undue burdens to courses that are not in subject areas that are the focus for school improvement.

### **Blocked Amendments**

The legislation also had a small number of amendments proposed that failed to pass the Senate. These were either withdrawn or were defeated during the vote by the Senate. There were a total of five proposed amendments that were not considered or were defeated during the time the bill was being considered.

One proposed amendment was written to make an adjustment to how data would be used in teacher evaluations. This amendment attempted to increase the importance of student achievement data. Had it been approved; student achievement data would move from being a portion in one section of the teacher evaluation to becoming its own section.

There were two amendments that addressed powers reserved for the board. One amendment attempted to restrict the types of contracts the board could enter. The amendment limited these external organizations to nonprofits that would be given control of day-to-day operations of schools. This amendment also attempted to define the structure of non-profit entities, specifically calling out the tax-exempt status in the state of Tennessee. An additional proposal was intended to limit powers of the Commissioner. Specifically, this amendment would have limited his or her ability to enter into contracts

with external entities, requiring a Request for Proposal (RFP) prior to any contract being drafted and signed.

Two of the failed amendments addressed funding and exemptions for career and technical courses. One of the proposals attempted to remove the protections for fully funding career and technical courses in schools affected by the proposed legislation based on class size. If the amendment was successful, these courses would be subject to the same funding formula as core classes in impacted schools, regardless of the needs for the curriculum. One other amendment would have forced career and technical classes to follow the same class size requirements as other courses. This would ignore any curricular requirements for classes that would need to have a specific class size.

The companion bill was introduced into the House on the same day. Several amendments centered on student data were considered but were either withdrawn or not passed. The House substituted the Senate version of the bill for their own and made three amendments prior to concurrence with the Senate.

The first of the three House amendments (HA7016) made several changes to the Senate bill. The first was an adjustment to the student data percentages used for evaluating teachers. There were also changes to reporting procedures schools identified under this initiative would need to follow. Regular operations, as well as contracts issued by the school district to vendors, would need to have regular reporting to the state. The final change was to the membership of the evaluation committee, requiring specific numbers of individuals with connections to public education.

The second amendment (HA7021), was centered on evaluation criteria. This amendment reinstated a provision of a Senate amendment that was changed in HA7016. Student data percentages were reinstated to the previous levels.

The final House amendment (HA7025) provided an exemption for teachers working as contract employees from being subject to the evaluation system. This amendment further clarified the membership of the evaluation committee, specifically about who from the legislature would be required to be members.

After amending the bill, it was sent back to the Senate for concurrence. The Senate agreed with the House amendments and sent the final version for signatures by the Speakers of both the House and Senate. It is important to note that the timing of all votes and amendments took place on January 15<sup>th</sup>. The bill was signed into law by the Governor on January 16<sup>th</sup>, becoming Public Chapter Number 2 with an effective date of January 27, 2010.

The legislative documents were uploaded into the NVivo 12 program for analysis. These documents were loaded into separate files, identified as either Senate or House amendments. The purpose of this division was to identify any themes shared between the two chambers, to identify any themes that were more important to a specific chamber, and to find any themes that may be unique to either the House or Senate.

### **Senate Themes**

After the Senate amendments were placed into NVivo 12, the documents were analyzed to discover any themes that may exist. The resulting analysis identified several

key themes within the amendment language related to areas that would have a significant impact on the way schools being placed into the special status would operate. The following table lists the number of themes identified in the Senate amendments.

**Table 1**

*Senate Amendment Themes*

Identified Theme	Count of specific References
Evaluation	20
Data	14
<i>(table continues)</i>	
Teacher	12
Achievement	11
Entities	7
Criteria	7
Funding	3

Within these references, there were several sub-themes that were targeted to specific areas. In the Data theme, there were two areas that were focused on either student achievement data or student growth data. The Teacher theme had 3 significant sub-themes, including specific references to improving teaching and use of teacher effect data.

**House Themes**

Like the Senate amendments, the House items were placed into NVivo 12 and analyzed for themes. When conducting analysis, there were significantly more themes evident in the amendments when compared to the Senate items. The following table identifies the main themes discovered in the amendments.

**Table 2**

*House Amendment Themes*

Identified Theme	Count of Specific References
Teacher	61
Evaluation	54
Student	40
Data	38
Funding	30
Achievement	28
Committee	24
Performance	17
Progress	16

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Student Growth	13
Governance	13

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As this table shows, there were a few themes (Teacher, Evaluation, Data, Achievement, and Funding) shared between both the House and Senate amendments. However, the number of references shows a difference in the importance the House placed on these items. Additionally, there were other themes that were apparent in the House analysis that were not present in the Senate amendments.

In the Teacher theme, the House identified areas such as the teacher evaluations, effect data, and the tenure status of existing teachers would be impacted. This differs from the Senate amendments, which were concerned with teacher performance and improvement. This theme was also the most prevalent one in the House amendments, having over 61 references throughout the documents.

Evaluations was the second most referenced item in the House amendments. Sub-themes within this area not only included teacher evaluations, but also addressed evaluation grievance procedures, and policies for use.

Funding in the House amendments was significantly more present when compared to the Senate. The House amendments addressed areas such as the different funding sources for education funds (federal, state, and local), as well as formulas that would be used to assign funds to schools impacted by this legislation.

The House amendments also included themes not identified in the Senate items. The House amendments included items addressing the oversight of the program (Committee and Governance themes), as well as monitoring of the program after implementation (Performance, Student Growth, and Progress themes).

### **House Hearing Analysis**

The House scheduled hearings for the Government Operations, Education, and Finance committees between January 12 and January 15, 2010. These committees met to discuss various amendments to the proposed legislation, as well as hear from individuals providing testimony such as support or additional information on the impact of the legislation. Changes to the proposed amendments were also considered and adopted based on discussions between the committee members and testimony provided.

Due to the number of amendments considered, the Government Operations and Education committees met in multiple sessions, sometimes over two days. These sessions were broadcast to the public via the Tennessee legislative website, and archived copies of these sessions are available for viewing by the public.

Copies of these sessions were downloaded from the Tennessee Legislative archive, and transcripts of the meeting were created using the Otter utility. These transcripts were imported into the NVivo 12 software for coding and analysis. Analysis was initially conducted to identify various themes and sub-themes. These codes were reviewed to ensure they were applicable for the study. The following table lists themes identified in this initial analysis.

**Table 3***House Hearing Analysis*

Identified Theme	Count of Specific References
Teacher	91
Evaluation	48
Funding	19
Achievement	18
Achievement School District	9

After uploading the documentation into the qualitative analysis software, the legislative language was analyzed and assigned codes based on their intended impact or area of focus. Initial codes used included the following:

**Table 3:***Codes*

Code	Description
Oversight	Items identified with this code are primarily focused on control of the new initiative. These areas include powers assigned to the Board of Education Commissioner and Governor. This category also includes a description of the number and types of individuals who would advise the direction this initiative would take, ensuring stakeholders represent all members of the community.
Evaluation	Items in this category are focused on the criteria used to evaluate teachers and educational leaders who are working in Achievement School Districts
Funding	Items identified in this category have a focus on issues concerning use of funds assigned to education. This includes existing educational funds as well as funds received from the federal grant program.



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Data	Items in the data category concern the collection of student achievement data from students in Achievement School Districts.
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### **Public Perception Analysis**

Public documentation consisted mainly of articles published during the time the First to the Top legislation was being developed and enacted. These documents came from several sources, including publications localized to the state of Tennessee as well as national sources such as USA Today. A search for other advocacy or other sources for public advocacy did not find sources outside of these areas.

Articles available on news sites were converted to PDF format for text analysis. Additionally, text from websites were copied and converted in a similar manner. All items were uploaded into the NVivo 12 software for analysis. Initial analysis generated the following general themes.

### **Table 5**

#### *Public Sentiment Analysis*

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Identified Theme	Count of Specific References
School	44
Education	34
Evaluation	23
Students	23
Data	22

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These themes include the following items. In the school theme, items categorized included budgeting issues at the local level, school reforms, and the impact charter schools have had on public school systems. The education theme included such items as national educational trends, federal funding for education, and the Race to the Top initiative's potential impact. Evaluation centered on teacher and principal evaluations, and includes issues such as retention, dismissal and ranking of educators. The student theme included items surrounding the assessment of students. The data theme was centered on the collection and use of student testing data which would be used in the evaluation of teachers and administrators.

### **Interview Analysis**

Although approximately forty individuals were identified as being involved in the policymaking process, only one individual agreed to participate. Of the remaining 39 individuals, 5 declined to participate in the study. These individuals did not provide a reason for not wanting to participate. All other identified individuals did not respond to the initial or follow up requests.

The individual who agreed to be interviewed (Interview Subject 1), is an elected official in the Tennessee State Legislature with over 20 years of experience. This person has been involved in education policy development during their tenure and was involved in the creation of the First to the Top legislation. To protect this person's anonymity, they

will be identified as they/them in this study. Their political affiliation will also not be disclosed.

Interview Subject 1 began their elected tenure in the 1990s. They reported that one of the policy areas that was a concern was in education. They had conducted independent research before they were elected on what initiatives could be enacted to improve education in the state of Tennessee.

During the first few years of their tenure, Interview Subject 1 reported that any ideas they brought for consideration were considered anti-education and was an outsider to the established education policy making coalitions. Over time, this person became more connected with the existing coalition as previous members left due to retirement or other reasons. During this time, this person reported that they were open to work with any individual, regardless of political or group affiliation, who was able to provide information needed to address educational issues.

During this person's recollection of the First to the Top process, they noted that previous education initiatives had not progressed over several years. Most policy making had centered on minor topics, not addressing major issues surrounding student achievement. They noted that the possibility of receiving federal funds was a major driver behind the push for this initiative.

This subject reported in their interview that support for the initiative came from all areas involved in the policy making process. Support came from the Governor's office, elected officials from all political affiliations, and education special interest

groups. This person also noted that some of the interest groups participated in the process partially out of the desire to be seen in a positive light. Groups that were opposed to specific areas within the initiative, such as using student data to evaluate teachers, worked in a way that would not be viewed as keeping the state from qualifying for funds. This public pressure kept these groups from blocking the initiative's progression.

### **Evidence of Trustworthiness**

The state legislation, amendments, and hearing transcripts are publicly available on the Tennessee General Assembly website. No need to request special permission was needed due to their inclusion in the public archive. These documents are intended to be reviewed by the public and are made available for this purpose. This includes any new articles or publications from advocacy groups, which are also available for the public to review. All documents were analyzed using the NVivo software program, allowing all documentation to be organized and easily accessible for review. The following sections describe the results of this review.

### **Results**

The following is a description of the results of this study. First, the information regarding the impact the federal incentive had on the policy making process is presented. Second, the impact the incentive had on groups involved in the process will be described.

Prior to the development of the First to the Top legislation, it is important to remember that Tennessee had established systems for improving K-12 education. The state had developed a Basic Education Program (BEP) in 1992 for students in all levels.

In addition, the College and Career frameworks had been put into place to prepare students for life after they graduate. The ability for charter schools to be established within Tennessee had been enacted in 2009. Finally, a student data system, the Tennessee Value Added Assessment System (TVAAS) had been in place for 18 years. Policymakers within the state believed they could use these existing policies, adding the additional parts needed to meet the Race to the Top goals.

### **Impact of Funds on Policy Process**

The promise of millions of dollars for the education system had an impact on those involved in the process. Many individuals, including those outside of the traditional group responsible for educational policy creation were incentivized to support this initiative's creation. As evidenced by individuals providing testimony in the House Hearings, the promise of these funds for the school system was particularly important to those involved:

...And as our board of directors talked about this, I think it became very evident to them, that we can either fight this. And Tennessee would lose millions of dollars that would help children and help schools. Or we can look at this money as an opportunity to do what's right, and to do what's fair. (House Education Committee, Day 2, 2010)

This was also evident in the response provided in the interview of the member of the General Assembly, who stated that

there was going to be a whole lot of money available to the state that showed their reforms would, you know, be useful and the money that they hung out there....and so if that promise of money had not been there, then I think some of the historically or groups who are opposed to education reform, it would have been hard to get them in there and then would have been hard to get some of the legislators. (Interview Subject 1, Qualitative Interview, February 2019).

The federal funds that would be available for schools within Tennessee were a catalyst for various groups to become involved and support the policy process.

Individuals involved with this process, while generally supporting reforms, also raised concerns over how the funds would be distributed. Public documents such as news reports during the development of this policy identified that funds were to be distributed under the control of the governor:

“Fifty percent of Tennessee’s Race to the Top funds will be distributed directly to local school systems that propose reform ideas in keeping with the competition’s areas of focus.” (SCORE, 2010)

Testimony during the House Hearings centered on how the funds would be distributed. There was concern over the equitability of the distribution. Additionally, there was discussion over any formulas using student TVAAS data for distribution. The following are some examples of comments made during these hearings:

“...part of the discretion that the commissioner is going to have as to how much will be available and how much they should need.” (House Education Committee, Day 2, 2010)

“I just talked to my my superintendents in my district, and they said, you know, we're going to get all our ducks in a row, we're gonna do all these things, you know, they applied for the request the governor sent out, we're going to do all this and we're not going to get anything in rural Tennessee. That basically was their comments. So how do you come about the numbers on this? Is this based on economic need is this based on academic need is this based on the numbers that you have from grades three through eight?” (House Education Committee, Day 2, 2010)

“when you look at the money being dispersed or split, according to Title One schools, is there any way in which data is used now that we have done longitudinal data that is going to be used for the dispersion of funds relative to academic need?” (House Education Committee, Day 2, 2010)

There was additional concern from those testifying in the House regarding how to account for any additional federal funds. These funds were to be used for improvements to accountability in school systems, augmenting the existing systems in place. Concern over what was to happen when the federal grant funds ended. It was important to some

individuals involved in the process to ensure any new processes or systems developed could continue after the program. For example:

“...let's say to develop an array of online courses that could be used in the high schools in Washington County. Now, once those are developed, ... if we're considering that as a program that cannot extend after the federal funds have dried up. And I have a concern with that.” (House Education Committee, Day 2, 2010)

### **Impact on Involvement in the Policy Process**

The First to the Top policy development process was unique in the amount of support it received from policymakers, public advocates, and regulatory personnel. This was a major education-related policy change in the state. Per the individual interviewed for this study, prior education initiatives were led by various groups, centered on subjects important to those groups. These initiatives would be fiscally motivated, asking for additional state funds for teacher salaries, or to be used to improve schools. Prior education initiatives were not designed to address issues in multiple areas and relied on existing state funding sources.

Individuals involved in this process recognized how much funding was at stake in this process. The grant money, especially the potential for hundreds of millions of dollars, provided an incentive to groups to work toward developing and implementing policies that would meet the requirements for a successful application to the Race to the Top program. These groups did not want to act in such a way that they would be blamed for losing out on accessing the federal grant funds. From the House Hearings:



“And as our board of directors talked about this, I think it became very evident to them, that we can either fight this. And Tennessee would lose millions of dollars that would help children and help schools. Or we can look at this money as an opportunity to do what's right, and to do what's fair.” (House Education Committee, Day 2, 2010)

“We support the governor's legislative initiative, we support the Race to the Top application. And from what we know around the Race to the Top application, we know that there's going to be millions of dollars for struggling schools” (House Education Committee, Day 1, 2010)

The recollection of the elected official supported this as well:

“And so if that promise of money had not been there, then I think some of the historically or groups who are opposed to education reform, it would have been hard to get them in there and then would have been hard to get some of the legislators.” (Interview Subject 1, Qualitative Interview, February 2019)

The federal grant also placed additional pressure on advocacy groups. These groups, while wanting to be supportive of the initiative, needed to fulfil their roles as advocates for the special interest groups they represented. Groups that represented the interests of teachers, such as the Tennessee Education Association (TEA), were opposed to the use of the TVAAS data as part of evaluations. The TEA recognized that pressing

against this use of data and getting their members to apply pressure to lawmakers in the state, could be used against their interest if the state failed to qualify for the grant. These groups would need to be careful in how they would address this issue, as evidenced by the following passages in the House Hearings:

“And we have a real problem with formative assessments, which essentially mean if we know we're going to give it an achievement test in April, then we ought to be testing children up at you know, every two or three months so that we know whether or not they're on track. In order to do well on that achievement test. We have a real problem in our state around data. The data is very unworlly, this money gives us the resources to make a lot of that data very teacher friendly, where teachers can use it quickly and easily.” (House Education Committee, Day 1, 2010)

“But I'll tell you what, what really I think it boils down to teachers do not mind being held accountable. If you also address student responsibility, and parental accountability...we want to work with you to figure out a way that we can make sure that parents are held more responsible, or accountable for getting their children to school. That's a big problem for a lot of our teachers, as well as students who just choose not to do what anybody else tells them to do. And what scares teachers more than anything else in this state, I think over this whole issue

is they're going to be held accountable for some things that they cannot control.”

(House Education Committee, Day 1, 2010)

“We want to use this process to make sure that data student performance data is collected properly. I want you to understand that there are many instances across the state around that you added where students who that teacher did not teach are included in their data collection. And we hope to correct a lot of that we think a teacher in this process should be able to know who's in that group, where that data came from.” (House Education Committee, Day 1, 2010)

### **Summary**

The policy making process in Tennessee was impacted by the federal incentive in two ways. Initially, the potential for an influx of federal dollars for education was a significant factor in initiating the policy making process. Prior to the First to the Top initiative, the previous major education initiative was over 15 years prior, when the Tennessee Value Added Assessment System was established. In addition, public pressure on special interest groups forced these groups to take the position to support the policy initiative. Groups that would normally take a position to oppose specific aspects of the policy, such as the use of student data for evaluations, made an adjustment to ensure they were not viewed as getting in the way of a successful application to the federal program. These two matters had an impact on the policy making process established in the state of Tennessee.



## Chapter 5: Conclusion

As stated previously in this study, the purpose of this qualitative study is to fill a gap in understanding about what changes to state policy advocacy coalitions were made because of the competitive design of the RTTT. Potential impacts include the ways existing coalitions interact with each other, including the potential for excluding vulnerable populations that do not have the same access to decision makers in policy decisions. This study will rely on legislative, regulatory, and related documents that were produced during the decision-making process leading to the application. Supporting information will be in the form of interviews of key actors from states, including legislators or other members of state coalitions involved in the process.

### **Interpretation**

The ACF is a way to evaluate and understand how policies are developed over time. Coalitions are formed by a group of individuals that include elected officials, professional staff from regulatory agencies, and advocates from the public. These coalitions are generally stable over time, and individuals who leave for various reasons are replaced by similarly minded individuals. When viewed through the lens of the ACF, Tennessee's First to the Top initiative exhibited some key changes to how the policy was developed. These changes can be attributed to the introduction of a coercive incentive to the process.

In the ACF, one of the key points is that a coalition holding opposing viewpoints will form to act as a counter to the main group. This group forms and exhibits the same

stability as the initial group, centers on the core belief, but hold different ideas on how to address that belief. In the case of the Tennessee First to the Top initiative, there was no identifiable counter coalition working against the creation of the policy. During the development of the policy, groups with an interest in improving the education system worked in a collaborative manner to push the initiative forward. The potential for millions of dollars encouraged the involved parties to work toward a successful implementation. No group wanted to be blocking a successful application and subsequently losing the opportunity for funds to improve the educational system.

An additional aspect of the ACF concerns the way an individual will act while interacting with the development process. Actors within the process will typically give up aspects of their belief system rather than acknowledge a weakness in their position. Throughout the First to the Top process, advocacy groups, especially those representing teachers, would publicly acknowledge that they would not want to be blocking receiving the federal funds. The teacher advocacy groups had preferred to work to eliminate the use of student data in teacher evaluations, but the potential for access to the funds changed their tactics. These groups worked to attempt to limit the use of data, but also wanted to be ultimately supporting the state's push toward the application.

In the ACF, developing policy initiatives require some level of informed conflict between actors within the system. This informed conflict allows for initiatives to be vetted and developed completely, allowing for various viewpoints to be incorporated. While the First to the Top initiative did have testimony from various groups, actors

within the development process were acting from a position of support. Testimony was provided on systems of accountability for funds, rather than primarily on other areas. Actors providing support to the process focused on developing policies that would qualify for the eventual submission and were not focused solely on addressing an educational need.

The ACF operates from a position that the administrative agencies provide advocacy from a centrist position. Agencies acting within the ACF do so from an expert position. That is, these agencies are the ones who have several years of expertise in the policy area and have a significant level of knowledge in what impacts policy changes will have on an area. In the FTTT initiative, Tennessee agencies such as the Tennessee Department of Education acted similarly to other coalition members. These members provided input from a position of support for the initiative, providing the necessary information needed to complete the application process. This knowledge was based on meeting the application requirements to qualify for the funds, rather than advocating for policy changes that would positively impact the educational system in the state.

A final impact on the coalition surrounding this issue was that the push to influence the policymaking process did not come from within the coalition, but rather were influenced by the incentive itself. As evidenced in the interview conducted as well as historical records surrounding educational policymaking in Tennessee, there were several incremental policy initiatives that were undertaken in the years prior to this initiative. Tennessee had already created a student data collection system as well as

assessments and evaluation systems. There had been no major push to integrate these various aspects into one program that would provide a way to track student achievement and teacher effectiveness for several years. The funds available in the federal Race to the Top program provided the necessary push for educational advocates in the state to put in place policies that would connect all these pieces. The policymaking process was not driven by a need to address a specific educational need that had arisen, but to gain access to money to be used to fund schools.

### **Implications for Social Change**

The information collected from the various sources show that a coercive incentive, such as the funding that was available in the Race to the Top initiative, may have an impact on policymaking at the state level. As demonstrated by the testimony by various individuals testifying in the house hearings, the federal funds were a key element in working toward implementing education reforms in the state. Building on work that has been completed in previous years, policymakers, educational experts, and special interest advocates had an incentive for working on a solution that had a good chance of successfully qualifying for the federal funds.

The prospect of these funds has the possibility to influence any state policy development, including those that would have an impact on populations that do not have the same access to policymakers. Also, the incentive for creating policies that may qualify for funds may compress the time in which policymakers have to fully research the impacts on their constituents. The possible result can be the creation of new policies that



are not fully vetted, or implementation of rules that do not have the intended effect. This can cause policymakers to spend more time and money in the future to address the issues created.

### **Limitations of the Study**

This study is based on the impacts the coercive incentives used by the federal government had on an existing state-level policy coalition addressing education issues. The study will rely on documentation and interview responses to generate information that can be analyzed to determine any potential effects on the process used by the participants.

Documentation on what was developed is readily available through multiple sources. However, part of this study will rely on having access to individuals involved with the process. While many of the individuals who participated in the process leading up to the Race to the Top application are still members of the Tennessee state legislature and other agencies, these people may not agree to be interviewed for this study. Reasons for this could include lack of time in their schedule, low interest in the potential results of the study, or limited recollection of what happened during the time these policies and regulations were being developed.

An additional limitation is centered on the policy area that is the focus of this study. The research is focused on the impacts coercive federal initiatives have on state-level education policy. While all states will need to address issues surrounding education, the way coalitions formed around other areas may not have the same reactions to federal

incentives. Further studies into other jurisdictions and other policy areas may extend this research into these other areas.

### **Recommendations**

Based on this qualitative study of the impact that a coercive federal incentive may have on state policy coalitions, I can offer the following recommendations for future research. One would be to use the Advocacy Coalition Framework (Sabatier & Jenkins-Smith, 1993) to expand this study to other states that competed in the first round of the Race to the Top initiative. This expansion would allow a comparison of the effects on the policymaking process with the other successful first-round state, Delaware, but would also provide insight on the impacts on other states that were not successful.

Additionally, this study could be expanded to states in subsequent rounds, of the Race to the Top process. This expansion could focus on how the successful states in the other rounds changed their policy process to successfully qualify for funds. This could also include any influence the first states may have had on the process. Research could also include any states that had started the process but abandoned it after an unsuccessful attempt.

Further research can be conducted on the specific impacts vulnerable populations experienced in this process. While this study was focused on the process leading up to the submission, the timeframe can be expanded to include the impacts experienced after implementation. Consideration of public perception of the benefits of the program can

also be included, comparing this to past educational policymaking initiatives and their impacts.

### **Conclusion**

The Advocacy Coalition Framework (ACF) (Sabatier & Jenkins-Smith, 1993) was an appropriate method for reviewing how a coercive federal incentive impacted a state-level policy process. The ACF provides a clear framework on how to analyze state policy creation, and how the various groups within the coalition form and interact with each other.

In the state of Tennessee, the possibility for federal funds to supplement the existing state education funding levels provided an incentive to develop policies that meet specific guidelines. This made significant changes to the policymaking process that was in place. Changes to the existing process centered on how actors within the system interact with each other, as well as changes to the levels that they would advocate for their positions. The potential funding provided an influence on this process, either to induce individuals to act quickly or to act in a way that would not be blocking a potential influx of money to support the educational system. The use of a coercive federal grant program for future initiatives could have similar impacts on state policymaking and could impact groups that do not have the same access or influence within the process. Special care should be taken by members of policy coalitions in the future to ensure initiatives drafted take this into account and that these groups interests are protected.

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## Appendix A

**First to the Top Initial and Final Bills**

## Initial Submission

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
TENNESSEE:

SECTION 1. This act shall be known and may be cited as the “Tennessee First to  
the

Top Act of 2010”.

SECTION 2. Tennessee Code Annotated, Section 49-1-602(f)(1)(C)(ii), is  
amended by deleting the existing language and by substituting instead the following  
language:

“Removing the school from the jurisdiction of the LEA and placing the  
school under the jurisdiction of the “achievement school district” established by  
the commissioner of education pursuant to § 49-1-614.”

SECTION 3. Tennessee Code Annotated, Section 49-1-602(f)(1)(C), is further  
amended by adding the following language as newly designated subdivision (v):

“Notwithstanding any provision of the law to the contrary, the  
commissioner shall have the authority to choose for the school the plan of  
alternative governance to be developed and implemented.”

SECTION 4. Tennessee Code Annotated, Section 49-1-602(g), is amended by  
deleting the following language:

"If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the fifth year of improvement status (Restructuring 2--- Alternative Governance). During the fifth year of improvement status:"

and by substituting instead the following language:

"If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the fifth year of improvement status (Restructuring 2--- Alternative Governance). During the fifth year of improvement status or at any time a Title I school meets the U.S. Department of Education's definition of "persistently lowest achieving schools:"

SECTION 5. Tennessee Code Annotated 49-1-602(g)(2)(E), is amended by deleting the existing language and by substituting instead the following language:

“Implementation of the plan for governance, selected from options provided by the commissioner or the specific plan chosen by the commissioner; provided, however, that in the case where the plan for alternative governance is implemented, the LEA shall continue to be accountable for the match required by the funding formula for students served. In addition, the LEA shall continue to provide such support services as identified by the commissioner or designee.

SECTION 6. Tennessee Code Annotated, Section 49-1-602(1)(1)(A), is amended by deleting the existing language and by substituting instead the following language:

“Assume any or all powers of governance for the LEA, including, but not limited to assigning the LEA, or individual schools within the LEA, to the achievement school



district. However, in the case of the commissioner assuming governance, the LEA shall continue to be accountable for the match required by the BEP funding formula for students served.

SECTION 7. Tennessee Code Annotated, Section 49-1-606(a), is amended by deleting the second sentence of the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-1-606(b), is amended by adding the following sentence at the end of the subsection:

“The estimates of specific teacher effects may also be made available to the state board approved teacher preparation programs of individual teachers. The estimates made available to the preparation programs shall not be personally identifiable with a particular teacher.”

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following language as a new § 49-1-614:

(a) For the purposes of this title, the “achievement school district” is an organizational unit of the department of education, established by the commissioner for the purpose of providing oversight for the operation of the total program for individual schools or LEAs, pursuant to § 49-1-602.

(b) The commissioner shall have the authority to contract with one or more individuals, governmental entities or nonprofit entities to manage the day to day operations of any or all schools or LEAs placed in the achievement school district, including, but not limited to providing direct services to students.

(c) The individual, governmental entity or nonprofit entity contracted with to manage schools or LEAS that have been placed in the achievement school district may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school or LEA to achieve the required adequate yearly progress benchmarks. Notwithstanding the provisions of this subsection (c), the commissioner shall not waive rules related to the following:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;

- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;
- (11) Open meetings; and
- (12) At least the same equivalent time of instruction as required in regular public schools.

(d) The individual, governmental entity or nonprofit entity contracted with to manage schools that have been placed in the achievement school district shall have the authority to determine whether any teacher who was previously assigned to such school shall have the option of continuing to teach at that school as an employee of the managing entity. Any teacher not given that option shall remain an employee of the LEA, subject to the provisions of §49-5-511. Moreover, any teacher who accepts that option shall have the right to return to the employ of the LEA should the managing entity later determine not to continue to employ such teacher, subject to the provisions of §49-5-511.

(1) With the exception of the provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension and tenure status within an LEA, the provisions of Tennessee Code Annotated, § 49-5-203 and the Education Professional Negotiations Act, compiled in Title 49, Chapter, 5,

Part 6, shall not apply to teachers who accept the option of continuing to teach at a school placed in the achievement school district.

(e) After a school or LEA that has been placed in the achievement school district achieves the required adequate yearly progress benchmarks for two consecutive years, the commissioner shall develop a transition plan for the purpose of planning the school's or LEA's return to the jurisdiction of the local board of education. Implementation of this plan shall begin after the school or LEA achieves the required adequate yearly progress benchmarks for three consecutive years. The plan must be fully implemented and the transition must be completed after a school or LEA achieves adequate yearly progress benchmarks for five consecutive years.

(f) Notwithstanding the provisions of any law to the contrary, the commissioner shall have the authority to remove any school or LEA from the jurisdiction of the achievement school district at any time.

(g) All BEP funds generated in support of students assigned to schools placed in the achievement school district shall be moved to a special BEP reserve account to be held until the school is placed back under the jurisdiction of the LEA.

SECTION 10. Tennessee Code Annotated, Section 49-1-302(d)(1) and (2), are amended by deleting those subdivisions in their entirety and by substituting instead the following:

(d)

(1) There is hereby created the "teacher evaluation advisory committee".

The committee shall consist of fifteen (15) members, including the commissioner of education, the executive director of the state board of education and the chairpersons of the education committees of the senate and the house of representatives. The remaining eleven (11) members shall be appointed by the governor. Appointments to the committee shall include persons representing the interests of teachers, school boards, principals, directors, students, parents and others deemed appropriate. The membership of the committee shall appropriately reflect the racial and geographic diversity of this state. The commissioner of education shall serve as the chairperson of the committee.

(2) The committee shall develop and recommend to the board, guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local-level evaluation grievance procedure. This grievance procedure shall provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision. Following the development of these guidelines and criteria, the board shall adopt policies necessary to implement the recommended guidelines and criteria. The evaluations shall be a factor in employment decisions, including but not necessarily limited to promotion, retention, termination, compensation and the attainment of tenure status. The mandatory criteria for the evaluation shall include but not necessarily be limited to the following:

- (A) Teacher effect data, as developed pursuant to Tennessee Code Annotated Title 49, Chapter 1, Part 6, when available, or some other comparable measure of student growth;
- (B) Review of prior evaluations; and
- (C) Personal conferences to include discussion of strengths, weaknesses and remediation; and
- (D) Relative to teachers only, classroom or position observation followed by written assessment; and
- (E) Relative to principals only, additional criteria pursuant to § 49-2-303(a)(1).

(3) The policies adopted pursuant to subdivision (2) shall be effective no later than July 1, 2011, in order to be implemented prior to the 2011-2012 academic year. Prior to the implementation of these policies, the existing guidelines and criteria for the evaluation of certificated persons employed by LEAs shall continue to be utilized.

SECTION 11. Tennessee Code Annotated, Section 49-2-303(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

“Each director of schools shall employ principals for the public schools. The employment contract with each principal shall be in writing, shall not exceed the contract term of the current director of schools, and may be renewed. The contract shall specify duties other than those prescribed by statute and shall contain performance standards including the requirement that the principal’s annual evaluation be based on student achievement data, with a significant

portion, as defined by the guidelines and criteria developed by the teacher evaluation advisory committee pursuant to § 49-1-302(d), being student growth data as reflected in teacher effect data and TVAS data, as such data is developed pursuant to Tennessee Code Annotated Title 49, Chapter 1, Part 6.

Other standards that may be considered in the evaluation shall include but not be limited to other benchmarks for student proficiency, graduation rates, ACT scores where applicable and student attendance. The contract shall provide for consequences when the standards are not met. The performance contract may provide for bonuses beyond base salary, if performance standards are met or exceeded. Reasons for the nonrenewal of a contract may include, but are not limited to inadequate performance as determined by the evaluations. A principal who has tenure as a teacher shall retain all rights of such status, expressly including those specified in § 49-5-510.

SECTION 12. Tennessee Code Annotated, Section 49-3-306(a)(1), is amended by adding the following sentence at the end of the subdivision: “In the alternative, an LEA may submit to the commissioner its own proposed salary schedule, subject to collective bargaining where applicable. Implementation of such a salary schedule shall be subject to approval by the commissioner and the state board. In no case shall a salary schedule adopted pursuant to this subdivision (1) result in the reduction of the salary of a teacher employed by the LEA at the time of the adoption of the salary schedule.

SECTION 13. Tennessee Code Annotated, Section 49-1-104, is amended by adding the following language as a new, appropriately designated subsection:

( ) The department of education, with the assistance of the LEAs, shall identify career and technical education classes in which there is no physical

safety risk to students for the purpose of making recommendations to the state board of education that such classes be exempted from the maximum class size for career and technical education classes. Notwithstanding the provisions of subsection (a), upon approval by the state board, the maximum class size standard for any so identified classes shall be set by state board of education policy, at the maximum class size for academic classes in grades seven through twelve (7-12). If the maximum class size of a career and technical class is set at the maximum class size for academic classes in grades seven through twelve (7-12), then the funding level for such class under the basic education program shall be the same as the funding level for academic classes in the grade level at which the class is taught.

SECTION 14. Tennessee Code Annotated, Section 49-5-512, is amended by deleting the existing language in its entirety and by substituting instead the following language:

(a) A tenured teacher, who receives notification of charges pursuant to § 49-5- 511, may, within thirty (30) days after receipt of the notice, demand a full and complete hearing on the charges before an impartial hearing officer selected by the board, as follows:

(1) The teacher shall give written notice to the director of schools of the teacher's request for a hearing;

(2) The director of schools shall, within five (5) days after receipt of the request, name an impartial hearing officer who shall be responsible for notifying the parties of the hearing officer's assignment. The hearing officer shall direct the parties or the attorneys for the parties, or both, to appear before



the hearing officer for simplification of issues and the scheduling of the hearing, which in no event shall be set later than thirty (30) days following receipt of notice demanding a hearing. In the discretion of the hearing officer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings;

(3) For the purposes of this part, “impartial” means that the selected hearing officer shall have no history of employment with the board or director of schools, no relationship with any board member and no relationship with the teacher or representatives of the teacher;

(4) All parties shall have the right to be represented by counsel, the opportunity to call and subpoena witnesses, the opportunity to examine all witnesses, the right to require that all testimony be given under oath and the right to have evidence deemed relevant by the submitting party included in the record of the hearing, even if objected to by the opposing party;

(5) All witnesses shall be entitled to the witness fees and mileage provided by law, which fees and mileage shall be paid by the party issuing a subpoena or calling the witnesses to testify;

(6) The impartial hearing officer shall administer oaths to witnesses, who testify under oath;

(7) A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties shall be prepared if the decision of the hearing officer is appealed, and all decisions of the hearing officer shall be reduced to

writing and included in the record, together with all evidence otherwise submitted;

(8) On request of either party to the hearing, witnesses may be barred from the hearing except as they are called to testify. The hearing may be private at the request of the teacher or in the discretion of the hearing officer; and

(9) At appropriate stages of the hearing, the hearing officer may give the parties the full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. The hearing officer shall within ten

(10) days of closing the hearing, decide what disposition to make of the case and shall immediately thereafter give the board and the teacher written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision.

(b) The director of schools or other school officials shall not be held liable, personally or officially, when performing their duties in prosecuting charges against any teacher or teachers under this part.

(c)

(1) If the affected teacher desires to appeal from a decision rendered in whole or in part in favor of the school system, the teacher shall first exhaust the administrative remedy of appealing the decision to the board of education within ten (10) working days of the hearing officer's delivery of the written findings of fact, conclusions and decision to the affected employee.

(2) Upon written notice of appeal, the director of schools shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy to the board within twenty (20) working days of receipt of notice of appeal.

(3) The board shall hear the appeal on the record and no new evidence shall be introduced. The affected employee may appear in person or by counsel and argue why the decision should be modified or reversed. The board may sustain the decision, send the record back if additional evidence is necessary, revise the penalty or reverse the decision. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the board shall concur in sustaining the charges and decision. The board shall render its decision on the appeal within ten (10) working days after the conclusion of the hearing.

(4) Any party dissatisfied with the decision rendered by the board shall have the right to appeal to the chancery court in the county where the school system is located within twenty (20) working days after receipt of the dated notice of the decision of the board. It shall be the duty of the board to cause the entire record and other evidence in the case to be transmitted to the court. The review of the court shall be de novo on the record of the hearing held by the hearing officer and reviewed by the board.

(5) The director of schools shall also have the right to appeal any adverse ruling by the hearing officer to the board under the same conditions as set out in this subsection (c).

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

Final Bill Language

**Public Chapter No. 2 PUBLIC ACTS, 2010**

**PUBLIC CHAPTER NO. 2**

**FIRST EXTRAORDINARY SESSION SENATE**

**BILL NO. 7005**

**By Kyle, Woodson, Gresham, McNally, Berke, Kelsey, Tate**

Substituted for: House Bill No. 7010

By Michael Turner, Lois DeBerry, Harry Brooks, Naifeh, Fitzhugh, Maddox,

Williams, Dunn

AN ACT to amend Tennessee Code Annotated, Title 49, Chapters 1, 2, 3 and 5, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee First to the Top Act of 2010".

SECTION 2. Tennessee Code Annotated, Section 49-1-602(f)(1)(C)(ii), is amended by deleting the existing language and by substituting instead the following language:

Removing the school from the jurisdiction of the LEA and placing the school under the jurisdiction of the "achievement school district" established by the Commissioner of Education pursuant to § 49-1-614.

SECTION 3. Tennessee Code Annotated, Section 49-1-602(f)(1)(C), is further amended by adding the following language as newly designated subdivision (v):

Notwithstanding any provision of the law to the contrary, the commissioner shall have the authority to choose for the school the plan of alternative governance to be developed and implemented.

SECTION 4. Tennessee Code Annotated, Section 49-1-602(g), is amended by deleting the following language:

If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the fifth year of improvement status (Restructuring 2 --- Alternative Governance).  
During the fifth year of improvement status:

and by substituting instead the following language:

If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the

fifth year of improvement status (Restructuring 2 --- Alternative Governance).

During the fifth year of improvement status or at any time a Title I school meets the U.S. Department of Education's definition of "persistently lowest achieving schools":

SECTION 5. Tennessee Code Annotated, 49-1-602(g)(2)(E), is amended by deleting the existing language and by substituting instead the following language:

Implementation of the plan for governance, selected from options provided by the commissioner or the specific plan chosen by the commissioner; provided, however, that in the case where the plan for alternative governance is implemented, the LEA shall continue to be accountable for the match required by the funding formula for students served. In addition, the LEA shall continue to provide such support services as identified by the commissioner or designee.

SECTION 6. Tennessee Code Annotated, Section 49-1-602(l)(1)(A), is amended by deleting the existing language and by substituting instead the following language:

Assume any or all powers of governance for the LEA, including, but not limited to, assigning the LEA, or individual schools within the LEA, to the achievement school district. However, in the case of the commissioner assuming

governance, the LEA shall continue to be accountable for the match required by the BEP funding formula for students served.

SECTION 7. Tennessee Code Annotated, Section 49-1-606(a), is amended by deleting the second sentence of the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-1-606(b), is amended by adding the following sentence at the end of the subsection:

The estimates of specific teacher effects may also be made available to the state board approved teacher preparation programs of individual teachers. The estimates made available to the preparation programs shall not be personally identifiable with a particular teacher.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following language as a new § 49-1-614:

(d) For the purposes of this title, the "achievement school district" is an organizational unit of the Department of Education, established by the commissioner for the purpose of providing oversight for the operation of the total program for individual schools or LEAs, pursuant to § 49-1-602.

(e) The commissioner shall have the authority to contract with one or more individuals, governmental entities or nonprofit entities to manage the day- to-day



operations of any or all schools or LEAs placed in the achievement school district, including, but not limited to, providing direct services to students.

(f) The individual, governmental entity or nonprofit entity contracted with to manage schools or LEAs that have been placed in the achievement school district may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school or LEA to achieve the required adequate yearly progress benchmarks. Notwithstanding the provisions of this subsection (c), the commissioner shall not waive rules related to the following:

(6) Federal and state civil rights;

(7) Federal, state, and local health and safety;

(8) Federal and state public records;

(9) Immunizations;

(10) Possession of weapons on school grounds;

(11) Background checks and fingerprinting of personnel;

(12) Federal and state special education services;

(13) Student due process;

(14) Parental rights;

(15) Federal and state student assessment and accountability;

(16) Open meetings; and

(17) At least the same equivalent time of instruction as required in regular public schools.

(d)(1) The individual, governmental entity or nonprofit entity contracted with to manage schools that have been placed in the achievement school district shall have the authority to determine whether any teacher who was previously assigned to such school shall have the option of continuing to teach at that school as an employee of the managing entity. Any teacher not given that option shall remain an employee of the LEA, subject to the provisions of § 49-5-511. Moreover, any teacher who accepts that option shall have the right to return to the employ of the LEA should the managing entity later determine not to continue to employ such teacher, subject to the provisions of § 49-5-511.

(2) With the exception of the provisions protecting teachers' rights to accumulated sick leave, retirement benefits, pension and tenure status

within an LEA, the provisions of Tennessee Code Annotated, § 49-5-203, and the Education Professional Negotiations Act, compiled in Title 49, Chapter 5, Part 6, shall not apply to teachers who accept the option of continuing to teach at a school placed in the achievement school district.

(e) After a school or LEA that has been placed in the achievement school district achieves the required adequate yearly progress benchmarks for two consecutive years, the commissioner shall develop a transition plan for the purpose of planning the school's or LEA's return to the jurisdiction of the local board of education. Implementation of this plan shall begin after the school or

LEA achieves the required adequate yearly progress benchmarks for three consecutive years. The plan must be fully implemented and the transition must be completed after a school or LEA achieves adequate yearly progress benchmarks for five consecutive years.

(f) Notwithstanding the provisions of any law to the contrary, the commissioner shall have the authority to remove any school or LEA from the jurisdiction of the achievement school district at any time.

(g)(1) Absent other funding, the achievement school district shall use state and local funding identified above to operate a school placed in alternative governance and to implement new initiatives and programs as appropriate. Such state and local funding may be used to implement new initiatives and programs to the extent that any increase in recurring

expenditures are funded additionally so as not to create a financial burden on the LEA when the school or LEA is removed from the achievement school district.

(1) To the extent that such state funds are not used to support a school or LEA in the achievement school district, they shall be allocated to a state reserve fund to be distributed to an LEA only upon approval of the commissioner.

(2) To the extent that such local funds are not used to support a school or LEA in the achievement school district, the LEA shall allocate such funds to a special BEP reserve account until the school or LEA is placed back under the jurisdiction of the LEA. It is the legislative intent that such funds be used only for non-recurring purposes.

(h) Any individuals, governmental entities, or nonprofit entities contracting with the commissioner to manage the operation of any school under this section shall provide timely information to the LEA and director of schools regarding its operation of such schools, including, but not limited to, matters relating to employment of personnel at the school as provided for in subsection (d). The LEA may continue to support the educational improvement of the school under the direction and guidance of the commissioner and in accordance with any contracts entered into in accordance with this section. In addition, any individuals, governmental entities, or nonprofit entities contracting with the commissioner may

voluntarily work with the LEA in providing to the schools professional development or technical assistance, instructional and administrative support, and facilitating any other support that may be beneficial to academic progress of the school.

(i) Any contracts to manage schools or LEAs that have been placed in the achievement school district shall require expenditure reports for funds received and expended pursuant to such contracts. Such reports shall be provided to the Department of Education and comptroller of the treasury for review.

(j) No state funds, other than funds held within the special reserve account pursuant to subsection (g)(2), shall be expended on schools or LEAs placed in the achievement school district unless specifically appropriated in a General Appropriations Act.

SECTION 10. Tennessee Code Annotated, Section 49-1-302(d)(1) and (2), are amended by deleting those subdivisions in their entirety and by substituting instead the following:

(d)(1) There is hereby created the "teacher evaluation advisory committee". The committee shall consist of fifteen (15) members. The Commissioner of Education, the executive director of the State Board of Education and the chairpersons of the Education Committees of the Senate and the House of Representatives shall be members. One (1) member shall

be a K-12 public school teacher appointed by the Speaker of the House of Representatives and one (1) member shall be a K-12 public school teacher appointed by the Speaker of the Senate. The remaining nine (9) members shall be appointed by the governor and shall consist of three (3) public school teachers, two (2) public school principals, one (1) director of a school district, and three (3) members representing other stake-holders interests; provided, that at least one (1) member of the committee shall be a parent of a currently enrolled public school student. The membership of the committee shall appropriately reflect the racial and geographic diversity of this state. The Commissioner of Education shall serve as the chairperson of the committee. All appointments to the teacher evaluation advisory committee shall be made within thirty (30) days of the effective date of this act.

(4) The committee shall develop and recommend to the board, guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local-level evaluation grievance procedure. This grievance procedure shall provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision. Following the development of these guidelines and criteria, the board shall adopt guidelines and criteria. The evaluations shall be a factor in employment decisions, including, but not necessarily limited

to, promotion, retention, termination, compensation and the attainment of tenure status.

(A) Fifty percent (50%) of the evaluation criteria developed pursuant to this subdivision (2) shall be comprised of student achievement data.

- Thirty-five percent (35%) of the evaluation criteria shall be student achievement data based on student growth data as represented by the TVAAS, developed pursuant to Tennessee Code Annotated, Title 49, Chapter 1, Part 6, or some other comparable measure of student growth, if no such TVAAS data is available.

- Fifteen percent (15%) shall be based on other measures of student achievement selected from a list of such measures developed by the teacher evaluation advisory committee and adopted by the board. For each evaluation, the teacher or principal being evaluated shall mutually agree with the person or persons responsible for conducting the evaluation on which such measures are employed. If the teacher or principal being evaluated does not agree with the measures used, the person or persons responsible for

conducting the evaluation shall choose the evaluation measures.

(iii) Notwithstanding subdivisions (i) and (ii) above, if a particular teacher's or principal's student growth data, as described in subdivision (i) above, reflects attainment of a specific achievement level, to be recommended by the teacher evaluation advisory committee and adopted by the board, then such student growth data may, at the choice of the individual being evaluated, comprise fifty percent (50%) of their evaluation.

(b) Other mandatory criteria for the evaluations shall include, but not necessarily be limited to, the following:

(1) Review of prior evaluations; and

(2) Personal conferences to include discussion of strengths, weaknesses and remediation; and

(3) Relative to teachers only, classroom or position observation followed by written assessment; and



(4) Relative to principals only, additional criteria pursuant to

§ 49-2-303(a)(1).

(11)The policies adopted pursuant to subdivision (2) shall be effective no later than July 1, 2011, in order to be implemented prior to the 2011-2012 academic year. Prior to the implementation of these policies, the existing guidelines and criteria for the evaluation of certificated persons employed by LEAs shall continue to be utilized.

(12) The evaluation procedure created by this subsection shall not apply to teachers who are employed under contracts of duration of one hundred twenty (120) days per school year or less or who are not employed full-time.

(13)The committee shall be subject to the governmental entity review law, compiled in Title 4, Chapter 29, and shall terminate on July 1, 2011, unless continued or extended by the general assembly.

SECTION 11. Tennessee Code Annotated, Section 49-2-303(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

Each director of schools shall employ principals for the public schools. The employment contract with each principal shall be in writing, shall not exceed the contract term of the current director of schools, and may be renewed. The contract shall specify duties other than those prescribed by statute and shall contain performance standards including the requirement that the principal's annual evaluation be based on student achievement data, with a significant portion, as defined by the guidelines and criteria adopted by the board in accordance with § 49-1-302(d)(2), being student growth data as reflected in teacher effect data and TVAAS data, as such data is developed pursuant to Tennessee Code Annotated, Title 49, Chapter 1, Part 6. Other standards that may be considered in the evaluation shall include, but not be limited to, other benchmarks for student proficiency, graduation rates, ACT scores where applicable and student attendance. The contract shall provide for consequences when the standards are not met. The performance contract may provide for bonuses beyond base salary, if performance standards are met or exceeded. Reasons for the nonrenewal of a contract may include, but are not limited to,

inadequate performance as determined by the evaluations. A principal who has tenure as a teacher shall retain all rights of such status, expressly including those specified in § 49-5-510.

SECTION 12. Tennessee Code Annotated, Section 49-3-306(a)(1), is amended by adding the following language at the end of the subdivision:

In the alternative, an LEA may submit to the commissioner its own proposed salary schedule, subject to collective bargaining where applicable. Implementation of such a salary schedule shall be subject to approval by the commissioner and the state board. In no case shall a salary schedule adopted pursuant to this subdivision (1) result in the reduction of the salary of a teacher employed by the LEA at the time of the adoption of the salary schedule. Any additional expenditure incurred as a result of any such salary schedule shall be subject to appropriation by the governing body empowered to appropriate the funds.

SECTION 13. Tennessee Code Annotated, Section 49-5-512, is amended by deleting the existing language in its entirety and by substituting instead the following language:

(a) A tenured teacher, who receives notification of charges pursuant to § 49-5-511, may, within thirty (30) days after receipt of the notice, demand a full and complete hearing on the charges before an impartial hearing officer selected by the board, as follows:

1. The teacher shall give written notice to the director of schools of the teacher's request for a hearing;

2. The director of schools shall, within five (5) days after receipt of the request, name an impartial hearing officer who shall be responsible for notifying the parties of the hearing officer's assignment. The hearing officer shall direct the parties or the attorneys for the parties, or both, to appear before the hearing officer for simplification of issues and the scheduling of the hearing, which in no event shall be set later than thirty days following receipt of notice demanding a hearing. In the discretion of the hearing officer, all or part of any prehearing conference may be conducted by telephone if each participant has an opportunity to participate, be heard, and to address proof and evidentiary concerns. The hearing officer is empowered to

issue appropriate orders and to regulate the conduct of the proceedings;

3. For the purposes of this part, "impartial" means that the selected hearing officer shall have no history of employment with the board or director of schools, no relationship with any board member and no relationship with the teacher or representatives of the teacher;

4. All parties shall have the right to be represented by counsel, the opportunity to call and subpoena witnesses, the opportunity to examine all witnesses, the right to require that all testimony be given under oath and the right to have evidence deemed relevant by the submitting party included in the record of the hearing, even if objected to by the opposing party;

5. All witnesses shall be entitled to the witness fees and mileage provided by law, which fees and mileage shall be paid by the party issuing a subpoena or calling the witnesses to testify;

6. The impartial hearing officer shall administer oaths to witnesses, who testify under oath;

7. A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties shall be prepared if the decision of the hearing officer is appealed, and all decisions of the hearing officer shall be reduced to writing and included in the record, together with all evidence otherwise submitted;

8. On request of either party to the hearing, witnesses may be barred from the hearing except as they are called to testify. The hearing may be private at the request of the teacher or in the discretion of the hearing officer; and

9. At appropriate stages of the hearing, the hearing officer may give the parties the full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. The hearing officer shall within ten (10) days of closing the hearing, decide what disposition to make of the case and shall immediately thereafter give the board and

the teacher written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision.

(b) The director of schools or other school officials shall not be held liable, personally or officially, when performing their duties in prosecuting charges against any teacher or teachers under this part.

(c)(1) If the affected teacher desires to appeal from a decision rendered in whole or in part in favor of the school system, the teacher shall first exhaust the administrative remedy of appealing the decision to the board of education within ten (10) working days of the hearing officer's delivery of the written findings of fact, conclusions and decision to the affected employee.

Section 1.01 Upon written notice of appeal, the director of schools shall prepare a copy of the proceedings, transcript, documentary and other evidence presented, and transmit the copy to the board within twenty (20) working days of receipt of notice of appeal.

Section 1.02 The board shall hear the appeal on the record and no new evidence shall be introduced. The affected employee may appear in person or by counsel and argue why the decision should be modified

or reversed. The board may sustain the decision, send the record back if additional evidence is necessary, revise the penalty or reverse the decision. Before any findings and decision are sustained or punishment inflicted, a majority of the membership of the board shall concur in sustaining the charges and decision. The board shall render its decision on the appeal within ten (10) working days after the conclusion of the hearing.

Section 1.03 Any party dissatisfied with the decision rendered by the board shall have the right to appeal to the chancery court in the county where the school system is located within twenty (20) working days after receipt of the dated notice of the decision of the board. It shall be the duty of the board to cause the entire record and other evidence in the case to be transmitted to the court. The review of the court shall be de novo on the record of the hearing held by the hearing officer and reviewed by the board.

Section 1.04 The director of schools shall also have the right to appeal any adverse ruling by the hearing officer to the board under the same conditions as set out in this subsection (c).



SECTION 14. The Teacher Professional Development Fund is established, into which only federal monies shall be deposited, for the purposes of improved teaching, pedagogical skills, and classroom instruction.

SECTION 15. The Department of Education shall annually report to the general assembly the amount of Race to the Top funds awarded to each local education agency and achievement school district.

SECTION 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: January 15, 2010

**APPROVED this 16th day of January 2010**

## Appendix B

**Tennessee First to the Top Amendment List**

<b>HOUSE NUMBER</b>	<b>AMENDMENT</b>	<b>ADOPTED (Y/N)</b>	<b>SENATE NUMBER</b>	<b>AMMENDMENT</b>	<b>ADOPTED (Y/N)</b>
HA7001	Amendment 1-0 to HB7010	N	SA7002	Amendment 1-1 to SB7005	Y
HA7019	Amendment 1-1 to HB7010	N	SA7003	Amendment 2-2 to SB7005	Y
HA7002	Amendment 2-0 to HB7010	N	SA7004	Amendment 3-1 to SB7005	N
HA7003	Amendment 3-0 to HB7010	N	SA7005	Amendment 4-2 to SB7005	Y
HA7004	Amendment 4-0 to HB7010	N	SA7006	Amendment 5- to SB7005	Y
HA7005	Amendment 5-0 to HB7010	N	SA7008	Amendment 6-1 to SB7005	Y
HA7007	Amendment 6-0 to HB7010	N	SA7009	Amendment 7-2 to SB7005	Y
HA7008	Amendment 7-0 to HB7010	N	SA7010	Amendment 8-3 to SB7005	Y
HA7009	Amendment 8-0 to HB7010	N	SA7011	Amendment 9-4 to SB7005	Y
HA7010	Amendment 9-0 to HB7010	N	SA7012	Amendment 10- to SB7005	N
HA7011	Amendment 10-0 to HB7010	N	SA7013	Amendment 11- to SB7005	N

HOUSE NUMBER	AMENDMENT	ADOPTED (Y/N)	SENATE NUMBER	AMMENDMENT	ADOPTED (Y/N)
HA7012	Amendment 11-0 to HB7010	N	SA7014	Amendment 12- to SB7005	N
HA7013	Amendment 12-0 to HB7010	N	SA7015	Amendment 13- to SB7005	N
HA7014	Amendment 13-0 to HB7010	N	SA7016	Amendment 14- to SB7005	N
HA7015	Amendment 14-0 to HB7010	N	SA7017	Amendment 15- to SB7005	Y
HA7016	Amendment 15-0 to HB7010	Y	SA7018	Amendment 16- to SB7005	N
HA7017	Amendment 16-0 to HB7010	N	SA7019	Amendment 17- to SB7005	Y
HA7018	Amendment 17-0 to HB7010	N			
HA7020	Amendment 18-0 to HB7010	N			
HA7021	Amendment 19-0 to HB7010	Y			
HA7022	Amendment 20-0 to HB7010	N			
HA7023	Amendment 21-0 to HB7010	N			
HA7024	Amendment 22-0 to HB7010	N			

<b>HOUSE NUMBER</b>	<b>AMENDMENT</b>	<b>ADOPTED (Y/N)</b>	<b>SENATE NUMBER</b>	<b>AMMENDMENT</b>	<b>ADOPTED (Y/N)</b>
HA7025	Amendment 23-0 to HB7010	Y			