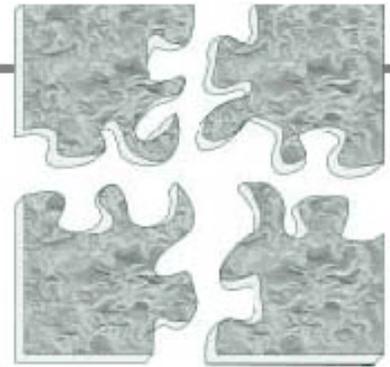


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# BEST PRACTICE BRIEFS



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## PUTTING THE PIECES TOGETHER

<i>What is Policy?</i> .....	1
▪ Where Policy is Expressed .....	1
<i>Ideas Result in Policy</i> .....	2
▪ The Coin of Influence .....	2
▪ Sources of Ideas .....	2
<i>An Idea is only the First Step</i> .....	5
▪ Effective Lobbying .....	6

## HOW GOVERNMENTAL POLICY IS MADE

*This BRIEF explores how the ideas for governmental policy emerge and what it takes to get them adopted. Content is based primarily on Michigan, which has a full-time legislature. While concepts are relevant to other states and the national level, details may differ.*

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## WHAT IS POLICY?

Policy is defined in the Merriam-Webster Online Dictionary as “...a definite course or method of action selected from among alternatives... to guide and determine present and future decisions.” Policy can also be defined as making decisions that reflect values and allocating resources based on those values. Thus, policy represents a particular political, ethical, or programmatic viewpoint. Governmental policy reflects theoretical or experiential assumptions about what is required to resolve a particular issue or problem.

### WHERE POLICY IS EXPRESSED

At the federal and state levels, governmental policy is reflected in multiple venues:

- The federal and state *constitutions* set the general framework, as interpreted in specific instances through court decisions.
- The *chief executive’s agenda* is presented through speeches, press releases, “State of the State” and budget messages to the legislature, executive orders, and instructions to department heads.

- *Legislative policy* is expressed in speeches and press releases by the leadership and formulated in policy and appropriation bills.

It is not generally recognized that *budgets*, expressed in appropriation acts and taxes, are critical statements of social policy. Budgets distribute resources and determine what government can and cannot do. Taxes may favor property versus income, businesses versus consumers, or production versus consumption. They may or may not provide stable resources for governmental services.

Policy can also be found in the determinations and decisions of state department heads and middle management. Their decisions or actions determine how legislative policy and broad governmental mandates are actually translated into services. Policy is reflected in strategic plans and policy memoranda. It is translated and carried out through rules and regulations, manuals, requests for proposals, contractual agreements, enforcement actions, and so forth.

At the local level, county commissioners and township supervisors, school boards and superintendents, and local governmental agencies make policy within the confines of state law and other state formulations. Chief executives of cities and city councils operate according to state law and city charters. The directors of local governmental agencies operate within a state and county framework.

Thus there is a policy hierarchy ranging from the broad statement of mission or purpose in the constitution, or “here is what we propose to do” as expressed in law, down to the more explicit “here is what that means when we carry it out” as defined in departmental documents.

## IDEAS RESULT IN POLICY THE COIN OF INFLUENCE

Elected officials are influenced by four things that get them elected or re-elected:

- Votes
- Money
- Ideas that lead to actions that lead to good results for constituents and good publicity<sup>1</sup>
- Information and feedback from their constituents

Appointed officials and middle managers are also influenced by ideas. However, if their ideas create political problems for elected officials, they are in trouble.

## SOURCES OF IDEAS

There are multiple sources for the ideas that lead to policy, including suggestions and proposals made by constituents.

### Events, Personal Experiences, and High Visibility Issues are Prime Sources for Policy Change

*Cataclysmic events* can have an immediate impact on public policy.

*9/11 and the Columbine massacre substantially impacted decisions and actions at the federal, state and local levels.*

## Think Tanks and Bureaucrats

### Child Care Expulsion Prevention Projects

Jane Knitzer, from the Columbia University Center for Children in Poverty, gave a presentation about young children who were being expelled from child care and the need for mental health services. As a result of this presentation, the prevention director decided to use small prevention grants to enable five community mental health agencies to survey the situation in their community and to develop ways to utilize existing resources to provide services. Subsequently, the director of mental health services for children and families convinced middle management staff in the state social services agency to assign federal child care and development funds to underwrite services in the five projects and to expand services to other locations. A document was developed to establish parameters for these services.

*Media reports* of more localized situations can trigger action.

*Media stories about foster children in Michigan resulted in the appointment of the Binsfeld Commission, which generated laws requiring changes in timelines and services for children in foster care.*

*Personal experiences* generate momentum for changes in policy.

*A legislator's personal experience is a significant trigger for policy development. Federal legislation resulted from the Kennedy family's experience with a sibling who had developmental disabilities.*

*Parents who have lost children have become effective lobbyists. For example, Mothers Against Drunk Driving (MADD) has been a potent force for enacting drinking and driving laws. More recently, in Michigan, Jasmine's Law (requiring measures for traffic safety around schools) was enacted in response to a parent's lobbying after the loss of a child.*

*Parents of special needs children seek services. For example, IDEA, the federal act providing funds for special education services to at-risk children with disabilities, was initiated and has been sustained by the lobbying efforts of parents.*

*People who are impacted by specific situations in law seek to change them. For example, non-custodial fathers want a law requiring visitation, bypassing determinations by judges, and grandparents denied access to grandchildren*

*by custodial parents want requirements for visitation in law.*

Legislators often find it expedient to advocate for *high visibility home town issues* that concern their constituents. There are numerous examples at both the state and national level.

*For example, motorcycle riders seek to overturn the law requiring the wearing of helmets (and have been successful in a number of states). In another example, when a local business fired employees who smoked outside of work and refused to be tested, a legislator introduced a bill to ban such employment practices.*

Associations and organizations hire *lobbyists* to highlight issues of concern to their membership.

### **Citizen Input and Gubernatorial Support: North Carolina's "Smart Start"**

North Carolina's "Smart Start" is a classic example of a policy initiated and maintained by citizens. The idea of state support for quality early childhood programming was initiated by a small group of women meeting around a kitchen table. They convinced the governor to adopt their idea, and his active support initiated a program of grants to local communities to improve child care and other services. An ongoing campaign of public information and citizen communications to legislators has maintained the program despite a change in administration.

### **Social, Economic, and Technological Changes Trigger a Search for Solutions**

Initially, social trends and possible solutions to perceived problems are identified by think tanks, federally funded resource centers, university researchers, governmental agencies, or knowledgeable individuals. As a second step, foundation and governmental grant funding for research and service development influences policy by underwriting cutting-edge research and pilot demonstrations. Finally, the national advocacy organizations that serve as connectors between the research and the policy makers process, package, and disseminate information and advocate for legislative change.

Examples of social, economic, and technological trends that influence policy include:

- poverty status of children
- out of wedlock births to adolescents
- increases in juvenile crime
- urban sprawl
- global warming
- loss of manufacturing jobs to overseas locations
- reduction in oil reserves
- increasing use of catalog and Internet purchases
- vulnerabilities in use of the Internet

### **Information Dissemination**

Information about an issue may be initially disseminated through research and technical reports, journal articles, and books. These publications conceptualize the issue, present analyses of data (perhaps including summaries of similar research or meta-analyses of data from a group of similar studies), and recommend possible solutions.

Research findings may be summarized for interested stakeholders in press releases, newsletters, policy briefs, and Web sites. Information may also be communicated directly to professionals, advocates, and decision makers through presentations at national conferences of professional organizations (e.g., the National Governors Association and the National Conference of State Legislators), or at hearings held by legislative or executive committees or professional organizations.

**A thoughtful publication can have a far-reaching impact.** Examples of *books* that have fundamentally influenced public policy abound:

- Rachel Carson's *Silent Spring* kicked off the environmental movement.
- Dr. Ray Helfer's *The Battered Child* initiated child protective services and supportive home visiting.
- The Institute of Medicine's *Neurons to Neighborhoods* provided background and credibility for expanding services to very young children.

## The Power of Research and the Media

### Perry Preschool Project

The High/Scope Educational Foundation evaluated a preschool intervention for low income four-year-olds. The intervention involved four half-days of high quality, center-based services for low income children and a weekly visit with parents. A 19 year follow-up and cost benefit analysis indicated that for every dollar spent, there was a gain of \$7 in savings from expenditures for crime, welfare and special education.<sup>2</sup>

The authors put together an attractive report and a media blitz. The story in the *Washington Post* was seen by a staffer from the National Governors' Conference, who arranged for a presentation at the next meeting of the governors. The result: Almost every governor proposed and had implemented a preschool program for four-year-olds the next year—most of them without understanding the essential components (e.g., a participatory curriculum, low child-staff ratio, and trained teachers) that made the difference.

- More recently, *The Price of Government* by Hutchinson and Osborne has influenced the way legislators look at appropriation requests.

*Magazine articles* also reach a very broad public audience.

- Magazine articles on “Cool Cities” are affecting urban policy.
- An article by former Vice President Dan Quayle triggered changes in the way governmental support was provided for adolescent mothers.

As information hooks into public interest and reaches a tipping point, organizations and individuals begin to publicly express interest and concern and, more importantly, communicate with both legislators and the executive.

### Policy Often Reflects Personal and Political Philosophy

Policy emerges from the personal and political values of individuals and political parties, framed in such a way as to engender wider support.

- *Individual.* Often policy is based on what politicians and bureaucrats learned in school 20 years ago, the lessons that came from fighting the last war, what they think works or will work,

## The Tipping Point

[...] products and messages and behaviors spread just like viruses do [...] The three agents of change are, (1) Law of the Few—there are a handful of social/energetic/knowledgeable/ influential people who are capable of influencing others [...]; (2) the Stickiness Factor—ideas have to be memorable to move us to action; and (3) the Power of Context—behavior is a function of the social environment.

Gladwell, M. (2000). *The tipping point: How little things can make a big difference*. New York: Little, Brown and Company.

deeply held personal convictions, or a pragmatic effort to build coalitions and coalesce support.

- *Political parties.* Agendas adopted at local, state, and national conventions reflect the convictions of the party leadership concerning current issues that are expected to enhance a candidate's chances of being elected. Between elections, potential actions are vetted against their potential impact on the next election.
- *The perceived environment.* What politicians perceive as the “will of the majority” influences their actions. For example, legislators in Michigan maintain that voters would rather cut services than pay additional taxes. This perception is profoundly influenced by the prior history of a governor and two legislators who were turned out of office after responsibly increasing taxes to resolve a budget deficit.
- *Organized constituencies.* A recent development on the political landscape is the emergence of groups organized to identify, promote, train, underwrite, and elect candidates supportive of their thinking. Examples include Emily's List, supporting pro-choice women; research organizations promoting a conservative agenda; and Patrick Henry University, recruiting conservative home-schooled college students as future leaders.

### The Federal Government Influences State and Local Policy

Federal overall policy directions, expressed in legislation and administrative actions, have a significant influence on state and local policy. The

availability of funding, specifications, and requirements all impact state and local decision making and the use of local resources. Federal activities that impact state and local policy include:

- Federal and state level programs (e.g., funded efforts such as Medicaid, TANF, No Child Left Behind) and initiatives (unfunded projects in development)
- Incentives and sanctions for state performance (e.g., reducing adolescent pregnancy, enforcing child support from non-custodial parents)
- Competitive grants (e.g., after-school programs)

An estimated quarter of all state budgets comes from federal funds.

### Commissions and Workgroups

In reformulating policy and practice in response to citizen concerns, decision makers may use representative groups of citizens and knowledgeable experts to troubleshoot ideas. These commissions or workgroups develop out of expressed dissatisfaction with current services or concerns about an emerging issue.

- High visibility commissions are organized at the national level by the President, the Surgeon General, and Congress, and at the state level by governors.
- Legislative leadership at the state level establishes task forces.
- Department heads and middle managers establish lower visibility workgroups and advisory committees.

Use of a commission or workgroup may be:

- a way of avoiding action
- a political gesture
- a way of getting consensus among various constituencies about recommendations, energizing support for action, and providing support for change to legislators or bureaucrats.

### The Executive Branch

Department heads are a primary source for the ideas that result in legislative policy. Based on

administrative experience, they propose shifts in policy, suggest technical changes to current legislation, and analyze proposals under consideration by the legislature.

### Workgroup/Legislator Action and Bureaucratic Decisions

#### Human Services Coordinating Bodies

The lobbyist for the Mental Health Association prevailed upon a prominent legislator—head of the appropriations committee—to sponsor a workgroup on prevention. The effort resulted in the legislator’s successful promotion of an increase in the appropriation for pilot prevention projects. Of the 63 recommendations in the report, the mental health agency director hesitated the longest over the one proposing interagency collaboration. The prevention director decided to put half of the new funds into human services coordinating bodies by providing incentive grants for staff. Technical assistance was provided to encourage good processes and certain types of programming.

## AN IDEA IS ONLY THE FIRST STEP

Multiple individuals and groups have a hand in translating an idea into policy. As term limits continually siphon off the developing expertise of legislators, *legislative staff* and *lobbyists* play a larger role in policy development.

- A governor’s legislative and budget proposals are sifted through an executive staff, a budget office, and affected department heads.
- Legislators are generally assisted by their staff, a bill drafting agency, and a fiscal agency that analyzes the content and impact of proposed legislation.
- The public influences legislators, the executive, and department staff both as individual citizens and as members of interest groups and associations.

Larger groups hire lobbyists to present their point of view, whose job is to promote their organization’s interests by suggesting legislation and by reacting to what legislators propose. They present their point of

## The Legislative Process

To become legislative policy (i.e., law), an idea has to work through the legislative process, which generally involves the following steps. A bill is:

- drafted;
- introduced in one house of the legislature by a legislator and sent to the appropriate committee;
- considered by the committee, often with a public hearing at which associations, departments, and affected citizens provide testimony;
- reported out for action (or voted down);
- voted on by the full house;
- sent to the other house to move through the same sequence of actions, where differences between the two versions are resolved through a small conference committee of representatives from both houses;<sup>5</sup>
- signed or vetoed by the governor; and
- if vetoed, legislators may feel strongly enough to pull together the required number of votes to override the veto.

Major policy changes are translated by the responsible agency into administrative rules that require public hearings and legislative approval.

view formally at hearings and informally through meetings with legislators.<sup>3</sup>

There are innumerable opportunities for public reaction as an idea makes its way through the legislative process. The governor may propose an action or a legislator may introduce a bill, but the idea will go nowhere unless it can garner sufficient support to be placed on the legislative agenda by the majority party. Then it has to be acceptable and receive a “yes” vote from more than half of the legislators. Whether or not this happens largely depends on the prevailing politics and public reaction.

Legislators assess a bill against their own convictions, how they anticipate it will impact their constituents, and feedback from their constituents and lobbyists. One study indicated that legislators place most reliance on the information they receive from grass roots organizations, their staff, and lobbyists.<sup>4</sup> The fate of any bill is ultimately determined by the position taken by the majority party’s caucus, along

with the informal discussions and negotiations that are an essential part of the legislative process.

## EFFECTIVE LOBBYING

How do citizens with a burning issue impact policy?<sup>6</sup>

Typically, individuals or groups of individuals are effective when they have a clear agenda and follow a consistent game plan, contacting the governor, legislators, and/or department heads, depending on where the action is. They can influence the process at any single stage or at multiple points.

- They have a *clear, succinct message*—what the pros call “getting your point across in the time the elevator goes down.”
- They make *extensive use of the media*.
- They *organize like-minded individuals* into a constituency. A recent development is the emergence of blogs—Web sites that provide information, encourage comments, facilitate fundraising, and mobilize action groups. See, for example, [www.blogforamerica.org](http://www.blogforamerica.org).
- They *form coalitions* with other groups.
- They *contribute* to political campaigns or *volunteer* for a candidate during an election campaign.

## Policy Development is a Complex Process

### What Does Gun Access have to do with an Early Childhood Initiative?

Policy decisions may be influenced by factors that have nothing to do with the issue that is nominally on the table. A Speaker of the House in his last term decided to push through some legislation making guns easier to obtain. There was considerable public concern about a shooting involving two six-year olds. To avoid lobbying against his measures by child advocacy groups, he coupled his bills with an addition to the School Aid Act that appropriated \$45 million for 0-5 programming in support of parents. Seduced by the prospect of this funding, the child advocacy groups did not oppose the gun bills. They prevailed upon the Speaker to require collaborative programming in the 0-5 legislation. Intended as a three year commitment, the initiative was reduced in the second year and then terminated because of the state’s financial situation. This sequence of events was fueled by a personal philosophy, a happening, interest group support, and buying off opponents.

- They aggressively *get their message across* by personal visits, telephone calls, and written/E-mail communications. They spend the time that it takes to create relationships and to communicate in a non-adversarial way.

Constituents who have developed an *ongoing relationship* are the most effective. They know their legislator's views and history. They telephone, send E-mails, and write letters; they go to the legislator's meetings and fundraisers in their district; they make an appointment to visit the legislator's office for a brief conversation after a committee hearing. *They understand that for a state legislator, five letters on the same subject from constituents represents a public consensus.*<sup>7</sup>

## NOTES

1. Amidei, N. (December 2002). So you want to make a difference: Advocacy is the key. *OMB Watch* [On-line], 14. Available: [www.ombwatch.org](http://www.ombwatch.org).

2. A 40 year follow-up found a payoff of \$13 in public savings and \$4 in additional income to participants for every \$1 dollar spent in quality early childhood education and care. This finding, among others, has been the basis for the current national campaign promoting access to quality preschool and child care as an effective economic investment.

3. See Jackson-Elmoore, C. (July 2005). Informing state policymakers: Opportunities for social workers. *Social Work*, 10 (3).

4. There are a multitude of special interest groups: business interests (e.g, chamber of commerce; wine and beer retailers); labor unions; professional and work related associations (e.g, National Education Association, National Association of Social Workers); advocacy groups (e.g, Fight Crime: Invest in Kids, Children's Defense Fund, NAACP, American Association of Retired Persons); single focus organizations (e.g, National Rifle Association).

5. If the differences between the two versions are extensive, the bills will be stalled until a negotiating process can resolve

substantial issues. Cf. S 155 and HR 1229, bills with different titles and content dealing with gang prevention (2005).

6. See Lakoff, G. (2004). *Don't think of an elephant! Know your values and frame the debate*. White River Junction, VT: Chelsea Green Publishing. See also Michigan Council for Maternal and Child Health. (2005). *Vision to action: Tools for building meaningful relationships with policymakers*. Lansing, MI.; and Amidei, op.cit.

7. Hollister, D. On organizing. [www.educ.msu.edu/epfp/links.htm](http://www.educ.msu.edu/epfp/links.htm)

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