Local Policy Process: Educational Policy in Germany

– The Example of North Rhine Westphalian Secondary Education Policy –
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Abstract

In Germany, education policy is subject to the federal states. Much debate has been going on about the time a high school student has to attend classes in order to graduate from secondary school. Policy changes in 2004 in North Rhine-Westphalia led to public protests, mainly led by the parents who disagreed with changing the time a student has to spend at school, from nine to eight years. They have been active participants in lobbying the government to either change the whole system back to nine years of schooling or make changes within the introduced system. However, their success rate in calling for changes is rather limited due to the two main reasons. On the one hand, they are divided among themselves as a lobby group. On the other hand, they are not a powerful player within the policy making process. This paper sets out a policy cycle analysis, thereby assessing the process of policy changes at the local level and at the same time focusing on one very specific actor active in the stage of agenda setting.
1. Introduction

In order for a state to function, policies have to be implemented to regulate the different areas that affect society. However, as for example Cairney (2012) points out, it is difficult to find an exact definition of what public policies are. Nevertheless, there are a few characteristics: first of all it is a process. This assumption of a process is also widely used by other contemporary theories, specifically drawing attention to the different stages within the process. During the cycle, proposals and intentions are formulated resulting in decisions made by the government and finally result in policy outputs (ibid.). Multiple actors are involved in the process and their degree of influence differs (see for example Buse, Mays, Walt, 2012; Kingdon, 2010). Furthermore, the decision makers but also other stakeholders involved can rely different policy instruments through which they can lobby for or implement their intended policies. These reach from more economic measures such as penalties or sanctions to services such as educating the public or providing different kind of (legal) resources (Cairney, 2012).

This paper addresses the policy process in Germany with special focus on secondary educational policy in the federal state of North Rhine-Westphalia (NRW). More specifically, it is concerned with the amount of years that a high school student has to attend secondary schooling in order to receive a diploma. This case is of particular interest because this policy area of secondary education has been subject to change for many decades (Kraus, 2006). Therefore, there is a need for constant evaluation and observation. Further, the public is rather active in criticizing the last changes that have been undertaken in 2004 by the Ministry of Education (MoE) of NRW. The critics have been raised through the media, for example, as a non-governmental actor with the intend to gain the attention of governmental actors. With the help of the policy cycle described by Cairney (2012), this research assesses the agenda setting stage of the secondary education policy in NRW. As pointed out, this stage is particularly interesting when investigating power relations among governmental and non-governmental actors. As the parents of the students who are affected by the policy changes have been raising their criticism in public and have been rather active in trying to lobby for intentions on changing the policy, they are the main group of focus of this research. Thus, the overarching questions guiding this research paper are: how does the local policy process function in Germany? What is the particular problem within secondary education policy in NRW? How

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1 A state is “a set of institutions that enjoy legal sovereignty over a fixed territorial area” (Buse et al., 2012, p. 20).
successful are the parents in influencing the agenda setting stage after changes have been made in the secondary educational policy in NRW?

This paper focuses on one group within the interest groups, thereby leaving the potentially high influence teachers or other interest groups from other policy areas aside. Further research should be dedicated to other interest groups. Also the media as an important actor should be considered in future research projects.

2. Theoretical Framework

A visualization of the policy cycle helps to understand the framework through which the problem at hand is assessed.

Figure 1: Policy cycle

As only one particular stage of the policy process is of interest when analyzing the educational policy problem in Germany, the different stages are only very briefly touched upon. In the agenda setting stage, the power relations become apparent where the government (potentially) interacts with different stakeholders to discuss the policy problem at hand. In the next stage, the objectives on what goal is to be reached with the policy is outlined, together with making a decision on how to solve the problem. Further, during the legitimation phase, support is needed to finally implement the policy. This means that for example the legislative
or the governmental parties and interest groups back up the intended policy. When implementing, the responsible actors need to demonstrate enough resources to follow through and up with the policy. Once implemented, evaluation is needed to assess the success rate of the policy and whether the right group is targeted. Finally, it is important to modify or reshape the policy; which is, nevertheless, no final step as the policy cycle would just continue with a new agenda setting phase (Cairney, 2012).

As mentioned already, multiple stakeholders are involved in the process who take up different roles during each phase. Kingdon offers a useful differentiation between the actors, which is also applied in this research. He distinguishes between governmental and non-governmental actors; from a US point of view. Actors associated with the government are the administration, civil servants or Congress; whereas non-governmental actors are considered to be part of any interest groups, researchers or academics, the media, consultants but also public opinion (Kingdon, 2010). When analyzing the actors, he considers the importance of each actor participating and how they participate in the different stages, but also which (financial and power) resources the actors have at hand to influence the agenda setting stage (ibid.).

### 3. Governmental Structures in Germany

The Federal Republic of Germany consists of 16 federal states which closely cooperate. Some important guiding principles that shape this relationship are subsidiarity and solidarity. Power is regulated through checks and balances of the executive, the legislative, and the judiciary. This means that there is a division of power on the horizontal but also the vertical level (Klaeren, 2013; Sturm, 2013).

The executive comprises of the chancellor who has the ability to set the agenda within the policy process, her cabinet which consists of the various ministers each responsible for a policy area and finally the president who is symbolically representing Germany and who also has the power to (refuse to) sign any bills. Considering this particular case, the MoE of NRW is of special importance. It has the ability to decide upon any issue regarding changes in education policy impacting foremost the students attending schools and universities since education policy is decentralized in Germany (OECD, 2014). Thus, it has a large impact on the agenda setting and decision making phases in the policy process; whereas the final policy implementation is mostly subject to the local governments and communities (Zimmer, 2005).
The Bundestag (Parliament) and Bundesrat (Federal Assembly) are entitled to propose legislations which are debated and voted upon in the Bundestag. The German people elect the members of parliament (MPs), showing that Germany is set up as a democracy with room for every citizen to participate in politics. The party with the most seats in parliament is forming the government. However, in the last few years, coalitions had to be built in order to form a majority (Hesse, 2007 & German Bundestag, 2016). In NRW, this is particularly interesting since the change in education policy has been conducted under a different coalition than the one in office now. Currently, the federal government consists of the Green and Social party which replaced the coalition of the Liberal and Conservative party.

Finally the constitutional court, representing the judiciary branch, has to overview the legislations decided upon and has to ensure that they are in line with German law. Additionally, the media and interest groups have to be considered as important players within the decision making policy process. Foremost interest groups are consulted for advice on various problems and add significantly to ensuring the democratic system of a state (Zimmer et. al., 2005).

The political system follows a pluralist approach. This means that “power is dispersed throughout society” expressed through for example, open and free elections, the ability for individuals to organize themselves in interest groups and the ability to lobby the government (Buse et al., 2012, p. 27). However, following the criticism of pluralism set out by the theory of public choice, it has to be questioned whether the state represents a neutral entity at all times or whether it is also self-interest driven similar to any other actor taking part in the policy process (ibid.).

4. The Policy Problem in Secondary Educational Policy

The problem assessed is subject to changes that have been undertaken in secondary educational policy of NRW. In more detail, it is concerned with the time a student has to attend the highest level of secondary school. This is not new but has been on the political agenda since the 1960s (Kraus, 2006). Thus, this problem at hand is a consequence of an already existing policy; or as Cairney puts it differently, “policymaking is a never-ending process, rather than a single event” (2012, p. 23). This is a common process as policies are often evaluated and also criticized by the various stakeholders (ibid., Princen, 2011). Consequently, the underlying approach used in policy analysis could be described by
incrementalism. This approach explains the step-by-step development and the ever adjusting nature of this policy area (see Lindblom in Hill, 2013).

Furthermore, since other federal states have changed their schooling system towards G8\(^2\) earlier than NRW, it could be argued that the MoE as a decision maker has looked at other alternatives which have already been implemented and which do not differ much from the status quo. By seeking as much consensus among the governmental decision makers, the MoE could be said to have “test[ed] the political waters” and feasibility of this policy (Buse et al., 2012, p. 42). In other words, being able to justify that other federal states have also implemented the same policy changes in their schooling system, the ruling federal government of NRW could argue that the practice has also worked elsewhere. Nevertheless, it has to be questioned whether the changes are ‘small’ or indeed incremental and with rather limited impacts on the target group; in this case the students (ibid.).

In NRW, this policy approach has been implemented in 2004 and the first grade to graduate after only 12 years (prior: 13 years) of high school left the Gymnasiums in 2013. However, some schools have the opportunity to gradually implement the requirements as NRW allows for pilot projects (Lohmar & Eckardt, 2015). This refers back to the power distribution within the federal government and especially in education policy: there are considerable opportunities on the community level to make decision on, for example, giving the schools the freedom to decide upon G8/G9 themselves.

After this shortening in school years and the policy change, a public debate in NRW has started. Parents mainly debated about the reform and the G8-approach in general, but also about returning to 9 years of attending a Gymnasium (Meier, 2016).

5. Actors Expected to Influence the Policy Process

As the education policy is decentralized, the state only plays a marginal role. It has the obligation to ensure access to education in general. Thus, referring back to the public choice theory, even though the state might be driven by own interests, it has only little competency to intervene in policy making on the ground (Hepp, 2013). The overall competency of education lies with the different federal states respectively. In order to structure the assessment of actors involved in the policy process, two groups are investigated: governmental actors and non-

\(^2\) "G8" refers to the schooling system in which the amount of years a student hast to attend a Gymnasium have been shortened from formerly nine (also called “G9”) years to eight years.
governmental actors. This follows Kingdon’s analysis who distinguished between “the administration, civil servants, and Congress” (since his studies are based on the US-political system) as governmental actors and “interest groups, academics, media, and public opinion” as non-governmental actors (2010, p. 21).

Among the governmental sphere, an important actor with possibilities to act is the federal government of NRW including the different parties. Since the federal parliament is the legislator, it has the final say in the policy area. Additionally, the federal government takes over about 75% of the funding on public schools (OECD, 2014). This has to be kept in mind when considering the influence of an actor as having money or financing a policy is an important resource leading to more capabilities to act (Kingdon, 2010). The opposition parties are also highly influential because they give room for the public to debate a current issue at stake (Hepp, 2013). In other words, they ensure that alternatives are presented to the public during the policy process (Kingdon, 2010). Furthermore, the MoE represents an important actor, as it is in this case led by the party in power which thus, generally, enjoys public support. This support is an essential resource for the government as it will most likely not face opposition against a suggested policy change from the public (ibid.). The ministry relies on experts that work for them and provide them with additional knowledge on the issue at hand. It is debatable whether these experts count towards the governmental or non-governmental actors. Nevertheless, they are able to shape the ideas of the politicians with their opinion and advice. Finally, the municipalities that build new schools and take care of existing schools play a (minor) role, too (Hepp, 2013).

Turning towards the non-governmental actors, there are various interest groups that have to be considered. Generally, as Kingdon puts it, interest groups are influential in the agenda setting stage as they frequently consult the government (2010). On the one hand there is a large labor union representing the teacher’s interests. The trade union for education and research (GEW) represents around 49,000 members from NRW who are active in the education sector (GEW-NRW, 2016). The labor union can speak with one voice when approaching the government and is thus a powerful actor (following Kingdon, 2010). On the other hand, there are organizations representing the parents. In this case, it has to be considered that some parents also serve as speakers for their children since the students are most often underage. This might lead to a clash of interests. The parents foster their own interests but also have to keep in mind what is best for their children.
6. An Interest Group in More Detail: The Parents

The parents are of special interest as they are trying to influence the policy process from below. In other words, individuals directly concerned with the issue try to influence the policy process (Hill, 2013). This, however, implies that setting the issue on the agenda is rather slow compared to a top-down approach (Princen, 2011). Shedding more light on the characteristics of the parents, it becomes apparent that there are two different groups favoring two different ways on how to approach this policy change. Taking the parents as an overall group, they are fragmented which means less efficiency in lobbying the government and instability in how and what to set on the agenda (Kingdon, 2010). The two groups’ attempts are either to foster changes within the current education system, thus keeping G8 but calling for less homework for example or to change the whole system back to G9 again (WDR Markt, 2013).

In order to move on to the next section, it is necessary to also assess the resources the parents have in influencing the policy process. These determine the level of power and the ability to impact the agenda setting stage in this case. However, following Kingdon (2010), it has to be acknowledged that non-governmental actors are limited in their resources regarding, for example financial sources, expertise and the legislative capacity contrasting governmental actors. They are more likely to block decision. In this case, nevertheless, the parents do not have the capacity to block a decision as the policy has already been implemented and the next stage is to set the topic on the agenda again. Therefore, their only resource would be to gather in a network with multiple people with the same interest and criticize the policy. They could use the example of other federal states that have already changed the system of G8, some even back to G9, to pressure the government into considering changes (for example Kultusministerium, n.d.). As a large group they are able to approach the media which is a powerful actor in raising public issues or problems in general so that governmental actors start to pay attention towards the issue at hand. Thus, the media acts as a messenger between the public and politics (Hill, 2013). Using their ability to make the issue public and making it a problem concerning not only individuals, they can send signals to the current coalition in the federal government and express their view on the policies made which has a direct impact on the election process, too (ibid.).
7. (Un-)Successful Influence in Agenda Setting

The policy stage investigated in this research is agenda setting. The time frame is set to the period after the policy implementation, thus from 2004 onwards. In order for an interest group to set out any influence, their issue of concern has to firstly be put on the agenda of the government, or more precisely of the federal parliament in this case, to be taken into any further discussion (and eventually, maybe, decision-making) rounds. In other words, the problem discussed has to survive among many interests and ideas that are subject to discussions in the parliament which is entitled to make a final decision (following Kingdon’s approach on agenda setting, 2010).

To make an assessment about successfully or unsuccessfully influencing the policy cycle, it has to firstly be defined what the operators for assessing success are in this case. In this research, success is measured along the lines of whether the objectives of the parents have actually been fulfilled or satisfied (following for example Hill, 2013, on Lindbloom). Even though the ideas on how to change the implemented policy differ among the parents, the overall objective is to achieve changes in the current education system at a Gymnasium (WDR Markt, 2013; Sanders 2015). The federal government, nevertheless, replies that the students indeed have the opportunity to attend high school for 9 years at a different kind of school. 3 Therefore, they state that there is no need towards changing G8 (WDR Markt, 2013.).

In order for their interests to be paid attention to, the parents have started a petition which was supposed to be sent to the federal parliament. If the required number of 66.000 signatures had been achieved, the government would have had to deal with the issue again (Sanders, 2015). The parents have been rather active and indeed managed to collect about 100.000 signatures. Consequently, the issue is open for debate on the political level and the federal government is required to listen to and assess the demands of this interest group (Goebels, 2015). This is in line with what Princen calls the “public agenda” where the “issues that [concern] citizens” are focused on (2011, p. 108). This can be considered as successfully influencing the policy stage of agenda setting. However, the objectives of this interest group differ (fragmentation). Consequently, one can only speak of partially successfully influencing this stage of the policy process.

3 Discussing the different secondary school levels (Gymnasium and the other type offering G9: Gesamtschule) would go beyond the scope of this paper. For now, it is stated that there are indeed differences among the two types of high school. The major difference: a Gesamtschule allows for more years of collective studying among students of every level of education, whereas students have a more similar level of education at a Gymnasium (OECD, 2008).
The federal government has invited multiple stakeholders to a round table in order to discuss the issue at hand which took place in spring 2014 and was followed up by another discussion round in fall of that year. Even though, the parents have lobbyed towards debating their concerns again, these round tables have been set up by the minister of education, thus following top-down structures. The minister Sylvia Löhrmann had the chance to invite the stakeholders she wanted to take part in the discussions. This is essential as the parents favoring G9 have not been invited to the second round of discussion (Schweda, 2015). Consequently, they did not have the chance to lobby for their issue of concern to be put on the political agenda. Furthermore, the discussion rounds have mostly been dealt with how to change the current G8 approach instead of considering a reform back to G9. This is in line with the minister’s interests who was leading the discussion rounds (MoE, 2014). Therefore, the parents’ success in lobbying for their interests to be heard has to be revised as the minister had considerable powers to neglect them.

Finally, the consequences of the parents’ influence are assessed. At this point, a broader view is taken in order to depict the long-term changes given (partial) success in parent’s lobbying. The adjustment of school years has a direct impact on the students who attend high school for more hours during the week since the curricula has to be denser. As a consequence, some of the students have less time to follow after school activities since have to be at school in the afternoon (Himmelrath, Mersch, Petermann, 2008). However, since they finish the Gymnasium earlier, they can also enter the labor market earlier which has positive effects (for example younger workforce, higher efficiency, international competitiveness) for the business and industry sector (Roggemann, 2014; SZ, 2014).

Depending on which interest group has more influence on lobbying the government, it could also happen that those favoring G9 gains considerable attention in the future. Following their demands would however mean that there will be one year in which almost no student would enroll in a university (since a switch in the system would mean for students to attend school for 9 instead of 8 years again). Consequently, less university graduates would enter the employment market a few years later. Generally, a large change (back to G9) would imply many additional costs for various policy areas and sectors since, for example, the curricula for secondary education and university students would have to be re-written (Sanders, 2015). Opponents could argue that the lack of technical feasibility and the high costs outweigh the benefits for the students (Klovert, 2016; Kraus, 2006).
8. Conclusion

This research has investigated secondary education policy in NRW with special focus on the changes made in 2004 that have an impact on how long a student has to attend a Gymnasium. By assessing the actors more closely that have the ability to influence this policy, it becomes clear that the bottom-up approach of influencing the agenda is barely applicable. Even though the parents have tried to influence this stage towards getting the government’s attention on changing the overall G8-approach or changing the general system from G8 back to G9, they have only had limited success. This is because the MoE and more in particular the Minister Löhrmann is powerful in influencing and navigating the agenda setting stage and the round table discussions. As Lowi has pointed out already more than 40 years ago, the extent to which coercion is used and needed also determines how the policy will be implemented in the end (Cairney, 2012). By looking at this specific case, it could mean that the policy and its implementation is very dependent on the political will and level of power, the political actors have. This, nevertheless, backs up the main claim that there are various actors involved in the policy process who (sometimes) have the ability to shape the different stages with the amount of power they are able to mobilize (ibid.). Furthermore, the various consequences that come with influencing the policy cycle also supports the claim that the lines between the different stages are blurry and the policy process is highly complex.
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