
THE ACCOUNTABILITY MYTH

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ABOUT EDCHOICE

EdChoice is a nonprofit, nonpartisan organization dedicated to advancing full and unencumbered educational choice as the best pathway to successful lives and a stronger society. EdChoice believes that families, not bureaucrats, are best equipped to make K-12 schooling decisions for their children. The organization works at the state level to educate diverse audiences, train advocates and engage policymakers on the benefits of high-quality school choice programs. EdChoice is the intellectual legacy of Milton and Rose D. Friedman, who founded the organization in 1996 as the Friedman Foundation for Educational Choice.

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EXECUTIVE SUMMARY

In seemingly every legislative hearing related to a school choice proposal, someone, either an advocate for the traditional public school system or an ideologically sympathetic legislator will say some variation on the following: “Private schools are not accountable, but public schools are.”

Now, a typical (and, for what it’s worth, correct) response to this assertion is that private schools are more accountable than traditional public schools. That’s because parents are able to vote with their feet and leave if they are not satisfied, and in many cases because parents are putting some of their own money on the line and therefore have serious skin in the game. In short, private schools are more responsive to the needs of the children that attend them because they have to be; public schools, on the other hand, historically have been guaranteed students who are assigned to attend based on a particular geographic boundary.

But this typical (and at risk of sounding repetitious, correct) response allows traditional public school advocates to steal a base. It assumes that traditional public schools are accountable but argues that private schools are more accountable.

Accountability is a contested term. The Merriam-Webster definition is “an obligation or willingness to accept responsibility or to account for one’s actions.”¹ This makes sense in the realm of schooling, as accountability policy asks schools and the professionals that teach in them to accept responsibility for their actions. The question is, responsibility to whom and for what? In a chapter in the *Handbook of the Economics of Education*, David Figlio and Susana Loeb offer a more specific definition. To them, accountability is “the process of evaluating school performance on the basis of student performance measures.”² This makes a lot of sense, but it leaves out other things that schools might be accountable for, like how they spend their money or how they serve the needs of the community. It also leaves out any notion of consequences.

What if traditional public schools aren’t held accountable in the first place? That is what this paper argues.

The argument is threefold.

First, traditional public schools are not *financially accountable*. School spending is opaque. It is very difficult to determine just how much a school spends on the students that it educates. Schools, districts, and states have put up myriad barriers between taxpayers and schoolhouses. There is not uniform agreement as to what spending categories should “count” when it comes to calculating per-pupil expenditures, and the same district will publish multiple numbers in different outlets. If we don’t know how or how much money is being spent, we cannot hold the people spending it accountable.

Second, schools are not *democratically accountable*. School boards are often held up as paragons of local democracy—close to the people, made up of non-professional politicians drawn from the body politic out of genuine interest for children, existing outside of the degradations of partisan politics. Oh, were that so. Unfortunately, school board elections are low-turnout affairs often conducted “off-cycle” to ensure low participation. They do not represent the views of the populace because only a tiny minority of the community participate in their election. What they do represent are the views of motivated and resourced interest groups, who are able to swing small elections in their favor.

Third, schools are not *educationally accountable*. Traditional public school advocates hold up the extensive testing and data-gathering systems that states operate and the ostensible consequences linked to those systems as evidence that public schools are held accountable for the education they provide. Even a cursory peek under the hood of these systems shows that they are so byzantine and manipulable that few, if any, schools ever actually meet with serious consequences for their poor performance.

It is never fun being the person who busts myths. Myths are comforting. Myths make us feel like our large and incompressible world is legible and knowable. But myths have to be put aside so that progress can take place. If we want progress to be made in education, we have to put aside the myth that traditional public schools are held accountable.

INTRODUCTION

In February of 2020, *Education Week* published an article titled “Private School Choice Programs Fall Short on Transparency, Accountability.” That article, which was published by the news side of the publication, not the opinion side (title notwithstanding), summarized a research project undertaken by *Education Week* that investigated the regulations of 29 private school choice programs across the country.

Here were the bullet-point takeaways of that study, from the top of the article:

- “Just six states require that all participating private schools admit students regardless of their religion, while only three require participating private schools to admit students regardless of their sexual orientation.
- Only 11 require that all teachers in participating private schools have a bachelor’s degree.
- Fourteen mandate that schools conduct criminal background checks on all staff before accepting tuition paid with the help of state aid.
- And only six states require schools to publicly report their graduation rates.”

Is this evidence that schools that participate in private school choice programs aren’t accountable? That seems debatable.

But more than that, in almost any conversation about accountability for private schools, accountability for public schools is assumed. This is a dangerous myth. By assuming that the edifice that states and the federal government have created over the past several decades actually holds schools accountable, school choice advocates immediately find themselves in an unfair fight. But what if it doesn’t? Where does that leave us?

This paper is going to argue that there are three ways that schools are, or should be, held accountable. There is financial accountability. That is, schools should be responsible for how they use the money they are given and should be ready to account for what has been spent and how. Second, there is democratic accountability. Since schools are funded by the community writ large, they should be able to account for how they are reflecting the wishes of that community. Are they teaching what the community believes should be taught? Are they organizing schools in ways that the community agrees to? Are they spending the community’s money in ways that comport with the community’s wishes? Finally, there is educational accountability. That is, schools should take responsibility for the quality of the education that the students in their charge receive. They should be able to demonstrate that students are mastering what they are supposed to be learning.

On all three of these counts, traditional public schools in America are not accountable.

- When it comes to “financial accountability,” public schools have been disastrously opaque, failing to disclose how dollars are actually spent and whether they are used to educate students. Opacity is a great tool for schools and districts: If no one can see where the money goes, it’s easy to convince the community that there just isn’t enough money.
- “Democratic accountability” relies on school board elections, which are problematic. School board elections are held off-cycle to drive down turnout. Bond elections use unclear language to muddy what they are actually asking of taxpayers. And the wishes of organized interests routinely supersede those of the body politic.

- In practice, “academic accountability” in K-12 education means schools are required to jump through the hoops set up by state and federal bureaucrats that are loosely related to demonstrating that students have actually learned anything. They are required to fill out paperwork and track down metrics and send them to the appropriate person at the appropriate office by the appropriate date, but ultimately not much happens after that.

Each of these areas deserves a fuller treatment. That is why the three primary sections of this paper will be devoted to arguing the issues of financial accountability, democratic accountability, and educational accountability, or the lack thereof. But before we get into that, it is worth taking a moment to understand how we got here. Accountability for public schools has been a topic of interest, discussion, and policymaking for decades. It appears to be in its twilight, but the whole story is worth telling.

A BIT OF BACKGROUND

As the United States Senate debated the legislation that would become the Elementary and Secondary Education Act (ESEA), a 30-year-old senator from the state of New York let his thoughts be known. ESEA was a cornerstone of President Lyndon B. Johnson’s “War on Poverty” and would, for the first time, create a regular stream of federal funds into the nation’s classrooms. He said to the then Commissioner of Education (it wasn’t a Cabinet-level office with a Secretary yet), “Look, I want to change this bill because it doesn’t have any way of measuring those damn educators like you.”³ That senator was Bobby Kennedy.

In less inflammatory language, Sen. Kennedy outlined the genesis for the accountability movement several decades before anyone actually got around to creating a system to accomplish it, saying:

“ I think it is very difficult for a person who lives in a community to know whether, in fact, his educational system is what it should be, whether if you compare his community to a neighboring community they are doing everything they should be, whether the people that are operating the educational system in a state or local community are as good as they should be. . . . I wonder if we couldn’t have some system of reporting . . . through some testing system that would be established [by] which the people at the local community would know periodically . . . what progress had been made.⁴ ”

Now how to do this—that is, how frequently measurement should be taken, what that measurement should look like, and what, if anything, officials should do with the information that results—has been a topic of contention since Sen. Kennedy’s time. In 1969, the National Center for Education Statistics launched the National Assessment for Educational Progress (NAEP), which tracked the academic performance of a nationally representative sample of American students. This was expanded to capture state level results in 1990 and results from a select set of cities in 2002.

A Nation at Risk, a report commissioned by the Reagan administration, recommended that:

“ schools, colleges, and universities adopt more rigorous and measurable standards, and higher expectations, for academic performance and student conduct, and that 4-year colleges and universities raise their requirements for admission. This will help students do their best educationally with challenging materials in an environment that supports learning and authentic accomplishment.⁵ ”

During the 1980s and 1990s, states across the country took up the challenge outlined in *A Nation at Risk* and increasingly tested students and used the scores to measure school performance. In 1989, President George H. W. Bush convened a conference of the nation’s governors in Charlottesville, Va., to discuss educational improvement. Measurement and accountability were both on the docket, and the next President of the United States was in the room. Both presidents Bush and Clinton pushed states for more measurement of schools and to think about how to hold schools accountable, but the support was rhetorical. Federal funding was never contingent on creating any such systems.

At the turn of the 21st Century, states had a hodgepodge of accountability systems. In a 2003 paper in the academic journal *Educational Evaluation and Policy Analysis*, Martin Carnoy and Susanna Loeb categorized state systems in terms of their repercussions for students and schools.⁶ In some states, like Iowa, the state required no standardized testing for students. In others, like Maine, some grades were required to administer tests (in Maine’s case in grades 4,8, and 11), but there were no requirements to do anything with them. States like Kansas had state requirements to test students in certain grades and publish school report cards with the information, but that was the extent of the requirements. Illinois was deemed to have a “moderate” level of repercussions, as low-performing schools could be put on “watch lists” or eventually be subject to state intervention after a sufficient period of underperformance. At the “strong” end of the spectrum, Texas required every school to test students in grades 3-8 and 10 and then prescribed a series of consequences for schools that didn’t meet performance targets.

If that regime sounds familiar, it is because the Governor of Texas, George W. Bush, was elected President in 2000 and brought Texas-style accountability to the nation in his first major piece of domestic legislation, No Child Left Behind (NCLB). NCLB set a target of 100 percent student proficiency in reading and math by the year 2014 and established a set of consequences for schools

and districts that did not make “adequate yearly progress” toward that goal. States had flexibility in how they defined and measured proficiency and the timeline that they wanted to follow to get to 100 percent proficiency and over time figured out ways to get around some of the harsher punishments that were slated to come into effect if schools did not meet targets for several years, but for the first time, there was across-the-board measurement of student performance and reporting of that performance.

President Obama initially built on the accountability systems of NCLB with Race to the Top, a competitive grant program included in the 2009 stimulus bill. In addition to school accountability, the Obama administration (with the support of major funders in education like the Gates Foundation) pushed to include teacher accountability, with states developing test-based teacher evaluation systems. In 2015, though, Congress passed, and President Obama signed, the Every Student Succeeds Act (ESSA), which wound down the federal role in accountability while still requiring states to maintain accountability systems. States now have much more flexibility in how they measure student progress and how they hold schools and districts to account for those scores. Perhaps more importantly, though, ESSA included provisions that for the first time would require districts to report spending at the school level. Prior to that legislation, districts were only required to report their spending at the district level, creating a massive black box that outsiders struggled to understand.

Two decades after the passage of No Child Left Behind, it’s a fair question to ask whether or not it worked. Deven Carlson of the University of Oklahoma penned an interesting summation in a working paper for the American Enterprise Institute. In it, he says that No Child Left Behind and the systems of accountability that it ushered in got three things right. First, NCLB shifted the focus of educational discussion from inputs to outputs. Second, it shined a light on the varying performance of different demographic subgroups.

And third, it forced states to develop robust data systems. At the same time, Carlson argues that the NCLB era made three key errors. First, the federal government set unrealistic expectations. Second, it encouraged a too-narrow focus on reading and math standardized test scores. And finally, it was too inflexible and one-size-fits-all for the American education system.⁷

It is true that some states have taken school accountability very seriously. Florida, for example, has provided letter grades for schools based on student performance for more than 25 years. Michigan has created an incredibly user-friendly website where anyone can find school performance data and compare schools within and across school districts. But these are the exception, not the rule. As a 2010 RAND Corporation report on NCLB put it, “The rigid and mechanical rules governing the timing and type of interventions applied to schools identified for improvement has led schools and districts to select the least severe and easiest interventions to implement.”⁸

This is important history to keep in mind. Huge efforts have been made from Washington, state capitols, and district offices to try and hold schools accountable to politicians and bureaucrats. Billions have been spent. Tens of millions of school children have passed through the system as these programs have been in effect. If schools have escaped accountability, it hasn't been due to a lack of effort on the part of policymakers. And yet escape accountability they have.

ARGUMENT #1:

Traditional public schools are not financially accountable to taxpayers

How much money does your local public school spend educating the children in its charge? One would think that this would be a simple question to answer. It is not. School spending is opaque and contested. Only a handful of people in a state truly understand the funding formula. There is

not agreement as to what counts when measuring school spending. Are we just talking about “current” spending, the operating expenses that a school pays every year? Do we include capital costs and debt service? How do we think about long-term obligations like contributions to teacher pensions? How do we depreciate assets like school buses? Do we do it over five years like some states do or 20 years like others? Different sources include different combinations of expenses when identifying how much a school spends.

These differences matter. Let's use an example of the largest school district in America, New York City. According to the U.S. Census Bureau, New York City Public Schools spends \$28,004 per student per year. This is the number usually reported in the media. It is the current expenditure figure, including things like salaries and wages and employee benefits. However, looking at a different tab in the same spreadsheet, the Census Bureau reports the total amount of revenue that the district receives. This is the total of the local, state, and federal dollars that are sent to the school district to spend, not just what is earmarked for particular purposes. That figure is \$33,788,513,000. If you divide that number by the total number of students (960,484, reported in the adjacent spreadsheet cell) you get \$35,179.⁹ So which one is it? \$28,000 or \$35,000?

But let's dig deeper. Those numbers are reported at the district level. Districts are made up of schools, and if we know that salaries and benefits make up the lion's share of school expenses, schools with more veteran teachers (who make more money due to their position on the district's step-and-lane pay scale) will spend more per student than those with more novice teachers. My colleagues at EdChoice have created an online tool called Project Nickel that allows users to drill down to the school level to identify building-level spending.¹⁰ We can look at four schools on the southern tip of the island of Manhattan: PS 130, PS 15, PS 142, and PS 134. All four schools are within walking distance of each other and yet spend wildly different amounts per student. PS 15 clocks in at \$40,986 per student. PS

134 spends \$34,243. PS 142 spends \$29,910, and PS 130 only spends \$21,195. Again, same district, same general geographic location, wildly different expenditures.

Project Nickel is only possible because of recent changes to school spending reporting requirements. Prior to the 2015 Every Student Succeeds Act (ESSA), spending was reported at the district level. Once it entered the district's coffers, it disappeared from view. ESSA, for the first time, required reporting of school spending at the school level. It has taken half a decade to get states and districts to actually report those numbers, and I have no doubt that they are rife with errors and omissions. In fact, I would be willing to wager that someone who knows more about New York school funding will take issue with my previous mentions of building-level spending in New York and point out what is or isn't accounted for in those figures, which will inadvertently make my point for me. There is little incentive for districts to get their reporting right, and it doesn't appear that the federal government is going to crack down on districts that either misreport or report spending figures in ways that make it difficult for average citizens to access them.

In fact, it can be argued that there is a disincentive to get the reporting right, as accurate reporting might cause parents, teachers, and taxpayers to ask tough questions. If schools are spending, on average, \$14,500 per pupil, and the average class size in America is 21 students, that is more than \$300,000 in revenue per classroom. Some folks might want to know why teachers are only getting a fraction of the funding that their classroom receives. The amount spent on salaries is much higher in some schools than in others, with more "desirable" schools spending more. Why is that? Is it because as teachers gain seniority, they have more say in where they teach and thus congregate in some schools and not others, exacerbating between-school inequality? People might want to know.

We cannot hold schools accountable for their spending if we don't know what they spend. And we don't know what they spend.

This culture of opacity has led to several pernicious falsehoods worming their way into the perception of public schooling. Perhaps the strangest fear I hear from public school teachers is that they are going to lose money if their students don't do well enough on state assessments. Television shows that have teachers as characters use the trope repeatedly. The problem, of course, is that it isn't true. States and districts in the United States do not base funding on year-to-year school performance. Now, it is true that a large portion of school funding comes from local property tax dollars, and better-performing schools can attract more families to want to live in their catchment area, driving up home prices and thus property tax revenue. And, as stated above, it is also true that more desirable schools can attract more veteran teachers, driving up the amount of money that is spent per student. But both of these phenomena are things that happen slowly over time, not because of a dip in a year's test scores.

Second, this opacity has led to a general public perception that schools spend less and teachers are paid less than they actually are. We at EdChoice ask respondents to our annual *Schooling in America* survey (a nationally representative poll of attitudes toward education) to estimate how much schools spend per pupil per year. In the 2020 iteration, the median respondent estimated that school spend \$4,000 per student, around a third of what they actually spend. Incredibly, school parents estimated the expense even lower, with the median response being only \$2,000 per student per year. In total, 80 percent of Americans and 82 percent of school parents underestimated how much schools spend. Not surprisingly, when we ask respondents if they think spending is too low, 52 percent believed that it is. When provided with the actual information about how much schools spend, the percentage saying that it is too low dropped to just 38 percent.¹¹

The same pattern holds for discussions of teacher salaries. EdChoice also polls a nationally representative sample of Americans every month, and we ask questions about teacher salaries. We ask respondents to estimate how much teachers make, and also ask them whether they think teacher salaries are too low. On average, respondents underestimate average teacher salaries by \$15,000 to \$20,000. In our June 2021 poll, the median response said that teachers make on average \$40,000 per year, when the true number at that time was \$57,282 (not including benefits). Throughout our polling, the percentage of Americans who think, unprompted, that teachers should get paid more has held steady between 60 percent and 65 percent. But when given the true numbers, that has consistently dropped by 15 to 20 points, taking it from a majority to a minority opinion.¹²

Third, schools, districts, and states are incentivized to classify their funding in ways that avoid public scrutiny. By shunting expenses into spending categories that don't "count" towards per-pupil expenditure calculations, they are able to artificially diminish the spending figures that are reported to the public. When that happens, school board members and, more importantly, voters do not get the full picture when evaluating how the school is performing. If you think a school is spending 75 or 80 percent of what it is actually spending, you might be more impressed with its performance than if you had the full picture.

Fourth, all of this is about to get even wilder as almost \$200 billion in federal funding arrives to districts from the three coronavirus relief bills. That represents thousands of dollars per student that will be used to purchase things and hire people. There does not appear to be a plan to track how that money is spent, let alone if there is any return on the investment. Is it actually going to things related to the pandemic? Will it be seen as a one-off (or three-off) source of revenue? Or will it become part of the baseline of school spending, showing massive "cuts" when the money runs out? Again, opacity and a strong incentive to try and maximize current

and future revenue should give us all pause when we think about where these dollars are going and how they are being accounted for.

And all of the preceding omits the stories, which are legion, of fraud by public school officials. A simple Google search will turn out dozens of examples, like when the Superintendent of the St. Joseph, Missouri School District lied about his salary to maximize his pension payout to the tune of almost \$700,000.¹³ Chicago Public Schools Superintendent Barbara Byrd-Bennett received federal prison time for receiving kickbacks in exchange for more than \$20 million in no-bid contracts.¹⁴ The story of Long Island superintendent Frank Tassone and assistant superintendent Pam Gluckin, who together embezzled more than \$10 million, was made into the 2019 movie "Bad Education" starring Hugh Jackman and Allison Janney.

But while scandals are salacious and entertaining, we should keep our eye on the ball. In the grand sweeping scheme of the American education system, all these examples are rounding errors compared to the potential for excess, waste, and ineffective expenditures that flow from a lack of financial accountability. And our schools are not held financially accountable.

ARGUMENT #2:

Traditional public schools are not democratically accountable to citizens

If trying to answer the question "how much does my local school spend" was too tough, how about a couple of easier ones. Can you name the President of the United States? How about your governor? The mayor of your town? OK, now for the hard one, can you name anyone on your local school board?

Local school boards are, according to the mythology that has grown up around them, small-d democratic institutions that answer to the community and ensure that schools reflect the

values and protect the interests of the local body politic. Whereas some reformers have wanted to hold schools “accountable” based on things like test scores or other metrics, school boards are supposed to hold schools accountable the good old-fashioned way, through elections. If schools are not doing what citizens want, they elect a new school board. That school board then oversees the schools, stewarding local tax dollars, hiring and firing key staff, drafting policies, adopting curricula, and approving schedules and calendars.

If you cannot name anyone on your local school board, you are not alone. And that fact—that most people don’t know who is on the school board, what the school board does, or even when to vote for school board members—is the best evidence that traditional public schools are not accountable to citizens.

School boards are opaque institutions because people do not show up to vote in school board elections. They are often held “off-cycle,” that is, on a different date than elections traditionally take place. While almost everyone knows that Election Day is a Tuesday in early November, school board elections are frequently held at seemingly random intervals, and at random times throughout the year. While the President, congresspeople, city councilors, and all the other elected officials in a state or city are elected on the same day, school board members frequently are not.

What does this look like in practice? Let’s head to Kansas City, Mo. The school board in Kansas City has seven members and controls a budget of more than \$350 million. The two most recent elections were held on April 2, 2019, (off-cycle in both the year and month, though to their credit it was a Tuesday) and April 6, 2021 (the same). Of the seven members, four were elected unopposed as they were the only person in their race to secure the necessary number of signatures to appear on the ballot. A fifth member did not receive enough signatures, but neither did anyone else, so she ran as a write-in candidate and was elected with 600

votes. Only two of the members had anything close to a competitive election, with one securing just over 1,800 votes in a victory and another winning with more than 8,300. (For a point of comparison, the 2019 Kansas City Council elections saw at-large members elected with anywhere from 30,000-50,000 votes and local members with between 6,000-7,000 votes). It is impossible to say that those elected officials represent the will or the interest of the people of Kansas City. The number of people who elected them couldn’t fill the lower bowl of Kauffman Stadium.

While Kansas City might be an extreme example, comparisons of voting turnout between school board elections and municipal elections held on-cycle show how non-representative school boards are of the community.

Off-cycle elections have consequences. In 2016, the Brookings Institution published a short article by political scientist Michael Hartney titled “Make education politics great again! Eliminate ‘off-cycle’ school board elections.”¹⁵ In it, Hartney pulls together existing data on off-cycle elections in America, noting that approximately 75 percent of school board elections are held off-cycle. He also summarizes the extant research literature on the topic:

- Off-cycle elections drive down turnout and increase the power of organized interest groups, as they can be the big fish in a small pond.
- When school boards want to pass bond levies, they will “manipulate” the dates of those elections in their favor.
- When Texas required districts to move their school board elections on cycle, the resulting boards were much less likely to give teachers’ unions what they wanted.

As Hartney points out, school board elections were historically held off-cycle to try and keep politics out of education. In the political machines of yesteryear, schools and school district central offices were prime places for patronage posts. Support the right mayoral or city council candidate and you might be rewarded with an assistant superintendent job with the school district. Progressive reformers did their best to thwart the power of the machines by making elections specific to education and on their own day, rather than rolled up into the existing electoral processes that the machines controlled.

This solution might have made sense 100 years ago, but, thankfully, political machines don't run our major cities anymore. Instead, by moving elections off-cycle, civic leaders have traded one massive unaccountable interest group for another. While the local political boss cannot put their cronies in power, the local teachers' union can. When turnout in elections is low, organized interest groups have a huge leg up. By simply getting their members out to vote, they have already secured a large bloc in the electorate. They only need to organize a few more people and they have enough to win the election. Once they have won, they have functionally elected their own bosses. The school board will be the ones who negotiate the teachers' contract and set their salaries. They will hire the superintendent who is supposed to be the teachers' manager. They will sit on both sides of the negotiating table.

The simple solution here is that school board elections should move on-cycle, but the fact that the simple solution has not been pursued in the vast majority of school districts points us to the real problem. Organized interest groups have outsized power in the decision-making processes of school districts. Teacher and administrator unions are able to call the shots to a degree that average citizens simply are not. As a result, simple, commonsense reforms that very few people outside of those interest groups disagree with do not happen, and schools are not democratically accountable to the citizenry.

As a brief coda, it is interesting to note that charter school boards are not selected in this way. Charter school board members aren't elected or appointed, they are made up of parents and community members selected by the other members of the schools' board. While they are by no means perfect, they are held accountable by the school's authorizer, who audits school board meeting, monitors school performance, and tracks spending. They can have their charter revoked for low academic performance or financial mismanagement. They seem to have found a way to hold schools accountable to the taxpayer and to parents without being captured in the same way that local school boards have. It is a model worth pondering.

ARGUMENT #3

Traditional public schools are not educationally accountable to students, parents, or anyone else for that matter

To keep up with the theme, I'll start this section with another question: What happens to a public school that receives consistently low standardized test scores? Does it lose funding? Does it get shut down? If you consume popular media or attend education events, you would think that schools live and die each year based on their standardized test scores. But you would be wrong. While states have created elaborate "accountability" systems for schools, and at times even for teachers, very few schools in practice ever actually receive any substantive penalties for low performance. School funding is not tied to test scores. Schools can underperform for decades and suffer functionally zero consequences. (The same is true for teachers; after all of the effort to create systems to better differentiate teachers performance, systems in Florida, Tennessee, and Michigan still rated 97, 98, and 98 percent of teacher proficient or better.¹⁶)

Let's walk through what a typical state accountability system looks like. The best source for how a state's accountability system works is the documentation it sends to the federal government to comply with the Every Student Succeeds Act. That piece of federal legislation requires states to administer school and district accountability systems but gives substantial flexibility in how states do so. States do, however, have to submit their accountability plan to the federal Department of Education for approval and must, at least in theory, create school performance report cards.

Indiana's plan is 178 pages long.¹⁷ Pages 33 to 67 detail how the state calculates school performance grades, identifies low-performing schools, and intervenes in them when necessary. It is tremendously complicated. The state tracks five indicators. They include a measure of Academic Achievement—student proficiency rates on the state's annual ISTEP reading and math exams in grades 3-8 and again in 10th grade. They also include a measure of Academic Growth—for grades 4-8 the progress toward proficiency is taken into account. For high schools, the Graduation Rate is included. For all schools, there is also a measure of English Language Proficiency—the percentage of English language learners who were either deemed proficient in English or met growth targets towards proficiency. And finally, there is a general School Quality indicator that is either the percentage of students who passed an AP or IB exam, earned an industry-recognized certification, or earned at least three college credit hours while in high school. For elementary grades, this indicator is related to chronic absenteeism.

Each of these subgroup grades is calculated based on formulae enumerated in the document, and those grades are then rolled up into a single grade for each school and district. For elementary schools, each of the academic subjects are worth 42.5 percent of the total grade, while the English Language Proficiency sub-score is worth 10 percent and the absenteeism score is worth 5 percent. For high schools, Academic Achievement is worth 15 percent, the Graduation Rate is worth 30 percent,

Academic Growth is worth 15 percent, School Quality measured by post-secondary indicators is worth 30 percent, and English Language Proficiency is worth 10 percent.

So, what do these grades mean? The state pledges to intervene in schools that average an F grade for at least three years. Such schools will receive grants and technical assistance to develop strategies to increase student performance. If, however, after four years (or really seven years, three to qualify and then four of continued F grades) schools still cannot improve their performance, the state can step in more forcefully and either merge the school with a better performing nearby school, assign a special management team to take over the school, allow the district to envelop the school in a transformation or innovation zone, or close the school.

It is worth looking concretely at a state's accountability plan because too often accountability is spoken about in vague and general terms. When the particulars are spelled out, a few things become clearer.

First is the arbitrary nature of all of this. What metrics are included and what aren't, what grades are tested and what aren't, and what each subgroup is weighted are not determined by some scientific process. While each of the individual metrics might be thought of as objective, how they are combined is entirely subjective. Why 42.5 percent? Why not 40 or 45 or 25 percent? There is no non-opinion-based answer to those questions. What's worse, those designing and implementing the system will always be able to change the weights or metrics to shape the outcome if they don't like what they see. If too many schools are identified as low-performing, they can give more weight to the easier categories.

That leads to the second important concern, the potential for jiggery pokery. The ability for schools and districts to pick and choose the metrics within the broader categories (like AP tests or IB scores or college credits or industry certifications) encourages schools to find whichever of those is

easiest to achieve and max them out. Similarly, weighting high school graduation rates, which might be the single easiest metric to game in all of education, so high for high school scores pushes schools to hand out caps and gowns and push kids across the stage. Allowing the use of measurements like “growth to proficiency” allows schools to look like they are demonstrating student growth, but as school accountability scholar Morgan Polikoff has argued “as measures of school performance there is no question these are not growth measures that approximate schools’ impacts.”¹⁸ In all of these cases, schools and districts are gaming the metrics or picking and choosing what will make them look best, preventing them from actually being held accountable.

Third and finally, recent policy changes and world events have rendered this toothless system something less than toothless (gumless or chinless perhaps). In March of 2020, when the grades for the 2018-19 school year were released, only two of Indiana’s 407 school districts received a D and two received an F, even though state-level results on reading and math assessments demonstrated that fewer than half of Indiana students were deemed proficient.¹⁹ But no matter, because in 2020, the legislature passed a new law granting a two-year reprieve for any consequences from the accountability system after the state changed some of its standardized tests and scores plummeted. It said that schools and districts could not receive a lower grade than they received before as a result of new scores (see: pokery, jiggery, above). This has been a common theme around the country as many states adopted the Common Core standards and new assessments aligned to them and was particularly acute in states that adopted the Common Core and then un-adopted the Common Core, causing schools to use three or more sets of standards and assessments in less than a decade. Not to be outdone, in 2021 the Indiana legislature went even farther, passing legislation that ends any state intervention in low-performing schools.

Taken together, state accountability systems like Indiana’s are much sound and fury, signifying nothing.

CONCLUSION

So organized interest groups elect their bosses who water down any measurement of their work and pocket the money that people don’t realize they are spending. Other than that, Mrs. Lincoln, how was the play?

This all matters to the broader conversation about what families and communities get out of the K-12 system in which they are investing. A purported lack of accountability is a common reason cited to oppose school choice programs. While the typical (and, once more with feeling, correct) response is to argue that schools of choice are held accountable by parents, it is also important to challenge the premise that public schools are actually accountable.

Now, a reasonable response to the preceding would be to say “OK, so why don’t we do more to make public schools actually accountable?” As I offer, doing things like moving school board elections on-cycle and promoting more transparency and standardization around school spending data are all good things to do. But accountability has been a cornerstone of the education reform movement for more than three decades. If, after all of this time, and all of the money that was spent, and all of the political capital that was expended, advocates cannot find a way to hold schools accountable through the bureaucracy of the school system, they probably aren’t ever going to be able to. It was a noble effort, but one that simply didn’t pan out. Perhaps this is simply a pendulum that is going to swing back, and the next iteration of school accountability is going to do better than the last. I’m deeply skeptical.

Perhaps a different regime is in order. By empowering families to choose where their children attend school, we could deputize millions of parents as school accountability officers.

By allowing more families to choose the schools that their children attend, we can see real democratic accountability. These schools will be more democratically accountable because they will reflect the wishes of the polity. Schools that parents want will grow and schools that they don't won't. Rather than trying to centrally plan a school system to meet the needs of a community, decision-making can be driven down to the level of the individual citizens and individual families who can start schools and attend schools that reflect their wishes rather. We can have a pluralistic system for a diverse polity.

By allowing more families to choose the schools that their children attend, we can see real academic accountability. Rather than collecting test scores once a year and reporting them back several months later, parents could get next to real-time feedback from their children every day. They could see what their children are reading and review the quizzes and tests that they are taking. They could gather more fine-grained detail than any federal-, state-, or district-level accountability system ever could. They could vote with their feet, attending schools that provide a quality education (defined by what characteristics and metrics they feel are most important) and leaving schools that aren't.

And, by allowing more families to choose the schools that their children attend, we can see real financial accountability. Across the country, states are creating Education Savings Account programs that put student school funding into flexible-use spending accounts that families control and can spend across a host of academic providers. Unlike traditional public schools, they have strong incentives to care about cost, as the more cost conscious they are, the more they can purchase with their ESA funding. They can make the tradeoffs between cost and quality with better information and a stronger motivation than someone not intimately involved in the decision making.

Even if advocating for a massive increase in school choice is a bridge too far for some, no one should accept the canards of school accountability. They aren't true. They haven't been true. They aren't going to be true any time soon.

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