

# *RESPONSES*

## RESULTS OR RETRENCHMENT: THE REAL RACE IN AMERICAN EDUCATIONAL REFORM

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Performance accountability and school finance adequacy are indeed promising reforms in American education. After all, the nation wants results. Its new rallying cry proclaims “no child left behind.” In principle, accountability and adequacy are ready-made for this task. Accountability establishes performance targets and organizes effort, focusing the vast educational enterprise on results; adequacy ensures resources sufficient to get the job done. Though they emerged separately, accountability and adequacy are logical complements and compelling in their marriage of public goals, constitutional obligations, governance structures, and educational resources.

Professors Liebman and Sabel<sup>1</sup> find an additional promise in these reforms. As their analysis astutely demonstrates, accountability and adequacy grow out of and contribute to new forms of collective action between courts, legislatures, administrative agencies, and citizens, entities now jointly engaged in the pursuit of student performance. Kentucky and Texas provide compelling examples of the emergence of these new relationships and their effects on educational governance and policy. Based on these cases, Liebman and Sabel expect the new accountability framework to trigger a “race to the top” regarding effective school reform and thus improved student performance. Experience compels another view.

### BROKEN PROMISES

The landscape of American public education is littered with the debris of once promising reforms. Even in the post-*Nation at Risk*<sup>2</sup> era of reform for results, states have adopted then abandoned numerous reform strategies. Consider the policy history. The early intensification strategy (longer school days and years, tougher graduation requirements, more homework): gone. Restructuring strategy (decentralization and professionalization): gone. School-linked social

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1. James S. Liebman & Charles F. Sabel, *A Public Laboratory Dewey Barely Imagined: The Emerging Model of School Governance and Legal Reform*, 28 N.Y.U. REV. L. & SOC. CHANGE 183 (2003).

2. See NAT’L COMM’N ON EXCELLENCE IN EDUC., *A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM* (1983).

service strategy: gone. Privatization strategy (contracting): losing luster, along with stock value. Market strategy (vouchers): nary a foothold. Even school finance equity, the dominant court-based educational reform dating from the 1960s, seems exhausted. The Alabama high court's contention that it would be possible for the state "to offer plaintiffs *equal* educational opportunity but still offer them virtually no opportunity at all"<sup>3</sup> signaled the inadequacy of interdistrict equity claims to address new public demands for educational results.

In each case, educational reform suffered two fundamental problems: weak theories, that is, the logic connecting interventions to results, and incomplete designs, which leave to chance some of the changes that are necessary for a reform to achieve results. Of course, the policy artifacts of all these reform strategies persist; it is the public commitment and hope that receded.

### REFORM AND RETRENCHMENT

The pattern underlying these reform cycles is remarkably consistent: in the face of a persistent problem, a new solution appears, elected officials adopt a policy, results fall short of expectations, and political commitment abates, swinging to the next promising solution. If results materialize before political commitment wanes, the reform "succeeds." If not, it "fails."

In this context, the real race in American educational reform runs between results and retrenchment. The political coalitions that enact policies require results in order to sustain them, but results are hard to achieve in the face of weak theory or incomplete design, not to mention the value conflicts and resource competition that strain reform coalitions, and the quality of implementation that determines a policy's practical effects.

This real race has produced few successes, almost none to scale, but it has fostered a culture of rational resistance among practitioners. Short reform cycles have taught them that if they resist implementation until the next election, the demand for change often disappears. One question implicit in Liebman and Sabel's analysis is whether accountability and adequacy can escape this cycle.

### THREATS TO REFORM

Promising reforms share five attributes. They reflect salient values, sound theory, and coherent design. They are feasible, and they demonstrate their utility in practice, gathering a constituency that looks after them. Accountability and adequacy do not uniformly measure up well against these criteria, at least not yet.

Certainly accountability and adequacy reflect today's dominant values regarding student performance. Both clearly affirm student performance as the principal goal of public schooling. State accountability systems typically anchor

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3. Ala. Coalition for Equity v. Hunt, 624 So. 2d 107, 151 (Ala. 1993).

student performance in reading, math, and other test scores. Courts have defined adequacy in terms of academic accomplishments or capacities, as in Kentucky's influential *Rose*<sup>4</sup> decision. In terms of core values, both reforms are on target.

Accountability also rests on a plausible theory of action, indicating how incentives, accounts, and consequences can, in the language of principal-agent theory, induce agents to act diligently while also enabling principals to know the results and to respond accordingly.

However, adequacy's theory of action says little more than that resources should be sufficient to accomplish the student performance that states desire. The legal theory establishes new constitutional obligations, but adequacy suits have yet to produce a clear, justiciable standard that enables courts to know adequacy when they see it. Ohio's multiple rounds of litigation and legislation demonstrate the difficulties of designing school systems that are adequate. Legal and policy experiences there and in New York highlight the tough conceptual and practical issues that await Liebman and Sabel's new publics.

Moreover, neither accountability nor adequacy is particularly well designed. Accountability systems suffer from principal-agent ambiguity, contested standards, rudimentary accounts, weak technology (that is, tests unable to do the job), difficulty assigning responsibility for results, and conflicts between internal and external (to schools) accountability expectations, all of which limit the reform's practical problem-solving utility and any one of which threatens its viability. In this regard, accountability's complex, multi-part systems operate more like automobile engines, where one part out of whack can stop the whole enterprise.

Similarly, analysts have not yet developed a technology that can accurately determine the cost of adequacy. The four methods advanced so far—statistical analysis, empirical observation, professional judgment, and comprehensive reform proxies—suffer important methodological weaknesses.

Just as important, the cost of adequacy depends on the efficiency of the educational system it supports. An efficient system, one that systematically uses resources to support student performance, would reap more benefits from a fixed dollar amount than would an inefficient system. Without knowing how and why school systems use their money as they do, policymakers cannot confidently determine the cost of adequacy, even with good technology. Thus, while adequacy links school finance with student performance conceptually, it does not offer a means to secure that linkage in policy or practice. It demands it but does not deliver it. No delivery means no results, and no results foreshadow policy retrenchment.

Are these reforms feasible? At some level, yes. Almost all states now tout educational standards, and many states have enacted explicit accountability systems—some better, some “tougher” than others. Texas and Kentucky operate

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4. *Rose v. Council For Better Educ.*, 790 S.W.2d 186 (Ky. 1989).

nationally recognized examples, and the federal No Child Left Behind Act of 2001<sup>5</sup> (NCLB) made accountability the law of the land. However, these broad policy developments shed little light on the nature of the nation's long-term commitment to accountability. Importantly, feasibility is a function of policy language and context—the devil in the details—and the contentious politics of accountability and school funding nationwide demonstrate that this devil is alive and well.

#### CRACKS IN THE EDIFICE

Twenty years of experience in education with reform for results demonstrates all too well that policy commitment is also a function of post-enactment perceptions; results, yes, but also policy's reception in the field and its ability to solve problems. In this regard, early analyses already indicate trouble for accountability.

A 2003 *New York Times* analysis chronicled the experience of an Arizona school in which mostly poor and immigrant students learn at grade level, but where NCLB sees only failure.<sup>6</sup> In 2002 a Washington State official announced that under NCLB ninety-seven percent of the state's schools will need improvement.<sup>7</sup> Such occurrences threaten the political support needed to sustain reform.

What will happen when states deny high school diplomas to seniors who fail a high-stakes test? What will happen when education supporters attempt to substitute a technical definition of adequate school funding for the political process that exists now, leaving other state interests to bargain over the remainder? Aroused stakeholders will threaten reform, presaging retrenchment.

#### EDUCATIONAL REFORM IN AN ERA OF "NEW PUBLICS"

If accountability and adequacy promise to enter the states in a race to the top of educational reform, their success depends on two things. First, federal and state governments need time to develop the coherence and fairness of their accountability systems. Second, public education needs a new framework for school finance, one able to equate resources and performance while encompassing ongoing concerns regarding equity and adequacy. That framework likely will rely on notions of resource allocation and utilization, the procedures and applications that make money matter. Without time and additional investments that get to the core of how results will be achieved, the new publics that put these reforms on the table will not forestall the inevitable retrenchment of policy commitment. Electoral cycles and policy entrepreneurs must give way to longer

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5. Pub. L. No. 107-110, 115 Stat. 1425 (2001).

6. Michael Winerip, *Defining Success in Narrow Terms*, N.Y. TIMES, Feb. 19, 2003, at B7.

7. Gregory Roberts, *Schools failing federal test; could lose millions in aid*, SEATTLE POST-INTELLIGENCER, Nov. 28, 2002, available at [http://seattlepi.nwsourc.com/local/97662\\_schools28.shtml](http://seattlepi.nwsourc.com/local/97662_schools28.shtml).

time horizons and coalitions that manage educational reform differently.

The promise of Liebman and Sabel's new publics, therefore, lies in their ability to lengthen the race, providing more time for the collaboration they represent to develop complete and coherent policy designs, change behavior, and influence performance; and in their ability to compel investments in capacity. If the new publics in educational reform accomplish these tasks, results may indeed surpass retrenchment in the race for educational reform.

#### NEW MANAGEMENT FOR EDUCATIONAL REFORM

How might the new publics accomplish these tasks? Kentucky's experience is telling. The Kentucky Education Reform Act of 1990<sup>8</sup> (KERA) represents the nation's longest-running, comprehensive school reform program. That it remains in play today is no happenstance. KERA has survived challenges regarding outcomes-based education, test validity, school council authority, primary program implementation, and accountability structure. It has survived election cycles and changes in legislative and executive leadership. It has outlasted the uncertain and stressful business of translating ambitious policies into practice. And, not to forget, before KERA could survive any such challenge, it had to be enacted.

Kentucky has managed this record of reform persistence in large part because of the Prichard Committee for Academic Excellence, a volunteer, non-partisan citizens organization dedicated to improving public education; and a critical case of Liebman and Sabel's new publics. In effect, the Prichard Committee represents a new partnership in state and local policy arenas, a citizens' voice that changed the politics of educational reform, allowing KERA to emerge, evolve, and improve school performance. The question for would-be new publics elsewhere is, How?

The Prichard Committee's influence resides, first, in its organization of resources. It maintains extensive contacts with state and local agencies, education associations, business groups, service clubs, and media. It organizes local affiliates, influences board and committee nominations, brokers expertise, and serves as a training ground for future elected officials.

Second, the Prichard Committee communicates aggressively through public outlets and behind the scenes, reaching popular and policy audiences, pressuring politicians, encouraging community involvement, and building citizen capacity to ask informed questions.

Third, the committee operates at the level of principle, for instance, calling for more resources but not arguing for particular taxes. It similarly eschews electoral politics, maintains a bipartisan membership, and avoids polarizing issues such as school prayer.

Finally, it promotes the big picture, constantly reminding the public why

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8. Kentucky Education Reform Act, ch. 476, 1990 Ky. Acts 1208 (codified as amended at KY. REV. STAT. ANN. §§ 156-163 and scattered sections (Michie 1999)).

reform is needed, that it takes time, and that citizen and business involvement is essential to success.

These practices have enabled the Prichard Committee to connect and to influence the top and bottom of educational policymaking. Its partnerships have mitigated the divisiveness and single-issue orientation of traditional interest-group politics, allowing KERA to change but not to veer far from its original intent. Granted, Kentucky's race is not over, but its reform is still in the running.

The Prichard Committee's work does not represent an educational reform strategy; that claim falls to accountability, adequacy, and other policy interventions. It does, however, represent a new management for educational reform, one that enables policy refinements within a coherent public commitment to student performance. As such, it illustrates the practical value of Liebman and Sabel's new publics and demonstrates that success depends as much on how we manage the process as it does on the attributes of policy.