

# Toward a Framework for Public Accountability in Education Reform

Ethan Hutt<sup>1</sup>  and Morgan S. Polikoff<sup>2</sup>

Public accountability through information disclosure is a pillar of modern education reform efforts. Despite the ubiquity of this approach, we argue that public accountability in education is undertheorized and often predictably unlikely to achieve its intended policy goals. Drawing on examples from an equity-oriented court case in California and the literatures on democratic engagement and parent use of school performance data, we propose a framework for thinking about the design of public accountability systems in education. The framework could provide guidance for policymakers considering new efforts at improving schools through the production and dissemination of educational data.

**Keywords:** accountability; educational policy; educational reform; governance; historical analysis; law/legal; policy analysis

## Introduction: The Theory of Public Accountability Through Mandatory Disclosure

In 2004, in the early days of No Child Left Behind (NCLB), Secretary of Education Rod Paige declared, “There is no more powerful advocate for children than a parent armed with information and options” (U.S. Department of Education, 2004, p. 71). A decade later, amid calls for parents to undermine this policy by having their children “opt-out” of annual testing, the nation’s leading civil rights groups issued a joint statement decrying such efforts, stating, “For the civil rights community, data provide the power to advocate for greater equality under the law. . . . And we rely on the consistent, accurate, and reliable data . . . to advocate for better lives and outcomes for our children” (“We Oppose Anti-Testing Efforts,” 2015). While operating under different theories of change and with different models of advocacy—one individual, one collective—both statements share a common idea that information—“school data”—is the cornerstone of these efforts.

Ideas about collecting and disseminating information about schools are, of course, very old. It was the primary responsibility given to the Department of Education when it was first founded in 1867 (Warren, 1974). But the idea of disseminating particular information to the public as a feature of specific policies and as a means of securing specific policy ends is of much more recent vintage. Indeed, among the many defining features of NCLB

was its requirements that a variety of information be regularly provided to the public in particular ways—not just aggregate test scores but scores disaggregated by particular groups of interest.

Although NCLB was built on a multipronged approach to ensuring all students achieved at grade level, many other policies rely more explicitly on the idea that requiring information to be disclosed to the public, on its own, will help secure school improvement. For instance, the Every Student Succeeds Act (ESSA) replaced NCLB’s “highly qualified teacher” requirement with a rule requiring Title I schools to notify parents of their right to request information concerning the professional qualifications of their child’s teacher as well as their right to be informed if an unqualified teacher instructs their child for more than 4 consecutive weeks (ESSA, Sec. 1112(e)(1)(B)(ii)). Likewise, state lawmakers nationwide have created public-facing “dashboards” aimed, in the words of California’s newly redesigned site, at “provid[ing] parents and educators with meaningful information on school and district progress so they can participate in decisions to improve student learning” (<https://www.caschooldashboard.org/>) (see Polikoff et al., 2018). The Department of Education’s “College Scorecard” similarly leveraged mandatory data reporting to produce an online interface

<sup>1</sup>University of North Carolina at Chapel Hill, Chapel Hill, NC

<sup>2</sup>University of Southern California, Los Angeles, CA

“designed to increase transparency” thereby “putting the power in the hands of students and families” (<https://collegescorecard.ed.gov/assets/FullDataDocumentation.pdf>) and creating a mechanism beyond accreditation for holding schools accountable for their outcomes (Klasik & Hutt, 2019).

Though different in their policy aims, in each of these cases, the disclosure of information—either in lieu of or distinct from—explicit government sanction is intended to secure a desired change. We call this basic policy approach “public accountability” (e.g., Bovens et al., 2014). Specifically, public accountability refers to the dynamic in which the government produces and discloses information about its operations (in this case the operation of schools), and the public—either as individuals or collectives—uses that information to monitor, advocate for, and, ideally, secure desired change.

In our use, public accountability is distinct from other forms of accountability such as consequential or high-stakes accountability in which disclosed data that meets a specific threshold *automatically* triggers a prespecified government response. We recognize that many laws incorporate multiple theories of change and, in doing so, pair public accountability with other forms of accountability. Even so, we highlight and analyze public accountability here because we think it is important to understand its distinct potential and contributions to fulfilling our policy goals. This is true, in part, because policy debates often turn on striking the proper balance between different forms of accountability, as in recent debates, for instance, about continuing testing requirements but removing the high stakes. But also because there is often a distinct preference for a public accountability approach because its softer touch is often seen as a way to secure a desired policy outcome while avoiding the heavy hand of a government mandate. Indeed, as we note above, many education policies rely exclusively on the theory that disclosing relevant information to the public about a desired policy outcome—test scores, graduation rates, school climate—will help secure that outcome.

This belief in the accountability potential of information disclosure is hardly unique to education policy. Whether it is the required presentation of nutrition facts, lending fees, or health care treatment outcomes, the belief that mandatory disclosure will better inform decisionmakers, improve the operation of government and private business, and secure more optimal social outcomes has made it a central tool of modern American governance (Ben-Shahar & Schneider, 2014; Graham, 2002; Noveck, 2017).

As mandatory disclosure has become the focus of thousands of laws and regulations nationwide, scholars in many fields have begun to raise questions about the underlying theories and effectiveness of achieving public accountability through information production. These critics argue that disclosure policies fail to produce public accountability because they have an undertheorized view of the state’s operation and capacity for change (Fenster, 2017; Schudson, 2015); misperceive the value of information in people’s decision-making (Ben-Shahar & Schneider, 2014; Loewenstein et al., 2011); overestimate the relationship between information and political action (Ruppert, 2015); and reflect a distinct ideological preference for the preservation of

individual choice and limited, nondirect forms of government (Fenster, 2017; Pozen, 2018). For many, the sum total of these concerns is captured in the opening line of a recent book on the subject: “‘Mandated disclosure’ may be the most common and least successful regulatory technique in American law” (Ben-Shahar & Schneider, 2014, p. 3).

Despite the serious questions being raised in other fields about the limits of policy centered on mandated disclosure, we do not think this message has been fully internalized in education policy debates. Amid calls for more and better school data and a lighter governmental touch, we think it is important to think more deeply about when and how school information produces the hypothesized public accountability effects. This requires thinking about the multiple ways in which public accountability might secure its desired ends. For instance, requiring a school to release information to the public might, if the information is used at all, spur organizations to self-improvement; it might galvanize a community to press administrators or elected officials for change; or it might inform a family’s private decision to sign a lease for one apartment over another. In each case, the information is used in different ways “to hold the system accountable” and with different implications for the future operation of schools. In addition to thinking about how the information is used, we must also consider where the benefits of these efforts are likely to accrue (e.g., to individuals, the general public, both, or neither).

In this article, we develop a framework aimed at bringing more analytic clarity to the possibilities of public accountability by examining policies involving the production and dissemination of information about schools. We do this first by analyzing a lesser-known but nevertheless archetypal example of mandated disclosure in the service of public accountability: the California legislation that settled the *Williams v. California* (No. 312236 California Superior Court, filed May 17, 2000; settled Aug. 13, 2004) lawsuit. Unlike many examples of public accountability that become intertwined with other theories of school reform, or become watered down in the process of legislative compromise, this case offers an unadulterated test of the theory in action: To ensure the state provided all students with an opportunity to learn, each district was required to publish a list of textbooks in use, verify that there were sufficient quantities for all students to have a copy, and implement a uniform complaint procedure to address any access issues revealed by the published lists. As the accepted settlement to ongoing litigation, these laws reflected the plaintiffs’ (and their well-regarded experts’) theory of how to secure change: either the threat of having to disclose a lack of sufficient state-aligned materials would cause districts to preemptively address the issue or the disclosure of inadequate materials, combined with the built-in procedural remedy, would ensure districts addressed the problem (Koski, 2007). Indeed, the settlement was hailed at the time as securing a monumental victory for the students of California (Lockard, 2005). Despite these hopes, our empirical investigation reveals that, a decade later, the reality fell short of the theory. In particular, our work highlights the challenge in providing accurate, uniform information; in developing a constituency for that information; and in securing change in response to the required disclosures.

Having used the *Williams* example to tease out some of the underconsidered aspects of disclosure and public accountability, in the second section of the article we put these results in the context of the growing literatures on democratic engagement in schools and on parental use of school data. The results of these literatures, we argue, help us set expectations around the likelihood of specific aspects of public accountability theory. This evidence suggests that we need to be more cautious in our assumptions about how information is produced and used in practice, especially considering that data could well be used by parents in ways that exacerbate existing inequalities. To help recalibrate expectations and spur reflection about more and less productive uses of public accountability, in the third section we provide a framework that considers the issue in terms of (a) How likely is the disclosed information to be used by the intended audience? and (b) Where are the benefits of the use of this information most likely to accrue?

That the answers to these questions fall on a continuum underscores an essential aspect of this inquiry. Though we believe many education policies have been overly optimistic in the changes that can be secured through data releases, our aim is not to argue categorically in favor of more or less information disclosure. Indeed, one challenge in providing this kind of assessment is the risk of being interpreted as being against data or, worse, against transparency or open government. Nothing we say should be understood as supporting such a view. That said, we do think that in too many cases the potential of public accountability has been oversold. Even in cases, like *Williams*, in which people were cognizant of the difficulty of political action and created a structural mechanism to facilitate it, advocates miscalibrated the potential for change. Fully recognizing the potential of public accountability but also the many instances in which it has fallen short, we turn to thinking carefully about the likely dynamics and beneficiaries of its use.

### **Public Accountability for Resource Adequacy: The Failures of *Williams v. California***

In 2000, a lawsuit was filed in California on behalf of students from San Francisco Unified School District, alleging that the state had failed in its responsibility to ensure that all schools possessed basic educational necessities—including access to qualified teachers, sufficient textbooks, and decent facilities—and therefore had deprived students of their constitutional right to fundamentally equal learning opportunities (Chung, 2013). The result of this lawsuit—*Williams v. California*—was a settlement agreement leading to legislation, enacted in 2007, that addressed the insufficiencies described by the plaintiffs.<sup>1</sup>

The settlement legislation was hailed not only as a win for California's students but as a major advance in litigation strategies to secure educational opportunity for all students (Chung, 2013; Koski, 2007; Lockard, 2005). The basis for this praise was the settlement's enshrining in law a theory of public accountability: Districts are now required to disclose for public inspection information about textbook access. Specifically, districts are required to publish annually on the state's School Accountability Report Card (SARC) website the title and adoption year of each textbook in use in their schools and report what percentage of

students do not have access to their own copy of the textbook (in our examination of these data, no school across 4 years indicated any students did not have access to textbooks). To reduce the effort required to go from informational access to organizational response, the settlement established a uniform complaint procedure for parents that mandated a district response within 30 days of any filed complaint. Observers specifically identified these "monitoring and reciprocal accountability" systems as key features of the settlement statutes, arguing that the compelled transparency they create would spur districts to correct problems in order to avoid public outcry (Koski, 2007). In the intervening decade, the American Civil Liberties Union (ACLU) has cited them as of "unequivocal value" in securing improved opportunities for disadvantaged children attending California's low-performing schools—textbook insufficiencies have indeed decreased from 15% to 5% in that time (Chung, 2013, p. 12, 17).<sup>2</sup>

Given this record and reputation, we sought to use this newly disclosed information as part of a broader study of textbook adoption and equal educational opportunity. We downloaded the SARC for each school, copied the textbook title and adoption year into a database, and then used a comprehensive list of all known K–8 mathematics textbooks to assign a numerical code to each listed textbook. We assumed that we would be able to use this procedure to create a comprehensive picture of textbook adoption in the state. Instead, and despite schools being required to report this information for more than a decade, we encountered a series of issues concerning the accuracy and utility of the data reported—issues that raise fundamental questions about how the theory of public accountability plays out in practice.<sup>3</sup>

The first challenge we encountered was the lack of standardization in the data reporting system. Approximately 20% of schools use a standard SARC template, such that the textbook data is reported in a consistent format and maintained in a state database that can be obtained upon request. The lack of a required, standardized SARC format, however, resulted in a majority of school districts reporting their information in idiosyncratic portable document format (PDF) styles. Collecting and cleaning textbook data for our analysis required well over 1,000 hours of effort for a single year's SARCs. The clutter of different information and formats for such seemingly straightforward data as textbook titles offers a strong case for the requirement in most mandatory disclosure systems that the information be presented in a standardized way.

Though a standardized format would have obviated some of these challenges, it would not have addressed issues with the accuracy of the data itself. Data accuracy is a common problem in disclosure regimes (Ben-Shahar & Schneider, 2014), and it clearly was an issue in our data. Nearly 7% of California schools did not provide *any* textbook information in K–8 mathematics on the 2014–2015 SARC. Some of these schools did not have a SARC at all posted anywhere online; others published a SARC but violated the textbook disclosure requirement by omitting that section completely. Still others included the textbook section but undermined the external accountability spirit of the disclosure rule by substituting the actual textbook title with a statement that the materials were "adequate" (though opaque, this approach is legal). For any of these approximately 500 schools, the lack of

textbook information in the SARC means there can be no public accountability concerning textbook access.

In addition to outright missing data, there were numerous data problems with the information reported by many schools—problems that make determining textbook adequacy difficult if not impossible. For instance, California schools managed to report on their SARCs the same textbook (*enVision Math*) under 145 unique titles. Numerous other schools reported not the textbook title but the publisher name and sometimes the adoption year, making it difficult, and sometimes impossible, to determine from the reported data which textbook is used. Approximately 14% of schools have at least one mathematics textbook that is not identifiable because of this type of problem.

The large majority of schools in the state are affected by one of these data availability or data quality issues: Only approximately 25% of schools listed all their mathematics textbooks clearly enough that they require no guesswork to interpret them.

Although it is clear that a set of well-designed standardized forms and accurately populated dropdown menus would have eliminated many of the data issues we identified, these errors speak to more than just the considerable work necessary for disclosing even straightforward information. First, the extent of the errors and missing data raise serious questions about the theory that the fear of disclosure induces self-correction. A decade on, districts clearly did not fear that reporting inaccurate information—or no information—would produce a public backlash. The ease with which textbook titles could be obtained and reported make it hard to reach any conclusion other than that these districts were not motivated by a desire to avoid putting out unflattering information and instead believed their noncompliance was likely to escape public notice.

Second, the extent of noncompliance also seems to undercut the argument that there was ever a public that was monitoring, let alone using, the disclosed data. Advocates of public accountability, and data disclosure more generally, often engage in a *Field of Dreams*-type argument—if you release it, they will come—about the relationship between data release and its public audience. Indeed, scholars of public accountability have argued that information disclosure actually produces “new publics” (Liebman & Sabel, 2003) or “data publics” (Ruppert, 2015)—essentially interest groups that form around newly available information and develop a stake in its accuracy and continued production. The *Williams* settlement framework was expressly designed to reduce the effort necessary for these new “data publics” to use the released information (Koski, 2007, pp. 17, 40–44): The laws created a complaint procedure designed to facilitate public pressure stemming from any disclosed deficiencies.

Although one might be inclined to excuse the data issues we found—missing and misreported data exists in all public datasets—we found no evidence that the theorized political “demand side” public ever materialized in practice. We tested this aspect of the theory by collecting the four quarterly complaint summaries from the 2014–2015 school year for the 25 districts with the largest number of schools with missing data on their SARCs. These reports revealed that 19 (76%) of these districts received no textbook complaints during this time despite the missing data. The other six had at least one registered complaint, but

each was reported as resolved, although the resolution does not appear to have resulted in corrective action (i.e., the individual complaint may have been resolved but the district-wide data errors remained). These findings are consistent with concerns raised in the wake of the settlement that parents were not using the complaint procedure (Koski, 2007, p. 43) and with a general decline in the number of complaints within the last several years (Chung, 2013, p. 55). Given that 2014–2015 was a period of major curricular transition for the state of California, we take this as evidence that the assumed audience for this data never materialized and it never exerted the kind of oversight that would ensure the accuracy of the information provided.

## Democratic Engagement and Private Action

Considering these statutes were enacted in direct response to a litigation victory and endorsed by advocates and scholars who sought increased educational opportunity for the children of California, we think these findings are disappointing news not only for the *Williams* settlement but, more significantly, for the theory of public accountability it embodied. Though we believe *Williams* is a particularly instructive example of the underlying reform theory, we acknowledge that this is but one reform among many that has tried to leverage information to secure improved educational outcomes. It is important, therefore, to situate this case in two larger literatures that investigate aspects of the public accountability theory through other means. The first considers the literature on district-level democratic engagement. The second considers policies designed to produce information intended primarily to facilitate private decision-making. The juxtaposition of these literatures helps clarify what we know about how these mechanisms work in practice and allows for further refinement of reform theories that posit information as the catalyst for school reform.

### *The Failure of Democratic Engagement*

There is both a long history of democratic participation in local schools and a long list of theories about how to secure it. Our goal here is not a comprehensive review of that literature but rather to help calibrate our expectations about the likelihood of disclosures leading to public accountability by considering reforms expressly designed to facilitate democratic engagement. We recognize, of course, that many political mobilizations occur organically in response to specific, often controversial policies. Our interest, though, is in the success of policies specifically intended to facilitate public engagement and political involvement through policy.

One such effort was the district decentralization movement of the 1980s—a massive structural reform pursued by districts nationwide. Drawing on a reform narrative that posited the bureaucratic school system as inefficient, out of touch, and unresponsive, the decentralization movement sought to reform the basic governance structure of school districts by devolving decision-making authority away from district administrators and toward neighborhood councils (e.g., Hannaway & Carnoy, 1993; Rury & Mirel, 1997). By moving power closer to school-level actors,

decentralization was supposed to empower not only teachers and school administrators but also parents and community members. Indeed, many of the decentralization efforts resulted in the creation of school-based councils specifically designed to facilitate and (structurally) secure parental involvement.

Putting aside that these decentralization efforts were subject to political reversal before the full benefits might be reaped, the results of district decentralization were disappointing. For instance, in the most detailed case studies conducted on the issue, researchers studying Salt Lake City concluded that “despite the existence of highly favorable structural arrangements . . . parents did not wield significant influence on significant issues in [site-based governance council] arenas” (Malen & Ogawa, 1988, p. 252). Likewise in Chicago, where decentralization was preceded by arguably more local activism than anywhere else in the country, only a little more than a quarter of schools took advantage of decentralization, and these schools tended to serve more middle- and upper-class students (Bryk et al., 1998; Hess, 1994). Although researchers can debate the extent and significance of various forms of participation stemming from decentralization reform, there is widespread agreement that its key underlying premise—that increased democratization would improve student achievement—remained unfulfilled (e.g., Briggs & Wohlstetter, 2003; Leithwood & Menzies, 1998).

Though decentralization fell out of favor for a time, states like California have recently redoubled efforts to increase democratic participation through structural reform. In 2013, California passed a law requiring local districts to engage parents and local stakeholders in developing a Local Control Accountability Plan (LCAP). The law mandates districts “seek parent input in making decisions for the school district and each individual school site” (California Code Section 52060 (d)(3)(A)) by requiring the district to present its LCAP for review and comment by three different groups prior to adoption: the parent advisory committee, the English Learner parent advisory committee, and to the public-at-large (California Code 52062 (a)(1)-(4)).

Despite the innovative design and the mandate for democratic participation, a comprehensive study of the implementation of the law across 10 districts found that “consistent with past studies . . . even when district leaders embrace the notion of broad and/or deep community engagement, achieving this vision may be challenging, if not elusive” (Marsh & Hall, 2018, pp. 274–275). In particular, the study noted, also consistent with prior studies, that rates of participation were low and generally unrepresentative of the community as a whole and that engagement was “shallow” and rarely addressed the “core technology of districts.” In short, the overwhelming message of recent research on LCAP is consistent with the idea that securing democratic participation, even when mandated, is challenging and unlikely to result in substantive reform.

None of this is to imply that democratic participation is not and should not be a key part of our school system and an explicit goal of school reform efforts. For all the obstacles to authentic participation in local reform (Anderson, 1998), local school boards remain important sites of democratic participation, deliberation, and collective meaning-making (e.g., Asen, 2015). Even as mayoral control over schools threatens the traditional

direct democratic responsiveness of local school boards, many argue that these developments reflect a desire for greater electoral accountability (e.g., Kirst & Bulkley, 2000). But although democratic participation is a clear normative good, these studies of deliberate attempts to increase democratic participation provide important context for considering the prevailing belief that non-disclosed information is the limiting factor—or even *a* limiting factor—in improving student outcomes. Rather than assume that there is a public awaiting the release of information to spring into action, this literature might suggest that we start with the *opposite* assumption: that democratic participation is unlikely to occur and less likely still to result in meaningful change.

### *The Leveraging of Public Information for Private Gain*

If the evidence suggests it is difficult to secure public accountability through political, democratic means, the evidence seems equally clear that publicly disclosed information about schools has been consistently and successfully leveraged for private gain. By private gain, we simply mean that the information is being used to inform decisions families make on behalf of themselves and their children. Following the design of markets in other contexts that emphasize access to information as fundamental to their operation (e.g., Brandeis, 1914), proponents have argued that schools should be subjected to market pressures via policies that provide families with information and empower them to select their own schools. In many formulations, this theory is framed as expressly antithetical to traditional forms of democratic, public control (e.g., Chubb & Moe, 1990, p. 216). Proponents argue that private choices, guided by disclosed information about school performance, allow individual families to best serve the interests of their children. These choices, in turn, benefit the broader public by subjecting all schools to the competitive market pressures with some arguing that even a small number of well-informed choices can produce a public benefit (M. Schneider et al., 2000).

This market logic has been applied throughout the American education system, and as a result, evidence has begun to accumulate that suggests that these policies may have democratized access to information and choice but in ways that often exacerbated inequality and produced only limited accountability. For instance, the Obama administration made its signature higher education achievement the creation of a consumer-facing “College Scorecard” designed to give students “access to the information needed to make the best possible choice about college” (<https://www.ed.gov/news/press-releases/fact-sheet-obama-administration-announces-release-new-scorecard-data>). A study of the effects of this newly available information on student application behavior, however, shows that its effects were limited almost entirely to changes in the behavior of well-resourced students (Hurwitz & Smith, 2018).

This finding in the context of higher education information parallels those in the K–12 literature. Polling data from California indicates that the most affluent voters were five times as likely to say they had visited the state’s new school dashboard than the least affluent (Polikoff, 2019). Evidence from across the country indicates that families’ race and socioeconomic status structures

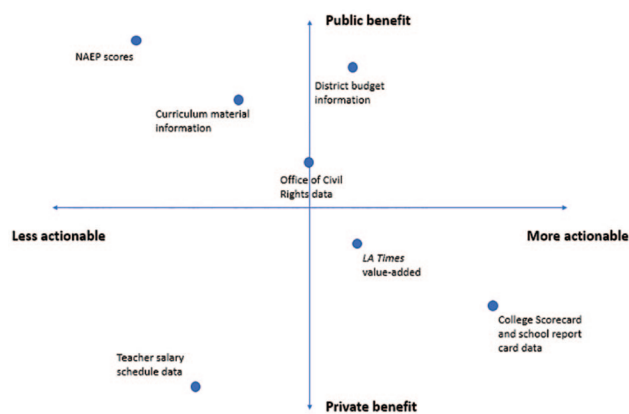


FIGURE 1. *A framework for assessing the public value of mandatory disclosure.*

and constrains their use of information in selecting schools (e.g., Cucchiara, 2013; Phillipppo & Griffin, 2016; Roda & Wells, 2013; Sattin-Bajaj, 2015). The evidence suggests not only that parents use publicly available information differently, but that the value of the information is amplified by families' existing sources of social and cultural capital—with some scholars going so far as to suggest advantaged families are engaged in deliberate strategies of “opportunity hoarding” (Sattin-Bajaj & Roda, 2018). Even explicit attempts to intervene in the availability and use of information do not reduce the inequality produced by choice as advantaged families benefited more from the intervention than disadvantaged families (Corcoran et al., 2018). Perhaps most troublesome for the theory that the public benefits from private choices because they reveal and reward the most effective schools is new evidence that suggests families select schools based on desired characteristics of a school's student population rather than on school effectiveness (Abdulkadiroglu et al., 2017).

In addition to being used to further decision-making directly by education consumers, there is a consistent and compelling body of evidence that indicates district and school information disclosures drive decision-making in other private markets. Researchers have found that both school report card grades issued by the state and school test score performance get reflected in home real estate prices (e.g., Figlio & Lucas, 2004). Scholars also find that school report card information affects private donations to public schools (Figlio & Kenny, 2009). This response does not appear limited to information produced by public sources but extends to private ratings purveyors as well. New evidence suggests that privately produced online ratings of K–12 schools affect home prices and the composition of communities in a way that exacerbates segregation by race, income, and education level (Hasan & Kumar, 2018). In contrast to these robust responses among families purchasing homes or making donations, there does not appear to be an analogous political response to state report card information: Kogan and colleagues (2016) found that school accountability information did not produce political accountability, at least as measured by vote share in school board elections.

These briefly reviewed findings, although certainly not definitive or exhaustive, do provide insights into the dynamics of a particular subset of information disclosure. Unlike the

information disclosures in *Williams*, these examples involved information intended to guide the behavior of private decision-making in the context of an educational marketplace. That they did so in a way that often exacerbated inequality should, like the information concerning the likelihood of democratic participation, inform our thinking about when and how to use information disclosure to effect change.

This is not to suggest that these inequitable outcomes are the only effects of these kinds of policies, but the evidence on the success of accountability systems when reliant on information alone is decidedly mixed. A study of the effect of letter grades issued to New York City schools produced gains for the lowest performing schools—ones that disappeared when the grades were removed (Winters, 2016). In contrast, studying pre-NCLB accountability policies, Hanushek and Raymond (2005) found that “just reporting results ha[d] minimal impact on student performance”; the effect of the policies came “from attaching consequences” (p. 298). Most studies have a hard time isolating the independent effects of public accountability. Carnoy and Loeb (2002) created a five-point index for the strength of accountability systems, only one point of which addressed what we would consider public accountability. Even so, though they found stronger accountability systems were associated with larger gains, they found “considerable variation among states with similarly weak and strong accountability systems” (p. 321). Likewise, a study of the effect of appearing on Florida's “shame” list resulted in small school improvements even in the absence of state sanctions but the policy also involved supports for low-performing schools (Figlio & Rouse, 2006).

We suspect that some of the variation in these findings has to do with as-yet unmeasured variation in the public attention that accompanied the public accountability elements of these policies and whether the dissemination of the results occurred in a context where they could be plausibly used by education consumers. Reasonable people can differ on the overall weight of this evidence, but we think the balance of evidence should push us to refine our views of the conditions under which contexts information disclosure is likely to achieve its desired results.

## Toward a New Framework for Public Accountability Design

We propose a two-axes framework for considering policies that seek public accountability through information disclosure (see Figure 1). The first is the immediate actionability of the information. We consider the actionability of a piece of information to be a function of both the information itself and of the political and/or organizational environment in which it is released. Test score information released in the context of a district, like New York or Milwaukee, that requires all families to make a choice about schools would be highly actionable. An example of information that is less actionable but no less worthy of public release might be school discipline statistics. It is important to note that actionability can also be a function of the quality and format of the information itself. As we found in *Williams*, inattention at the implementation stage made the information disclosed nonstandard, low quality, and of limited value when it came either to asking direct questions about textbook use or to enabling the kind of comparisons necessary to determine inequities in school

resource access. Requiring that information be reported on standard forms, in a standardized way and in a searchable format would seem to us to be a low, but necessary, bar for information to be considered actionable.

The second axis reflects where the value of acting on the information is likely to accrue with the public at large on one end and individual students or families on the other. The axis represents a relative measure of where the benefits are likely to accrue (if they accrue at all), not the intensity or likelihood of the benefit. That is, the top pole should be interpreted as “exclusively public benefit” not as “high public benefit, low private benefit.” We recognize that this involves an imprecise judgment call, but we would stress that this framework is intended as a heuristic—one specifically intended to foreground thinking about who is likely to benefit from publicly released information. For example, parents, scholars, or journalists examining school budgets and identifying misspent resources are very likely to have served a public interest by calling attention to these issues. Although all families in the district will be better off as a result, the direct benefit to any one family is small. By contrast, families using individual teacher value-added information to angle for a specific classroom placement for their child are much more likely to derive a private benefit from the information.

It is important to stress that many pieces of information will have multiple potential uses and many kinds of information will offer an equally high likelihood of benefiting both individual families and the general public and therefore would be placed at the center of the axis indicating equal public and private benefits. On the other hand, it is not hard to think of many kinds of information that serve *neither* a public nor a private interest. Because concerns about over disclosure—essentially manufacturing a haystack for the sake of hiding a needle—are nontrivial (e.g., Willis 2006), identifying a served interest, whether public or private, should be a prerequisite for starting a consideration about mandatory disclosure.

Although considering the interests served by particular pieces of information might strike some as odd or irrelevant—on the principle that transparency is inherently good—this consideration already operates in many states to determine when and what kinds of information are disclosed to the public in the context of open records or freedom of information laws. To take an illustrative example, when the *Los Angeles Times* sought the release of information to calculate value-added scores for local teachers, an appellate judge in California had to consider whether the information served a public interest (one that outweighed the teachers’ private interest in nondisclosure). In reaching a verdict, the judge distinguished between information that was publicly valuable for understanding the operation of schools and information that was privately valuable for advancing the interests of a particular family. The judge ultimately concluded, “While [value-added scores] may give parents a tool with which to assist their own child, it does not help them understand the workings of the [school district] itself . . . the interest in having one’s child get the best teacher is, at bottom, a private one” (*Los Angeles Unified School District v. Superior Court* [228 Cal. App. 4th 222, 2014])—therefore, the information would not be released.

We would note three additional things about this framework. First, it is not a litmus test for information disclosure. Rather, we

propose it as a useful starting point for thinking through policies involving mandatory disclosure and attempting to secure public accountability. The fact that information is both actionable and of private value does not mean it should be withheld. There may be good reasons for policymakers to release that kind of information. Our request is only that they do so having considered the likelihood that it might exacerbate inequality.

Second, we recognize that we have opted for a very simplified model and there are other considerations policymakers may want to incorporate either in determining where information falls on our axes or in evaluating decisions about policy design. While we are hard pressed to think of instances where actionability and value would not be relevant considerations, we welcome additional criteria and offer some additional questions for consideration:

- Is there existing demand for the information? Who are the likely users? How easily will the information be interpreted by these users?
- How well do the available data capture the underlying phenomenon we aim to bring to light?
- What is the cost of producing and monitoring the information?
- If the government does not provide the information, what other information might be used in its place? Is that information controlled by the government or third parties?
- What are potential unintended consequences, and how might they be mitigated?

Even with these additional considerations, we think our model is a good starting point for weighing the implications and outcomes of information disclosure.

Third, we would point out our framework helps draw attention to the trade-offs of releasing specific types of information in different formats. For instance, value-added scores presented at the district or school level as opposed to the teacher level, we would argue, increase the possibility that the information is likely to serve a *public* as opposed to a private interest. Individually families with more information might still benefit differentially from this information, but the opportunity to benefit is more widely distributed.

## Conclusion

Public accountability has an important role to play in securing and maintaining better schools for American children. An engaged, attentive public holding school officials accountable is an ideal we should seek to facilitate and aspire to secure through policy whenever possible. But we worry that there is growing evidence—exemplified by the *Williams* settlement—that this policy goal has been undermined by overly optimistic assumptions about the likelihood that information access will produce public accountability. Moreover, we worry that a lack of careful thought about how information is likely to be used and who stands to benefit, unnecessarily or even inadvertently leads to exacerbating inequality. The framework we propose does not produce mechanical answers but instead tries to increase the prospects of public accountability and meaningful information disclosure by foregrounding these issues.

In seeking to spur a more thoughtful approach to public accountability, we hope that we can facilitate thinking about who the relevant “public” is for information. Many theorists of public accountability have argued that the disclosure of data will necessarily produce new “publics” for that information (e.g., Liebman & Sabel, 2003; Ruppert, 2015). Although other scholars have raised concerns about the contingencies associated with relying on “data publics,” we would go further and recommend affirmatively that the state, if it will not take on the responsibility itself, should explicitly seed intermediaries (e.g., scholars or organizations) to actively serve in the role of monitoring this information. While this might seem like a foreign concept, “freedom of information” laws are premised on this view. But whereas these laws are built on the assumption that the press serves as a perennial interested party for information about the government (Schudson, 2015), we think these efforts must be more deliberate in the context of education policy. In enacting public accountability, intermediaries might be explicitly enlisted to serve in an analogous role by requesting data, monitoring data, and auditing compliance. Here we echo a recent proposal by legal scholars to require, in the context of litigation remedies, the state to produce evidence necessary to adjudicate the claims and test the remedies of the plaintiffs (Elmendorf & Shanske, 2018; see also Hutt & Polikoff, 2018). Outside the context of inherently adversarial litigation, we think scholars might step in to serve this “fact finding” and oversight role.

Finally, we want to underscore the possibility that, upon reflection, public accountability may not be the best approach to securing the desired policy ends. As scholars in other fields have noted, providing the public with information is a very indirect means of policing or attempting to sanction undesirable behavior. Although a hands-off approach makes sense in the context of seeking to promote a plurality of views or approaches (e.g., J. Schneider, 2017), in other instances explicit thresholds and interventions might better fulfill the policy aims and further the public interest (e.g., Deming & Figlio, 2016).

Although there is no reason to believe the decades-old experiment with public accountability in education is nearing its end, we are at least hopeful that a more thoughtful approach to this reform, along the lines we have proposed, will result in more benefits and less disappointment.

#### ORCID ID

Ethan Hutt  <https://orcid.org/0000-0002-4044-3506>

#### NOTES

This work was supported by the National Science Foundation Directorate for Education and Human Resources through grant #1445654 and the William T. Grant Foundation through grant #183913.

<sup>1</sup>For more detail on these requirements and compliance over time, see Chung (2013).

<sup>2</sup>According to the report these statistics are based on the ACLU’s own “implementation survey” of districts, not an analysis of district level SARC’s, and reflect districts’ initial response to the passage of the settlement statutes. Although these statistics may indicate the initial effectiveness of the settlement, textbook sufficiency cannot be captured by a single snapshot especially, as was the case, at a time of changing standards. Maintaining textbook sufficiency—in terms of alignment

and access—would require the on-going reporting and monitoring of accurate information.

<sup>3</sup>It is not knowable whether the results we present below would be the same if *Williams* had been settled in some other state or whether they are California-specific. One state that has a more well-established transparency orientation, Texas, also collects textbook data as part of its school spending data. We also obtained these data and attempted to clean and use them as part of our larger study of curriculum adoptions and effects. The Texas data were indeed cleaner and easier to use than the California data we describe here, but they still suffered from many limitations (e.g., they were at a district, not a school, level; they did not make clear what the core materials were in the districts; nonpurchased materials were omitted; there were two separate datasets with sometimes overlapping data). Florida also used to collect and make available district-level adoption data, but it no longer does.

#### REFERENCES

- Abdulkadiroglu, A., Pathak, P. A., Schellenberg, J., & Walters, C. R. (2017). *Do parents value school effectiveness?* (No. w23912). National Bureau of Economic Research.
- Anderson, G. L. (1998). Toward authentic participation: Deconstructing the discourses of participatory reforms in education. *American Educational Research Journal*, 35(4), 571–603.
- Asen, R. (2015). *Democracy, deliberation, and education*. Pennsylvania State University Press.
- Ben-Shahar, O., & Schneider, C. E. (2014). *More than you wanted to know: The failure of mandated disclosure*. Princeton University Press.
- Bovens, M., Goodin, R. E., & Schillemans, T. (2014). *Public accountability* (M. Bovens, T. Schillemans, & R. E. Goodin, Eds.). Oxford University Press.
- Brandeis, L. D. (1914). *Other people’s money and how the bankers use it*. Frederick A Stokes Company.
- Briggs, K. L., & Wohlstetter, P. (2003). Key elements of a successful school-based management strategy. *School Effectiveness and School Improvement*, 14(3), 351–372.
- Bryk, A. S., Sebring, P. B., Kerbow, D., Rollow, S., & Easton, J. Q. (1998). *Charting Chicago school reform: Democratic localism as a lever for change*. Westview Press.
- Carnoy, M., & Loeb, S. (2002). Does external accountability affect student outcomes? A cross-state analysis. *Educational Evaluation and Policy Analysis*, 24(4), 305–331.
- Chubb, J. E., & Moe, T. M. (1990). *Politics, markets, and America’s schools*. Brookings Institution Press.
- Chung, S. (2013). *Williams v. California: Lessons from nine years of implementation*. ACLU Foundation of Southern California.
- Corcoran, S. P., Jennings, J. L., Cohodes, S. R., & Sattin-Bajaj, C. (2018). *Leveling the playing field for high school choice: Results from a field experiment of informational interventions* (No. w24471). National Bureau of Economic Research.
- Cucchiara, M. B. (2013). *Marketing schools, marketing cities: Who wins and who loses when schools become urban amenities*. University of Chicago Press.
- Deming, D. J., & Figlio, D. (2016). Accountability in US education: Applying lessons from K-12 experience to higher education. *Journal of Economic Perspectives*, 30(3), 33–56.
- Elmendorf, C. S., & Shanske, D. (2018). Solving “problems not one has solved”: Courts, causal inference, and the right to education. *University of Illinois Law Review*, 2018(2), 693–746.
- Fenster, M. (2017). *The transparency fix: Secrets, leaks, and uncontrollable government information*. Stanford University Press.



- Figlio, D. N., & Kenny, L. W. (2009). Public sector performance measurement and stakeholder support. *Journal of Public Economics*, 93(9–10), 1069–1077.
- Figlio, D. N., & Lucas, M. E. (2004). What's in a grade? School report cards and the housing market. *American Economic Review*, 94(3), 591–604.
- Figlio, D. N., & Rouse, C. E. (2006). Do accountability and voucher threats improve low-performing schools? *Journal of Public Economics*, 90(1–2), 239–255.
- Graham, M. (2002). *Democracy by disclosure: The rise of technopopulism*. Brookings Institution Press.
- Hannaway, J., & Carnoy, M. (Eds.). (1993). *Decentralization and school improvement: Can we fulfill the promise?* Jossey-Bass Publishers.
- Hanushek, E. A., & Raymond, M. E. (2005). Does school accountability lead to improved student performance? *Journal of Policy Analysis and Management: The Journal of the Association for Public Policy Analysis and Management*, 24(2), 297–327.
- Hasan, S., & Kumar, A. (2018). *Digitization and divergence: Online school ratings and segregation in America*. Available at SSRN: <https://ssrn.com/abstract=3265316>
- Hess, G. A., Jr. (1994). Introduction: School-based management as a vehicle for reform. *Education and Urban Society*, 26, 203–219.
- Hurwitz, M., & Smith, J. (2018). Student responsiveness to earnings data in the College Scorecard. *Economic Inquiry*, 56(2), 1220–1243.
- Hutt, E. L., & Polikoff, M. S. (2018). Reasonable expectations: A reply to Elmendorf and Shanske 2018. *University of Illinois Law Review Online*, 2018, 194–208.
- Kirst, M., & Bulkley, K. (2000). “New, improved” mayors take over city schools. *Phi Delta Kappan*, 81(7), 538–546.
- Klasik, D., & Hutt, E. L. (2019). Bobbing for bad apples: Accreditation, quantitative performance measures, and the identification of low-performing colleges. *Journal of Higher Education*, 90(3), 427–461.
- Kogan, V., Lavertu, S., & Peskowitz, Z. (2016). Do school report cards produce accountability through the ballot box? *Journal of Policy Analysis and Management*, 35(3), 639–661.
- Koski, W. S. (2007). Achieving “adequacy” in the classroom. *Boston College Third World Law Journal*, 27(1), 13–44.
- Leithwood, K., & Menzies, T. (1998). Forms and effects of school-based management: A review. *Educational Policy*, 12(3), 325–346.
- Liebman, J. S., & Sabel, C. F. (2003). Public laboratory Dewey barely imagined: The emerging model of school governance and legal reform. *NYU Review of Law & Social Change*, 28, 183–304.
- Lockard, C. R. (2005). In the wake of Williams v. State: The past, present, and future of education finance litigation in California. *Hastings Law Journal*, 57, 385–422.
- Loewenstein, G., Cain, D. M., & Sah, S. (2011). The limits of transparency: Pitfalls and potential of disclosing conflicts of interest. *American Economic Review*, 101(3), 423–428.
- Malen, B., & Ogawa, R. T. (1988). Professional-patron influence on site-based governance councils: A confounding case study. *Educational Evaluation and Policy Analysis*, 10(4), 251–270.
- Marsh, J. A., & Hall, M. (2018). Challenges and choices: A multi-district analysis of statewide mandated democratic engagement. *American Educational Research Journal*, 55(2), 243–286.
- Noveck, B. S. (2017). Rights-based and tech-driven: Open data, freedom of information, and the future of government transparency. *Yale Human Rights & Development Law Journal*, 19(1), 1–44.
- Phillippo, K. L., & Griffin, B. (2016). The social geography of choice: Neighborhoods' role in students' navigation of school choice policy in Chicago. *Urban Review*, 48(5), 668–695.
- Polikoff, M. S. (2019). *Gauging the revised California School Dashboard: Evidence from the 2019 PACE/USC Rossier voter poll*. Stanford University.
- Polikoff, M. S., Korn, S., & McFall, R. (2018). *In need of improvement? Assessing the California Dashboard after one year*. Stanford University.
- Pozen, D. E. (2018). Transparency's ideological drift. *Yale Law Journal*, 128, 100–165.
- Roda, A., & Wells, A. S. (2013). School choice policies and racial segregation: Where White parents' good intentions, anxiety, and privilege collide. *American Journal of Education*, 119(2), 261–293.
- Ruppert, E. (2015). Doing the transparent state: Open government data as performance indicators. In R. Rottenburg, S. Merry, S.-J. Park, & J. Mugler (Eds.), *The world of indicators: The making of governmental knowledge through quantification*. Cambridge University Press.
- Rury, J. L., & Mirel, J. E. (1997). Chapter 2: The political economy of urban education. *Review of Research in Education*, 22(1), 49–110.
- Sattin-Bajaj, C. (2015). Unaccompanied minors: How children of Latin American immigrants negotiate high school choice. *American Journal of Education*, 121(3), 381–415.
- Sattin-Bajaj, C., & Roda, A. (2018). Opportunity hoarding in school choice contexts: The role of policy design in promoting middle-class parents' exclusionary behaviors. *Educational Policy*. Retrieved from <https://doi.org/10.1177%2F0895904818802106>
- Schneider, J. (2017). *Beyond test scores: A better way to measure school quality*. Harvard University Press.
- Schneider, M., Teske, P., & Marschall, M. (2000). *Choosing schools: Consumer choice and the quality of American schools*. Princeton University Press.
- Schudson, M. (2015). *The rise of the right to know: Politics and the culture of transparency, 1945-1975*. Harvard University Press.
- U.S. Department of Education. (2004). *No Child Left Behind: A toolkit for teachers*. Author.
- Warren, D. R. (1974). *To enforce education: A history of the founding years of the United States Office of Education*. Wayne State University Press. “We oppose anti-testing efforts” (2015, May 5) [Press release]. <https://civilrights.org/2015/05/05/civil-rights-groups-we-oppose-anti-testing-efforts/>.
- Willis, L. E. (2006). Decisionmaking and the limits of disclosure: The problem of predatory lending. *Maryland Law Review*, 65(3), 707–840.
- Winters, M. A. (2016). *Grading schools promotes accountability and improvement: Evidence from NYC, 2013-2015*. Manhattan Institute.

## AUTHORS

**ETHAN HUTT**, PhD, is an assistant professor of education at the University of North Carolina at Chapel Hill, CB3500 Peabody Hall, Chapel Hill, NC 27599; [ehutt@unc.edu](mailto:ehutt@unc.edu). He studies the historical development and modern operation of accountability systems.

**MORGAN S. POLIKOFF**, PhD, is an associate professor of education at the USC Rossier School of Education, 3470 Trousdale Pkwy., WPH 904A, Los Angeles, CA 90089; [polikoff@usc.edu](mailto:polikoff@usc.edu). He researches the design, implementation, and effects of standards, curriculum, assessment, and accountability policies.

Manuscript received May 20, 2019  
Revisions received October 26, 2019; February 18, 2020  
Accepted April 14, 2020