



# Accountability In Education: Who Is Responsible?

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## Key Points

- In education no one has ultimate responsibility for success.
- Educators need greater control at the school level.
- The system is failing far too many Texas students.
- The ultimate accountability system requires consumer choice.
- Parents need greater control through school choice.

The purpose of this paper is to discuss one of the most important issues in education today: accountability. Who is responsible for student achievement in our current education system—voters, governors, legislators, school board members, superintendents, teachers, or parents? This long list of characters that might be responsible shows us part of the problem. No successful enterprise has so many potentially responsible leaders. No single person or entity is in charge or ultimately responsible.

The accountability system was established to foster each child's educational success. The Texas Constitution requires that the state's Legislature "establish and make suitable provision for the support and maintenance of an *efficient* system of public free schools." [emphasis added] The purpose of this system is to provide a "general diffusion of knowledge" in order to preserve "the liberties and rights of the people."<sup>1</sup>

Therefore the question is: Does the current Texas accountability system produce superior student achievement? Unfortunately, the answer, as any objective observer can see, is no. This paper will explore why that is so and propose a true accountability solution.

## Student Achievement in Texas

While some students thrive in Texas schools, many others do not. As you read the following statistics ask yourself, "Is this a satisfactory result for Texas? For those students whose very future depends on the foundation they receive in these schools?"

- Every school superintendent who testified in the recent school finance trial

swore under oath that they were not producing adequate academic results, i.e., the general diffusion of knowledge as required by the constitution.<sup>2</sup>

- There are 892 schools<sup>3</sup> are on the Public Education Grant list, which means either: 1) 50% or more of their students did not pass any of the state assessment subjects for two years, 2) the school is rated "Improvement Required" or 3) the school is rated "Academically Unacceptable."<sup>4</sup>
- In 2012, only 44 percent of Texas campuses, and 28 percent of districts, met Adequate Yearly Progress, which is a federal standard that is based on standardized test performance, graduation rates, and attendance rates.<sup>5</sup>
- In the 2006 semester, 162,597 Texas students were enrolled in remedial classes at public higher education institutions. Such remediation cost \$206 million in General Revenue in the 2006-07 biennium.<sup>6</sup>
- According to Rice University study at least half of all high school students in our urban school districts are dropping out of school.<sup>7</sup>
- In 2003, 11 million adults nationwide scored below basic literacy levels, meaning they could not answer simple test questions on a literacy test or take the test at all because of language barriers.<sup>8</sup>
- Student scores on the high school End of Course State of Texas Assessments of Academic Readiness (STAAR) were mixed in 2014: 38 percent of students did not

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pass English, 19 percent didn't pass Algebra I, 9 percent didn't pass Biology, and 8 percent didn't pass U.S. History.<sup>9</sup>

- SAT scores have remained more or less unchanged over the last 40 years, despite the fact that spending has increased by an inflation-adjusted 140 percent.<sup>10</sup>
- Over 101,000 Texas students are now on waiting lists for charter schools.<sup>11</sup>

### Safety: Providing a Safe Environment

In addition to failing to produce a “general diffusion of knowledge” which would produce high student achievement, students’ safety should be a top priority. Yet every day, hundreds of thousands of Texas students are afraid to go to school.<sup>12</sup> Many of them drop out as soon as they can. Because of compulsory attendance laws many others are forced to go to school where they do not feel physically safe.<sup>13</sup> We would not accept an unsafe workplace for workers, but we accept unsafe learning environments for our children.

### Reform and Accountability Efforts

Texas has been engaged in education reform since at least 1983, when *A Nation at Risk* was published, but the many reforms and additional money hasn't worked as intended.<sup>14</sup> Reforms have included: No Pass No Play;<sup>15</sup> significant accountability reforms; various reading and math initiatives; state mandated teacher pay increases; and many other attempts to fix the system over the years including a four-fold increase in per student spending over that time period.<sup>16</sup> Yet, as noted above, today the vast majority of school superintendents attest that they are unable to provide an adequate education for their students.

One of the major achievements of education reformers was to begin to have high stakes testing. High stakes is a euphemism or a pejorative term for testing that has at least some effect on reality.

Before the students were tested for reading, writing and math and the results published for everyone to see, massive low student achievement could be hidden from public view, and it was. It could also be hidden from parents' view by grade inflation, passing the students along from grade to grade. Under social promotion, nobody reports their lack of knowledge. The students graduate and go on as crippled individuals without the skills to survive in life. Unfortunately, great pressure has arisen in Texas to back-off on student testing primarily due to pressure from interest groups intent on protecting the *status quo*. Was the evidence of failure is too difficult to accept under the current system? If you can't do anything to correct low achievement, who wants to report it?

Unfortunately, when a local problem arises, the natural reaction of politicians is to pass a law. Rather than passing state-wide mandates banning bad behavior, most problems should be addressed by people who are closest to their occurrence.<sup>17</sup> The many existing laws have not eliminated either failure or bad behavior in the past. However, the underlying reason reforms haven't been as effective as they could is that Texas' public education system is a top-down, politically-controlled, compulsion-based, monopoly.

Although administered by thousands of dedicated people, the current system is difficult to describe, complex, and primarily responsive to political pressures, rather than student achievement and safety. It is far too unresponsive to consumers—students and parents—because they often have little real power over the system. As a result, their individual needs—as students and parents themselves express them—are not the primary driver of decisions.

### Governors

Every governor in the modern era has wanted to be an “education governor.” All of them have tried to increase student achievement and appropriated greater funds to education.<sup>18</sup> All have tried hard, yet achieved little. Is the

governor responsible for the low student achievement at our failing schools? His or her responsibility is diffuse. Can he hire the teachers? No. Can she fire the bad teachers? No. Can he impose curriculum changes? No. So he is not really in charge. Is it the governor's fault?

### **Legislators**

The same questions that are asked of governors can be asked of the Legislature, whose only power is to pass laws and appropriate funds, not manage the day to day operations of schools. In most sessions they have allocated more money to education,<sup>19</sup> and passed laws intended to make our schools better. And sometimes, due to political pressure, they undo reform measures passed previously—as happened in 2013 with their reversal on accountability standards previously imposed.<sup>20</sup> Legislators have no management responsibility. Others must implement and manage the mandates which they impose. Is it the Legislature's fault?

### **School Board Members**

There are about 1,054 school districts in Texas, each with a local elected board. An elected board may have its own vision of what education should be. The Texas legislature also has its own vision of what education should be. Deciding whose vision will control requires a political battle and then by law or regulation those who disagree with the accepted vision are forced to comply. Not usually a formula for success, is it? Dividing responsibility for the vision and purpose of an organization is usually not a good way to achieve superior results. It diffuses responsibility which reduces accountability. Who is in charge?

### **Superintendents**

The superintendent is the person at the top of each organization with the nominal power to fire and hire employees. However, the superintendent is obligated to follow a vast body of complicated laws enacted by the Legislature. Being an organization's CEO is normally associated with the ability to control the results of organizational output, in this case, student achievement. Most people probably think of the superintendent as the person with the most power. "With great power comes great responsibility;" according to Spiderman's uncle in the movies, but not in education, at least not to any significant degree.

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With the advent of testing student achievement and publishing the results, there may be a degree of reward or punishment based on student performance, but not much. Has any Texas superintendent ever been fired for low student achievement? Probably few, if any. Though once the era of high stakes testing occurred in Texas, it is possible there were some who have been fired for low student achievement scores. We do know some have gone to jail for fraud for manipulating test scores. Lorenzo Garcia, former superintendent of the El Paso Independent School District was fined \$236,500 and sentenced to 42 months in prison.<sup>21</sup> Garcia was indicted on two counts of mail fraud, which he committed when he rigged standardized tests of students in El Paso public schools. He also pleaded guilty to steering a \$450,000 no-bid contract to one of his mistresses.

Superintendents are limited not only by legislative mandates, but also by elected school boards who are often driven by political factions. While technically the superintendent has power to fire, political unions are often the most active participants in elections, since the results of the elections matter most to them as school employees, the superintendent may actually be responsible to board members who were elected by the teachers' unions.<sup>22</sup> Superintendents are also hampered by their ability to fire teachers by strict state due process and tenure regulations. Thus, the employees may actually be in control in some situations.<sup>23</sup>

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### **Teachers**

Although there are many great teachers in Texas, a few are not. If there is failure in success in most organizations one would expect the front-line people responsible would lose their jobs. That does not happen in education on any broad scale. Unfortunately, teaching is a safe environment for low achieving employees with high job security. It is difficult and painful to fire anyone.<sup>24</sup> Therefore, it is easier to just accept low achievement if there are no consequences for low achievement to the adults in power. Ninety-seven percent of Texas' school teachers are rated as proficient or better under state appraisal standards<sup>25</sup> and not normally fired, except for extremely egregious behavior.

### **Voters**

At the top of the accountability system, one might place voters. School boards are democratically elected and the Texas Legislature is democratically elected. The problem is that the voter responsibility is widely disbursed among voters who do not have much information about the system, or much incentive to care about the system, nor much direct power to correct deficiencies in the system on an individual basis. As long as there is a monopoly provider which commands attendance and commands taxpayers to pay more; then obviously voters must be able to have some control over the bureaucracy. There can be some pressure from voters to correct gross abuses once the abuse is widely known and sufficient pressure for "change" exists. But democracy is inherently slow, therefore, political pressure when it works, is often too late for many students.

### **Parents**

Is it the parents' fault? Obviously, like teachers, parents are on the front line and they do bear a great deal of the credit, if not most, for student achievement. On the other,

if the problem is the school, what can the parents really do about it? Can they select another school? Not easily. It's pretty hard to move. Maybe a charter, but over 101,000 students are on waiting lists, so not much choice in that. If you are in a failing public school, you get to try to move to another public school, but only if that school will take you (the school gets the choice).<sup>26</sup>

What if the parent is the problem? What can the school do about it? Not much, but the situation should be adapted to meet the needs of that child like a longer school day, specialized help, tutoring, etc. Why isn't that done?

### **What Is the Answer?**

Within the education system as it is designed today, none of the people listed herein are ultimately responsible for student achievement. For many students, it just happens year after year. When asked, the establishment will respond with finger pointing. It's the superintendent's fault, it's the school board's fault, it's the unions fault, it's the legislature's fault. That has gone on for decades. They just need more money, or the problem just lies with parents who are so bad that school employees, who have their children for forty hours a week, cannot overcome parental lack of involvement.

Thus, despite decades of reform efforts, and despite the efforts of many fine people operating within the system, our top-down system does not produce real accountability. It is a system built on compulsory attendance and political control, with widely diffused responsibility and no genuine accountability to the consumer. It produces a system designed to look like there is someone in charge but no one is really responsible or accountable for student achievement and student safety.

Few suffer from failure except the children and society at large. Mediocrity becomes the norm, though there are "heroes" within the system who achieve great results. Thank goodness for great teachers, superintendents, and board members. We need a real accountability system that will transform the low achievers into high achieving heroes.

### **The Answer? Cooperation, Not Compulsion**

The answer, the true catalyst for meaningful reform, is consumer choice and consumer/supplier cooperation.

Choice transfers power from the political elite, to the consumer of education. Under this model, education funding would be child-centered rather than system centered. The state allocation per child would follow the child to a school of the parents' choice, not the state's choice. This would require the providers of education services to respond to the needs of consumers. This cooperation model would achieve superior results to the compulsory model.

The supplier, educators, need more control over the content of education at the school level. But you can't give that total control to a government entity without the counter balance of parental choice in education. The educator/school should be freer to be the kind of school they wish to be, tempered by the reality that it must be good enough in reality (not academic theory) to voluntarily attract parents to cooperate and support the school by enrolling their children there.

Consumer choice has and will place constant upward pressure on achievement. The current public school accountability system must be based on minimum standards **that we want to accomplish and we have fights over how low to set the bar**. Under cooperation/choice, since no one knows what Texas students are truly capable of achieving, the schools would be competing among themselves to see who could produce the best achievement and attract the most students.

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What has the cooperative model produced in private education? It produces testing on nationally norm referenced tests and publishing the results to the consumer, parents, without any regulation forcing it to do so. The consumer wants to know how their child is doing, so the supplier complies. In the world of cooperation, the supplier provides what the consumer wants or someone else will. In the world of cooperation, the supplier deals locally with safety concerns or someone else will. In the world of cooperation, if the customer demands something too weird or extreme, nobody will supply it.

Is it time to allow cooperation and school choice. The ultimate in school accountability. ★

## Endnotes

<sup>1</sup> Texas Constitution, Article VII, Section 1.

<sup>2</sup> *Texas Taxpayers et. al. v. Robert Scott*.

<sup>3</sup> Texas Education Agency, Public Education Grant (PEG) List.

<sup>4</sup> Texas Education Agency, *Public Education Grant (PEG) Frequently Asked Questions* (9 Jan. 2014).

<sup>5</sup> Texas Education Agency, News Release, "2012 AYP requirements rise" (8 Aug. 2012). According to the TEA, "Under this federal school accountability system, a school or district this year met AYP requirements if 87% or more of their students passed the state reading/English language arts test; 83% of their students passed the state mathematics test; 95% of their students participated in the state testing program and, depending on the grade level, had either a 75% graduation rate or a 90% attendance rate. Twenty-eight percent of Texas districts met these high standards."

<sup>6</sup> Brooke Dollens Terry, *The Cost of Remedial Education*, Texas Public Policy Foundation (Sept. 2007).

<sup>7</sup> Gary Scharrer, "Experts warn of Texas high school drop out crisis," *Houston Chronicle* (29 Jan. 2007).

<sup>8</sup> National Center for Education Statistics, National Assessment of Adult Literacy (accessed 14 Aug. 2014).

<sup>9</sup> Texas Education Agency, STAAR Statewide Summary Reports 2013-2014 (accessed 14 Aug. 2014).

<sup>10</sup> Andrew Coulson, "State Education Trends: Academic Performance and Spending Over the Past 40 Years," Cato Institute (18 Mar. 2014).

<sup>11</sup> Sue Owen, "Dan Patrick says 100,000 are on waiting list to attend Texas charter schools," Politifact Texas (11 Mar. 2013).

<sup>12</sup> According to the Texas School Safety Center, "The 2011 Youth Risk Behavior Surveillance System (Centers for Disease Control and Prevention) reported that 20.1% of students had been bullied on school property and 16.2% of students had been electronically bullied (i.e., cyberbullied) during the 12 months before the survey." See *Bullying* (accessed 14 Aug. 2014). In addition, they report that "students aged 12-18 were victims of approximately 359,000 violent victimizations at school during the 2009-2010 school year, with at least one criminal incident reported by 85% of public schools. Three of the most prominent violent incidents occurring in U.S. schools include weapon carrying/use, gang violence, and fighting/assault. Approximately 20% of high school students indicated gang activity within their school and 31% of high school students reported they had been in a fight within the past months." See *School Violence* (accessed 14 Aug. 2014).

<sup>13</sup> Terence Jeffrey, "1,183,700 Violent Crimes Committed at Public Schools; Only 303,900 Reported to Police," CNSNews.com (23 Apr. 2012).

<sup>14</sup> Texas Education Agency, Public Education Grant (PEG) Frequently Asked Questions (9 Jan. 2014).

<sup>15</sup> HB 72 passed in Special Session 1984.

<sup>16</sup> Per TEA, Official Budget 1892-1983 page 2157; all funds \$8,474,353,087, number students 3,112,8323; therefore \$2,722 per student in 1983.

<sup>17</sup> *Politics Markets and America's Schools*, John Chubb and Terry Moe.

<sup>18</sup> See appropriations bills 1983-2013.

<sup>19</sup> Ibid.

<sup>20</sup> HB 5, 2013 legislative session.

<sup>21</sup> Hayley Kappes, "Former EPISD Superintendent Lorenzo Garcia gets 42 months, offers no apologies for scandal," *El Paso Times* (5 Oct. 2012).

<sup>22</sup> See Expert Report by Dr. Terry Moe.

<sup>23</sup> See Expert Report by Donald McAdams.

<sup>24</sup> Chapter 21, Texas Education Code.

<sup>25</sup> *Texas Taxpayers et al v. Robert Scott et. al.*

<sup>26</sup> Chapter 29, Section 29.201-29.205, Texas Education Code.



