

# The “New Accountability” and School Governance in California

---

*Thomas B. Timar*

*Graduate School of Education  
University of California, Davis*

## The New Policy Agenda for Public Education

The mid-1980s marked a major turning point in American educational policy. The ideology underpinning this shift asserted that America's educational system was undermining the nation's international competitive capacity. The new ideology's manifesto, *A Nation at Risk*, predicted in hyperbolic terms the demise of the United States as an international industrial leader if it did not correct major flaws in its system of public education. The urgency for massive school reform intensified with talk about the “new” global economy, the increasing economic competitiveness of Asian countries, and the emergence of a new world order based not on the “wealth of nations” but on the “work of nations” (Reich, 1991). As the visionaries of the new world order saw it, newly developing global economies would reward those countries and individuals who are highly educated and can add to the value of their nations' goods and services. Conversely, countries with poorly educated workers could expect economic stagnation and poverty. The stakes for school reform were nothing less than the United State's status as the world's richest and strongest economy.

Requests for reprints should be sent to Thomas B. Timar, Graduate School of Education, One Shields Avenue, Davis, CA 95616. E-mail: [tbtimar@ucdavis.edu](mailto:tbtimar@ucdavis.edu)

Policymakers in the United States embraced this argument with both arms. In 1999, a high-level group of business, government, and civic leaders adopted national goals (National Commission for Governing America's Schools, 1999), which were expanded and legislatively endorsed through *Goals 2000*. Implicit in the goals statements are national standards for a wide range of academic subjects. Advocates of national standards argued that students in all schools, regardless of state or region, need to acquire similar knowledge and develop similar skills. Proponents also argued that there is not one math for California and another for Kentucky and a third for Michigan (Clinton, 1997; Diegmuller, 1995; Ravitch, 1995). Subsequently, President Bill Clinton proposed voluntary national standards in reading and mathematics.

The realization of these ambitious education policy goals embraced "a new model of state and local governance" called "the new educational accountability" (Elmore, Abelman, & Fuhrman, 1996, p. 65). The model's three major components are

a primary emphasis on measured student performance as the basis for school accountability, the creation of relatively complex systems of standards by which data on student performance are compared by school and by locality, and the creation of systems of reward and penalties and intervention strategies to introduce incentives for performance. (Elmore et al., 1996, p. 65)

This model of accountability eventually found its way into federal reauthorization of the Elementary and Secondary Education Act. Known as the No Child Left Behind Act, the reauthorized law imposes teacher quality standards, testing requirements, and punitive sanctions for failing schools. States failing to comply are threatened with the loss of federal funds.

By the end of 2002, 43 states issued school report cards, 30 rated schools on the basis of performance, 28 provided some form of technical assistance to low-performing schools, 18 rewarded schools for increased performance, and 20 imposed sanctions on schools that failed to improve ("Quality counts," 2003). Presumably, state implementation of the new accountability systems will lead to creation of a system of schooling "marked by strong and consistent standards, coherent guidance for instruction, strong consensus about goals, and much greater equality in educational achievement" (Cohen, 1996). Arguably, one of the most important features of the new accountability is that it shifts governance from a system of local political accountability to state administrative accountability with the purpose of "reorienting public education toward

results produced, rather than resources allocated, and somehow holding schools accountable for students' achievement (Cohen, 1996, p. 101).

This article examines California's Public School Accountability Act (PSAA) within the overall policy and political context for elementary and secondary education. I argue that the new accountability imposes a new regulatory scheme on California schools, a scheme that simply adds to the regulatory baggage schools already carry. Instead of a more efficient and streamlined system that proponents of accountability envision, the new system of accountability simply mires schools more deeply in the existing regulatory swamp. Simply adding one more layer of regulation to the existing scheme without reassessing the governance structure as a whole invites the kind of policy fudging, deflection, and redirection that so often accompanies school reform efforts (Cuban, 1984; Cuban & Tyack, 1995; Timar & Kirp, 1988).

### Redefining School Governance in California

Over the past 30 years, traditional patterns of school governance in California have changed significantly by a series of court rulings, legislative enactments, and voter initiatives. The presumption of local control and a governance system based on electoral accountability—the reigning system for over 150 years—has given way to a system of state control. These changes raise questions about intergovernmental relations, the respective roles and responsibilities of state and local actors in educational decision making, and the impact of centralized control. If schools—and the teachers and administrators in them—are to be held accountable, what does that mean for the role of districts? If schools are held responsible, it seems logical and reasonable to assume that they would be provided with adequate financial, human, and material resource flows to provide high-quality education services. It assumes further that schools have the flexibility to allocate resources, the ability to predict future resource flows, and the stability to sustain improvement efforts. Are such assumptions valid? Are there systemic barriers to improvement that implementation of the "new accountability" ignores? The virtue of centralized public administration and policymaking is arguably a system that is characterized by consistent standards, coherent guidance for instruction, strong consensus about goals, and much greater equality in resource allocation and student achievement (Benson, 1978; Cohen, 1996; Cohen & Spillane, 1992).

Immediately after his election in 1998, California's Governor Gray Davis called for a special legislative session in January 1999 expressly for

the purpose of enacting a state accountability system for K–12 education. In a matter of weeks, the legislature created an entirely new school accountability scheme for implementation the following September. In enacting the measure, the legislature noted that “it is in the interest of the people and this state to assure that each child receives a high quality education consistent with state-wide content and performance standards ... and with a meaningful assessment system and reporting program requirements” (California State Legislature, 1999).

The resulting PSAA contains three principal provisions. One is a single-number score for each school, its Academic Performance Index (API). The API was to be based on a number of factors, but in the rush to implement the program and in the absence of other measures, it is determined by student scores on statewide assessments. The assessment instrument was initially a standardized test (the Stanford Achievement Test, or more commonly the SAT 9). Beginning in 2003, the API will be based on scores of a new standardized test and a norm-reference test based on state standards. PSAA’s second component is the Higher Performing/Improving Schools Program, which awards monetary bonuses to schools and staff for meeting or exceeding API growth targets. Finally, the Immediate Intervention/Underperforming Schools Program (II/USP) establishes an intervention program for schools failing meet growth targets. Schools in this so-called “underperforming” group receive money for planning and implementing initiatives for improvement. If they fail to improve, they are subject to various forms of intervention, including state takeover.

The implicit theory supporting this policy package is that a combination of reporting requirements, incentives, sanctions, and technical support will stimulate sufficient interest and engender sufficient capacity for schools, particularly low-performing schools, to do the right thing by producing high-quality education. A more encompassing set of assumptions underlying PSAA is that school districts and, particularly, schools (since they are the direct targets of rewards and sanctions) have the resources, autonomy, and flexibility to turn low-performing schools into high-performing schools.

### The Political Context for K–12 Education Governance

Historically, responsibility for provision of education services in California, as in most states, was broadly delegated to local school districts. Created as legal entities, school districts were authorized to levy taxes, enter into contracts, and enforce state law as it applies to the operation of

schools. Accountability for education was synonymous with political accountability. School board members answered to local electorates. If a community was unhappy with its schools, it could elect a new board, which then might replace the existing school superintendent. The scope and quality of educational services in a district was determined primarily by local preferences for education and the capacity to pay for them (Tiebout, 1956).

Although local districts were given broad authority to determine the basket of education goods in their communities, the state controlled districts through several means. The most basic of these were minimum standards below which different kinds of school operations could not fall. Based on the rationale that "the general welfare requires a basic educational opportunity for all children" (California State Supreme Court, 1971), it justified requiring pupils to attend schools a minimum number of minutes each day for a minimum number of days per year. The state also specified what courses were to be taught and the kind of training teachers needed to teach them. The state required districts to levy a certain level of tax and to pay its teachers a minimum salary.

In addition to the formal authority of the state, there were also informal mechanisms for school oversight. School accreditation was one. The Western Association of Schools and Colleges (WASC) created a process for schools to engage in periodic self- and peer evaluation. The University of California's admissions requirements were another means of informal accountability. High school courses satisfying the university's so-called "A-F"<sup>1</sup> requirements had to be approved and certified by the university. The university routinely sent the grades of first-year students to their former high schools, a practice that provided schools with a rough proxy for how well their students were prepared to undertake demanding academic work. Student scores on Advanced Placement, SAT, and ACT tests were also informal means of oversight, at least in allowing schools to compare themselves to other schools. Similarly, tests like the Iowa Test for Academic Achievement and later the California Assessment Program allowed school districts to compare their students to those in other districts. These were not "high-stakes" tests: Persistently low scores in persistently low-achieving schools had no particular consequences beyond publicity they may have generated. On the other hand, in communities that cared about test scores, they often had consequences for local school officials. The intent and effect of various accountability mechanisms was to provide communities

<sup>1</sup>The University of California's "A-F" requirements (now "A-G" requirements) specified which courses high school students needed to take to be eligible for admission.

with information about how well their schools were doing. Local community politics determined how that information was used.

Even in times of perceived national crisis, state and federal officials were reluctant to interfere with local authority. The national response to the threat of Russian scientific superiority, the National Defense Education Act, was very careful not to intrude into local territory (Marsh & Gortner, 1963; Sufrin, 1963; Timar 1997). Oversight activities tended to take the form of capacity building—professional development and technical support. State intrusion into local matters, particularly as they related to teaching and learning, was relatively unknown, especially in California. The concept of local, political control based on the idea that school districts reflected community preferences for education within the context of state imposed minimum standards was the foundation on which state oversight and accountability rested.

The late 1960s, however, saw the beginning of a series of state and federal policy actions, voter initiatives, and court decisions that eroded the long-standing tradition of local control and dispersed authority among multiple agencies and levels of government. The cumulative effect of these events was twofold. They either limited local discretion—through legal empowerment of parents, students, or teachers, for example—or superseded local decision making with state and federal decision making. On the one hand, authority dispersed among various interests, while on the other, it shifted to higher, more remote reaches of government. *Centralization* of authority, however, did not lead to *concentration* of authority. Rather than integrating authority, policymakers dispersed authority across large numbers of programs and agencies. In the 1950s, then-Superintendent of Public Instruction Roy Simpson was a member of the governor's cabinet. He was also the executive officer of the State Board of Education, which was responsible for directing the work of the State Department of Education and was the governing board for the state colleges (previously normal schools) and the community colleges. Textbook selection, teacher licensing and certification, and curriculum standards development were integrated in one organization. There are few known instances of the legislature taking policy action that was not initiated by the superintendent of public instruction and the State Board of Education.

Currently, there are separate governing boards for the state university and community colleges. Teacher licensing and certification is under its own commission. Since Bill Honig's tenure as superintendent of public instruction, the State Board of Education has been at war with the superintendent. As governors have come to compete with the superintendent for control over public education, the power of the state board has risen at the expense of the superintendent's. Delaine Eastin, superintendent from

1994 to 2002, had little or no authority, was generally excluded from state-level policy making, and was not regarded in the capitol as a major force in state education politics or policy. The second effect of state policy activism has been the attenuation of local authority and diminution of local capacity to deliver educational services. Collective bargaining, the increasing share of categorical funding relative to block-grant funding, and increasing legislative directives to districts not only placed severe limitations on local discretion, but also made local decision making vastly more complicated and expensive. Authority was dispersed not only at the local level, but also among other actors such as the courts and the California Public Employees Relations Board.

The major changes in school governance and their impact—individually and cumulatively—on the organizational capacity of schools are now discussed.

### *The Serrano Decision*

Historically, schools were supported primarily by local property taxes. Prior to 1979, state law set a base rate of property taxation to support public education. Voters in local districts could increase the rate if they wished to provide additional funding. However, large variations among communities in property wealth (measured by assessed valuation) meant that the amount of revenue raised for a given tax rate also varied considerably. As a result, low-wealth districts had to tax themselves at higher rates than wealthier districts in order to generate the same amount of revenue. The *Serrano* case challenged the constitutionality of the existing school finance system on equal protection grounds. The court agreed and directed the legislature to equalize funding among districts. The legislature's solution was AB 65 in 1977. By means of complex equalization formulas, the measure intended to meet the *Serrano* mandate. However, Proposition 13 superseded implementation of AB 65.

### *Proposition 13*

This constitutional amendment passed by voters in 1978 rolled back property taxes by 60%, limited the property tax rate to 1% of the assessed value, and held annual property tax increases to 2%. Any new taxes had to be approved by two thirds of the voters. (This last provision was modified in 2001 when the state's voters approved an initiative that reduced the required voting majority to 55% for local bond elections, but retained

the two-thirds majority for general tax increases.) Its impact was to create a state school finance system. Combined with the limitations imposed on districts by *Serrano*, district capacity to generate funds for education is now, for all practical purposes, nonexistent. According to the Legislative Analyst, Proposition 13 eroded local authority and capacity in several ways. It shifted leadership to the state. Both funding and policy decisions about education became the responsibility of the state (Legislative Analyst, 1999). Local officials no longer turned to their local communities for support (and no longer did local communities hold local officials accountable for results) as most decisions shifted to Sacramento.

The measure of this change is illustrated by local expenditures for lobbying. Between January 1999 and December 2000, education interests spent \$27.5 million on lobbying officials in Sacramento. One would expect textbook publishers, test makers, and teachers' unions (the California Teachers' Association, e.g., spent \$5.7 million) to buy influence. However, the larger share of lobbying money did not come from special interests, but from school districts, community colleges, and county offices of education. The Los Angeles Unified School District spent \$883,822, the Los Angeles County Office of Education spent \$433,950, the Long Beach Unified School District spent over \$319,000, the San Francisco Unified spent over \$248,000, and Oakland Unified spent just under \$164,000 (California Secretary of State, 2000).

### *Proposition 98*

Passed by voters in 1988, Proposition 98 assigned to K–12 and community colleges a constitutionally protected portion of the state budget by guaranteeing a minimum level of funding. The measure's intent was to provide stability and predictability in K–12 and community college funding from year to year. Although it has provided a guaranteed base, it has also become a ceiling for K–12 and community college funding. Perhaps its greatest impact, which will be discussed more fully later, has been to use the state budget as a policy tool. Policymakers do not know how much money will be available for the following year's budget until the so-called "May revise," which is used to estimate available revenues. Because 40% of general revenues must go to K–12 and community colleges, there is a last-minute scramble to spend available money. In good years, this can be a sizable amount. Legislators and governors have shown increasing reluctance at allocating new moneys to fund general revenue increases to schools. Some fear that general fund dollars will be spent for teacher salary increases rather than state reform priorities. Others want to target funds to



high-visibility programs. The latter has become all the more common since term limits, as legislators need to be associated with high-profile measures to run for their next elective position. Consequently, rather than putting the money into general revenues for schools, legislators increasingly targeted funds for specific programs, further increasing the number of categorical programs and thereby further eroding local budgetary control. Although such decisions may have significant impact on schools, there is little public discussion about them. They are generally last-minute deals made by the governor and legislative leaders.

### *Collective Bargaining*

The legislature authorized collective bargaining for school employees in 1976. Under provisions established by the Winton Act in 1965, districts were simply required to "meet and confer" with employee organizations. Collective bargaining greatly expanded teacher unions' rights to negotiate binding contracts with districts on a variety of matters. They include wages, hours, and other terms and conditions of employment, such as employee benefits, teacher transfer policies, maximum class sizes, and evaluation procedures. According to the California Commission for Educational Quality, California already had statutes in place regulating various employment-related matters, such as state requirements for teacher tenure and dismissal, layoff notification, and maximum class size. These mandates were not eliminated when collective bargaining was enacted. Instead, existing statutes created a floor for the beginning of bargaining in districts. Moreover, the Rodda Act's original provisions related to terms of employment and working conditions have expanded through appeals processes and new laws so that its scope now covers many more topics. Collective bargaining contracts now typically cover a wide range of issues, most of which affect local capacity for service delivery. Issues related to compensation include cost-of-living adjustments, salary schedules, pay for specific duties, minimum teacher salaries, mentor teacher selection process, tuition reimbursement, and travel expenses. Other areas covered by collective bargaining include benefits; hours and days of work; leaves; early retirement and retirement benefits; job assignment; evaluation procedures and remediation; grievance procedures, appeal process, mediation, and arbitration; discipline procedures and criteria; layoff and reemployment procedures; organization security; and a variety of other topics (EdSource, 2000).

In its review of West Contra Costa Unified School District in July 2001, the state-appointed Fiscal Crisis and Management Assistance Team

(FCMAT)<sup>2</sup> concluded that collective bargaining practices (along with the district's organizational structure) were serious impediments to student achievement. The study determined that

In its current state, the Contractual Agreement Between [*sic*] the West Contra Costa Unified School District and the United Teachers of Richmond appears to constrain the district's ability to foster pupil achievement. Professional development, personnel evaluations, staff collaboration time, the length of the workday—each of these areas is covered by collective bargaining agreement and shows evidence of hampering the common district goal to increase students' academic performance. (FCMAT, 2001, p. vi)

According to the University of California's Policy Analysis for California Education (PACE), "Local teacher bargaining contracts centralized decision authority within districts, but also dispersed authority to legislatures, the courts, and public administrative agencies like the California Public Employee Relations Board" (PACE, 2000, p. 81). For districts, collective bargaining means that they share power with unions over a wide range of decisions that affect district educational policies and the distribution of district resources.

### *Categorical Funding*

Traditionally, the principal form of state subvention to schools was through unrestricted, block-grant funding. This meant that local boards had considerable discretion over the use of state funds. Over the past 15 years, and especially in the last 10, the legislature has shifted an increasingly larger share of state monies into categorical grants. These are restricted funds that may only be used for special purposes. In 1980, approximately 13% of all state subventions to school districts were restricted, and most of that was for three programs: special education, Title I, and Economic Impact Aid. In that year also, there were 19 categorically funded programs. In the 2001–02 budget, there are over 100 categorically funded programs. Such funding is approaching 40% of general fund subventions to districts.

<sup>2</sup>The Fiscal Crisis and Management Assistance Team (FCMAT) is an intervention that was created by the legislature in 1991. The legislation gave county superintendents and the legislature itself authority to conduct fiscal audits in districts that had become financially insolvent. Subsequent legislation expanded the authority of county superintendents to initiate a FCMAT audit if there was reasonable cause to believe that a district was in financial trouble.

Increased reliance on categorical funding affects school districts in very specific ways. It has placed greater restrictions on districts regarding the use of state funds. It also means that as the share of categorical funding increases, education finance becomes increasingly supply driven: expenditures are not necessarily based on local needs, but by the availability of state funds.<sup>3</sup> Categorical funding, moreover, usually comes with a list of programmatic and reporting requirements. Detailed proscriptions about parent advisory committees (many schools have four or five), reporting requirements, and fund expenditures have resulted in legislative micro-management of districts through funding.

More generally and more insidiously, the rise of categorical programs has Balkanized schools and school districts. The proliferation of categorical funding has turned schools into collections of programs instead of coherent organizations. As the Coordinated Compliance Reviews<sup>4</sup> conducted by the state education department show, schools and the state are mostly concerned with fairly narrow compliance issues, whereas they may overlook the health of the organization as a whole. They also tend to encourage strict regulatory compliance over professional judgment and replace school goals with narrow programmatic goals (Fuller & Izu, 1986; Spillane, 1996).

### *Federal Education Policy*

Federal education policy amplifies the effects of state categorical funding. Federal funds come with lots of strings attached regarding their use and which students are eligible to participate in federally funded programs and under what conditions. Reauthorization of Title I in the fall of 2001 contained provisions that further invade local decision making. States and schools are required to develop academic standards for all students and are required to test students. Low-performing schools that fail to show improvement over time may be "reconstituted"—teachers and principals may be replaced, or conceivably the schools could be shut down. Additionally, federal regulation now intrudes on local teacher hiring practices by defining what constitutes a "qualified" teacher.

<sup>3</sup>Even as the state faces its largest budget deficit ever, a number of schools have significant amounts of unspent categorical funds simply because they do not know how to spend them. In constant dollars, school districts in 2000 received on average \$940 less in unrestricted funds than they received in 1984.

<sup>4</sup>The Coordinated Compliance Review was created to simplify and coordinate the legally required compliance monitoring of specially funded state and federal programs.

*Increasing Legislative Activism*

For the past two decades, the legislature has routinely enacted during each session literally hundreds of measures dealing with K–12 education. Since imposition of term limits, the pace of legislative activity has intensified. PACE (2000) notes that not only were initiatives of the past 7 years “unprecedented in terms of the consensus they represented among an otherwise divisive body” (p. 83), but also indicated an unusual level of intervention and top-down control by state-elected officials in the affairs of curriculum policy.<sup>5</sup>

Some analysts have described the 1990s as “a tumultuous decade for public education in California” (EdSource, 2001). Over the course of the decade, teachers and local school officials have had to manage education programs while attempting to respond to an outpouring of legislative initiatives. Analysts point out that over the past 5 years the state has introduced numerous, major reform initiatives and programs, some of which align with larger goals, whereas others undermine such goals<sup>6</sup> (EdSource, 2001). The major thrust of these reforms has been under the heading of “standards-based reform,” most of which, though not all, have been introduced since 1995. The intent of standards-based reform is that the state adopt curriculum standards, which, in turn, align with curriculum frameworks; student assessments; school accountability; and teacher training, professional development, compensation, and evaluation. The state is now on its third state assessment instrument in just over 10 years. The California Assessment Program (CAP), which had been in place since 1983, came to a halt in 1991 when Governor George Deukmejian cut program funding just prior to leaving office. State policymakers responded by developing the California Learning Assessment System (CLAS) to replace it. Their goal was to create a state testing system that not only assessed individual student progress, but also was based on the state’s curriculum frameworks. CLAS proved to be short-lived. A combination of conservative backlash to test content, negative research evaluations about the test’s technical quality, and abysmally low scores on the first round of assessment resulted in Governor Pete Wilson vetoing funding for CLAS. In 1996–97, districts were free to select their own tests. Policymakers soon realized, however, that it was difficult to compare student performance across schools and districts when schools used different tests. In 1997–98,

<sup>5</sup>California statute specifies that reading must be taught by means of phonics.

<sup>6</sup>As noted, the legislature’s class size reduction measure resulted in hiring 18,000 uncredentialed teachers at a time when state policy goals aimed at reducing the number of uncredentialed teachers in classrooms. The greatest impact was on low-performing, low-income schools.

the state adopted the Standardized Testing and Reporting Program, which used the Stanford 9 test. Over time, it has been augmented to measure state standards, which, although central to the state's education reform portfolio, are not currently assessed in the Stanford 9, a nationally normed reference-based test. Stanford 9, in its ongoing mutated form to incorporate assessment of state standards, is now an integral part of the state accountability system.

Over the past 5 years, schools have been flooded with new programs and mandates. The state now bans social promotion and requires schools to provide remedial instruction for students during the summer. Students must pass a high school exit examination in order to receive a diploma. The State Board of Education requires all students to take algebra in the eighth grade. These requirements come on top of class size reductions, high-stakes accountability, and increasing restrictions in funding. At the same time, the demographic context of education is changing rapidly: The student population is becoming more diverse, many students are not proficient in English, and some districts face acute teacher and administrator shortages.

Whereas some individuals are critical of the substance of legislative initiatives, others are critical of the legislative process. Increasingly, major decisions about education are the products of last-minute deals made by a handful of people during budget negotiations. For instance, the Class Size Reduction Program enacted in 1996 to reduce class size in kindergarten to third grade to not more than 20 pupils per teacher was introduced and passed into law in 1 day.<sup>7</sup> The statute appropriated \$1.5 billion to school districts that participated in the program in the 1997–98 school year. It proved to be a politically popular measure. Schools liked it because it provided them \$800 in per pupil funding for participating grades. The public and teachers liked it because it reduced class size from an average of 30 to 20. Class size reduction also created a demand for large numbers of new teachers. Since many districts were already having difficulties in staffing classes with credentialed teachers, the measure exacerbated the problem in those districts. Superintendent of Public Instruction Delaine Eastin, although an enthusiastic supporter of class size reduction, tempered her enthusiasm with two concerns. One concerned the effectiveness of the \$1.5 billion program if qualified teachers could not be found to staff those smaller classes. She estimated that the state might need over 18,000 new K–12 teachers at a time when there were already about 21,000 teachers with emergency credentials. She went on to state that

<sup>7</sup>SB 1777, O'Connell (Chapter 163, *Statutes of 1996*). An earlier version of the same measure was contained in SB 1414, Greene. However, the latter became a measure to assist school districts with facilities-related costs associated with class size reduction in K–3.

Clearly, we would be alarmed if 21,000 doctors were working with emergency licenses, and we should be equally concerned about the training our teachers receive. Smaller classes are one important piece of the equation for a successful program, but skilled teachers are essential if we are to see real progress in student achievement based on challenging standards for all students. (D. Eastin, personal communication, California State Legislature, internal memorandum, March 1998)

Another impediment to implementation focused on the capacity of rural districts and districts with severe space shortages to participate in the program.

### *Legislative Term Limits*

In 1990, California voters approved Proposition 140, a statewide initiative mandating term limits for legislative members. The initiative's intent aimed to reverse the domination of the legislature by "professional" politicians. The impact of term limits has been to decimate expertise within the legislature and to create what legislative insiders call "a culture of self-promotion." Prior to term limits, it was common for legislators to specialize and develop expertise in specific areas. One legislator might be an expert in state policies related to school facilities, another in special education, and a third in professional development. Long-term legislators and their staffs often developed considerable policy expertise in specific areas and served as the institutional memory for the legislature. Their ability to assume such a role was based on their longevity. Prior to term limits, legislative staff, particularly standing committee staff, were regarded as "protected" from changes in committee membership. The recent trend, however, has been for committee members to bring in their own staff, who most often have little or no policy expertise or experience.

### *Institutional Structures in the Legislature*

Most legislatures have developed various institutional mechanisms to discipline and control the legislative process on one hand and to provide expertise on the other. Committees, caucuses, procedural rules, and omnibus bills are internal, organizational mechanisms to exert control over the legislative process. Committee staff, the Office of the Legislative Analyst, the Legislative Council, and the Senate and Assembly offices of research are just some of the means of enhancing the expertise and quality of legislative decision making (e.g., Weiss, 1992). In addition to imposing term limits,

Proposition 140 in 1990 also mandated reductions in legislative expenditures by roughly 40%. The legislature implemented the measure by significantly downsizing its policy-making infrastructure. Many long-time consultants were given "golden handshakes" and more recent hires were laid off. The Legislative Analyst and research offices, which traditionally played important roles in the legislative process, were significantly affected.

The loss of institutional infrastructure within the legislature has resulted in a significant diminution of expertise. Prior to term limits, there was an oversight process within the legislature. Long-term staff and members of the legislature could exercise some control over the policy process and thereby the quality of policy. They could, for instance, call attention to measures that undermined or contradicted existing ones. The Assembly Office of Research staff analyzed each measure (and any floor amendments) before a final floor vote could be taken. The analysis generally examined the bill's proposed intent, implementation, and projected effects. Analysis also focused on the measure's relationship to the existing legal and regulatory framework. The impartial Office of the Legislative Analyst—modeled after the Congressional Budget Office—was highly respected and its analyses had considerable impact on the legislative process. Former and current legislative insiders generally agree that due to budget cuts, layoffs, and denigration of policy for politics the policy process has deteriorated considerably over the past 10 to 15 years.

### Configurations of Control and K-12 Governance

While policy expertise in the legislature has declined, the trajectory of education governance has shifted decidedly toward state policymakers. Increasingly, decisions traditionally left to local communities and school officials are now made at the state level. However, with inexorably increasing numbers of state players, it is difficult to know just who the "state" is or who in the state is responsible for the overall health of the state's education system. A host of state and federal mandates has eroded the authority of local officials by shifting authority to more distant reaches of government. Thus, whereas state oversight has become increasingly dispersed as the educational policy sphere has become more complex, local officials have much less discretion about the delivery of instructional services.

Unfortunately for schools, centralized decision making has not led to greater consistency or coherence. In fact, compared to 50 years ago, the effect has been just the opposite. At the state level, authority is widely dispersed and is often contentious. The ongoing battle between the superintendent of public instruction and the State Board of Education exemplifies

how turf battles supersede education issues. A recent study conducted by the California State Auditor (CSA) concluded that

ongoing conflicts between the board and the superintendent about their respective roles and responsibilities have negatively affected all aspects of the STAR program. Implementing the programs has been especially difficult because, due to these conflicts, the superintendent has never developed an annual implementation plan, as state law requires. (CSA, April 2000, p. 3)

Within the complex system of governance that has developed in the state, there is provision for various forms of oversight. In fact, there is no shortage of oversight responsibility scattered among various divisions of the California Department of Education, other state agencies, county offices, and local districts. Two features of the present structure of oversight stand out. The first is that schools have become enmeshed in a massive regulatory superstructure. In the absence of a coherent system of governance, there is instead a loosely connected system of state and local organizations and agencies that are tied together by myriad rules, regulations, programs, and policies. At the center of this massive system is the legislature, which unabatedly attempts to manage the education system at both state and local levels. As previously noted, funding to both the California Department of Education and schools is increasingly restricted to specific programs or responsibilities, which are minutely defined in legislation. The result is a state system of education that is a "system" only in the most general sense. It is better described as a collection of rules, activities, and disparate organizations. What it lacks as a system is a center, a sense of coherence and consistency.

Increasingly, the state legislature has unwittingly undermined local capacity to deliver education services. It is ironic that schools are held accountable for student performance, yet have increasingly less control over their resources. They are like puppets on strings controlled by a dozen puppet masters, none of whom communicates with the others. Schools do not control the outcome of collective bargaining, but must live with the results. They have little control over resources, which are allocated by formula from the districts, the state, or the federal government.

### Rethinking Governance

In its 1999 report, *Governing America's Schools: Changing the Rules*, the National Commission for Governing America's Schools noted that,



"Governance arrangements establish the rules of the game. They determine through statutes, collective bargaining, legal agreements, regulations, and court rulings who is responsible and accountable for what in the system" (Education Commission of the States, 1999). The report concluded by noting that, "without good governance, good schools are the exception, not the rule." But what is good governance? It has meant different things at different times in the history of American education. Throughout most of the 19th century, it meant a system of democratic localism. During the first half of the 20th century, it meant elite control by education experts. By the mid-1960s, good governance was synonymous with access, particularly access by previously disenfranchised minorities to decision making. Its meaning is again subject to redefinition as standards-based accountability, charter schools, privatized school administration, and vouchers have gained currency in educational policy discourse (Timar & Tyack, 1999).

The answer to the question "What is good governance?" is all the more complicated by the fact that education governance is a vastly complex enterprise, which is shaped by many forces—among them, the legislature, the governor, the superintendent of public instruction, the State Board of Education, multiple levels of bureaucracy, various levels of government, the courts, public and private interest groups, textbook publishers, test developers and testing services, foundations, think tanks, colleges, and universities. With so many players exercising some element of control over education, it is difficult enough to imagine what a state governance "system" is, let alone what a "good" system of governance might be.

Another factor complicating education governance in California is the sheer size and diversity of the state's education system. California's education system comprises 6 million students in about 8,500 schools and 1,000 districts. Among students, about 25% are classified "English Learner" students (Tafoya, 2000) and over 47% qualify for free or reduced-price meals. District size varies greatly: 32% of districts have fewer than 500 students, whereas eight districts have more than 50,000. Among districts, 571 are elementary, 93 are high school, and 232 are unified. The state's smallest districts have just one school, whereas Los Angeles has 700. In 1999–2000, there were also 235 charter schools enrolling over 100,000 students. County offices of education operate 58 schools enrolling almost 66,000 students (California Department of Education, 2002). These numbers do not include students enrolled in regional occupation programs, adult education classes offered by school districts and community colleges, and the number of high school students enrolled in community college courses.

The legal structure of school governance in California developed in the early part of the last century. Constitutional and statutory modifications over the ensuing 80 years notwithstanding, the system's basic features remain much the same. The education landscape, on the other hand, has changed dramatically. In 1920, elementary enrollment was 500,644, while secondary enrollment was 162,832. In that year, too, there were 12,565 elementary and 5,794 secondary school teachers (Johnson, 1952). Currently, California's schools employ about 236,000 teachers. The size and scope of the state's educational system have changed dramatically over the past 80 years, as have public expectations of schooling.

The state's role has changed also. There has been a gradual shift from local to state control. As noted earlier, centralization is not the problem. The problem is the rationality, coherence, and efficacy of the evolved system. Most changes were disparate, piecemeal, and ad hoc, responses to various pressures and problems. As the Legislative Analyst (2000) pointed out, the change from local to central control has occurred "without any clear vision as to how the K-12 system can best foster high quality schools. As a result, the Legislature and Governor must make major decisions about the K-12 system without a long-term strategy." The report went on to cite a school district superintendent's comment that "California has an educational system with no conceptual framework" (p. 4).

Implementation of California's PSAA illustrates a fundamental problem of educational policy making—that of policy accretion. The tendency for policymakers over the past 40 or so years has been to add new programs and policies in order to address various problems or respond to various political pressures. As problems multiplied and political pressure increased, so did programs. The impact on schools has been to load them with a great deal of regulatory baggage that covers everything from voluminous reporting requirements—some of them impossible to complete—to minutely prescriptive regulations about parent advisory committees and how parents should be treated. Collective bargaining contracts commonly require schools to balance class loads to within five students. Then there are requirements regarding the inclusion of learning children with learning and other disabilities in classes and the teaching of non-English-speaking students. Any one of these would present a serious challenge to most schools and teachers. In the aggregate, they are overwhelming. The density of policy space is illustrated by the number of delivery systems for high school courses in addition to traditional high schools: regional occupations centers and programs, community colleges, adult education, charter schools, alternative schools, and home schooling.

Within the current governance scheme, it is doubtful that the new accountability system will be regarded as anything more than a burden

(as opposed to an opportunity for improvement). Both theory and research militate toward the conclusion that one-dimensional policy solutions are not likely to be effective in transforming low-performing schools into high-performing schools. Thus, accountability needs to go beyond simple redefinition of accountability toward a fundamental reassessment and possible reconstruction of the institutional framework in which schools operate. For accountability mechanisms to be successful, they must connect logically to organizational capacity building and transformation. What is needed is a new system of networked obligations (Macpherson, Cibulka, Monk, & Wong, 1998).

Such a system could be built on a functional, conceptual framework that recognizes the school as the organizational unit responsible for service delivery. In order to deliver high-quality services, schools require resources—financial, human, and material—and the autonomy to convert those resources into student outcomes. From that proposition, policymakers need to build an institutional infrastructure to support schools. Building outward from the school then raises questions about the most effective administrative structure for schools. Should it be school districts, cities, counties, or some new entity? The state role also needs to be clarified. Logically, the state should be responsible for monitoring access and educational quality, technical assistance, policy development and analysis, and evaluation.

Imposition on schools of a high-stakes accountability system without concomitant systemic redesign runs the risk of overwhelming and defeating what it tries to achieve. Changing from a system of political accountability to a system of administrative accountability without changing the structural features on which each of those systems is constructed will simply compound the incoherence and irrationality of the present system.

## Conclusion

There is a great deal that is still uncertain about the future of the new accountability in California. Will it be the palliative for persistently low-performing schools that policymakers envision? Or will it join so many other past policies in the dustbin of school reform? What ultimately becomes of PSAA and how it gets located in the education system depends on various factors. Clearly, there will be winners and losers as the politics of the new accountability play out. New entrants join the ranks of existing interests and old interests may be eclipsed and neutralized. Whether the new accountability succeeds in reshaping the state's governance system depends on the outcomes of various, likely scenarios.

Each scenario is anchored in a different, though not mutually exclusive, theory of policy implementation.

*Policy Adaptation and Evolution*

One possible future for accountability is that over time various players and interests adapt and adjust to the policy. A theory of policy incrementalism and evolving change proposes that new policies, particularly those whose implementation requires major change in existing patterns of individual and organizational behavior, will be implemented slowly and through a process of mutual adaptation (Berman & McLaughlin 1978; March & Olsen 1989; Pressman & Wildavsky, 1984). As policymakers, teachers, administrators, and others affected by the change learn the new system, it is fine tuned through a process of adaptation. From the perspective of bounded rationality, one would expect those responsible for implementing the program's requirements to be cautious and tentative. Most organizations and individuals resist change, as they prefer the known to the unknown (Wildavsky, 1979). As with all new policies, the potential of failure and the costs associated with it are obvious, whereas the benefits are more obscure and downstream. Uncertainty related to implementation looms large in education, where the technology of reform and change is an uncertain enterprise. In PSAA, policymakers and the public assume a theory of action that neatly connects policies with predictable outcomes. As many have noted and experience has borne out, there is considerable slippage between intent and outcome. The lower performing the school, the more uncertain the technology of change becomes, and the more uncertainty the policy creates among those who must implement it.

The direction and pace of change in a process of policy adaptation depends substantially on the kind of support schools receive to implement the new accountability system. As noted earlier, schools that participate in the immediate intervention program receive additional resources. As noted also, the quality and adequacy of those resources is discouraging. However, as the program progresses, it is possible that the quality of assistance will improve. How the adaptation scenario plays out depends on the policy feedback system that is in place. Mutual adaptation works if there is an open system of information exchange between those who make and those who implement policy (Berman, 1986; Mazmanian & Sabatier, 1983; Pressman & Wildavsky, 1984). Over time then, one would expect new structures to be created to support implementation of the new accountability system. According to the adaptive, evolutionary theory of policy implementation, new structures are created in response to new needs.

### *Symbolic Implementation*

According to this scenario, accountability becomes part of the symbolic and ritualized behavior of schools and policymakers (Meyer & Rowan, 1977). In order to maintain institutional legitimacy, school officials and policy makers want and need to appear successful. Accountability carries all the baggage of "good policy" and therefore has considerable public appeal. It promises higher levels of student achievement and it promises to weed out ineffective teachers and administrators, ultimately closing down persistently poorly performing schools. Each year, test scores are released, punishments and rewards meted out, and everyone is happier knowing that the system of accountability is working. Web sites for the benefit of real estate agents are designed to interpret API scores and to rank schools in communities. Major changes in school governance are not likely to occur, however. The state is ill-equipped to take over 100 schools, let alone 1,000. Program adjustments will be made and the law will be modified through a process of mutual accommodation. Over the long term, its negative elements (those that threaten to disrupt existing behavior) will dissipate. In the end, little is changed. Accountability is added to the institutionalized ritual of schooling.

### *Interest Group Mobilization*

According to this theory, accountability will mobilize new interests, who will then become the program's constituents and will form coalitions with existing interests (Lowi, 1969). PSAA will create demands for new products and services and exert pressure on policymakers to redirect revenues to meet those needs. Summer school programs to remediate students, new university programs to meet teachers' and administrators' needs for professional development, test publishers, school improvement consultants (such as the existing cadre of evaluators), and other interests—the California Business Roundtable, for example—for whom there are concentrated interests will join forces to create a politics of accountability. The program would continue to be supported by policymakers as long as powerful, organized groups continued to benefit from the program.

### *Policy Capture*

Another possible scenario for PSAA is for powerful interests to capture the policy and twist it into shapes congenial to their own interests (Chubb

& Moe 1990; Moe 1989, 1990). During the 2002 legislative session, for instance, the California Teachers' Association backed legislation to subject provisions of PSAA to collective bargaining. One proposal in the legislature aimed to remove all rewards and sanctions from accountability. Another proposed to include reporting requirements (paper work) within the terms of conditions of employment in collective bargaining agreements. A third measure sought to remove passing the High School Exit Examination as a condition of graduation. Powerful interests who have close ties to the policy-making process can gradually amend PSAA so that it shifts substantial control to unions. Given the uncertainty with which both teachers and administrators regard the measure, one might expect teachers' unions and administrative organizations to join forces to capture its implementation.

It is too early to determine the various implementation scenarios that will play out. Cohen noted that "policy cannot work unless it is situated in an enabling politics" (1996, p. 124). PSAA's public benefits are diffuse and therefore may be insufficient to mobilize interests that are able to withstand the political clout of special interests. Much depends on what that "enabling politics" is. Although the various scenarios outlined here are not mutually exclusive, the one most likely to dominate is policy capture. Powerful political insiders like teachers' unions have a vested interest in protecting their members. Simultaneously, they must appear to the public as having the interests of children at heart. Although vested interests may privately oppose policies such as accountability, publicly they will genuflect toward them. What follows then is a process of political negotiation and policy accommodation. Policymakers and vested interests are in a dependency relationship. That relationship works only as long as each is willing to accommodate the other's needs—within politically acceptable parameters, of course.

What is certain is that for the reasonable future PSAA is a fixed feature of the education landscape in California. However, how it reshapes the contours of that landscape remains to be seen. Ideally, the policy-making and implementation process is like a *pas de deux*. The success of the dance is mutually dependent. More importantly, it is a single dance in which the moves of one dancer are an extension of the other. Although the two dancers are distinct, their movements are one.

## References

- Benson, C. (1978). *The economics of public education* (3rd ed.). New York: Houghton Mifflin.  
Berman, P. (1986). From compliance to learning: Implementation of legally induced reforms. In D. Kirp & D. Jensen (Eds.), *School days, rule days* (pp. 46–63). Philadelphia: Falmer.

- Berman, P., & McLaughlin, M. (1978). *Federal programs supporting educational change* (Vol. VIII). Santa Monica, CA: Rand Corp.
- California Department of Education. (2002). *California statewide profile*. Available at <http://www.cde.gov>.
- California Secretary of State. (2000). Lobbying activity. Retrieved from <http://www.ss.ca.gov/prd/lobreport00—8qtr>.
- California State Auditor. (2000, April). *STAR Program: Ongoing conflicts between the continued errors impede the program's success*. Sacramento, CA: Bureau of State Audits.
- California State Legislature. (1999). The public schools accountability act. *Statutes of 1999* (chap. 3). Sacramento, CA: Author.
- California State Supreme Court. (1991). *Serrano v. Priest*, 5 CAL. 3rd, 584.
- Chubb, J., & Moe, T. (1990). *Politics, markets, and America's schools*. Washington, DC: Brookings Institute.
- Clinton, W. (1997). *State of the union address*. Available at <http://www.whitehouse.gov/WH/SOU97>.
- Cohen, D. (1996). Standards-based school reforms: Policy, practice, and performance. In H. Ladd (Ed.) *Holding schools accountable: Performance based reform in education* (pp. 99–127). Washington, DC: Brookings Institute.
- Cohen, D., & Spillane, J. (1992). Policy and practice: The relations between governance and instruction. *Review of Research in Education*, 1992, 18.
- Cuban, L. (1984, November). School reform by remote control: SB 813 in California. *Phi Delta Kappan*, 66, 213–215.
- Cuban, L., & Tyack, D. (1995). *Tinkering toward utopia: A century of public school reform*. Cambridge, MA: Harvard University Press.
- Diegmuller, K. (1995, April 12) Standards: Running out of steam. Education Week, <http://www.edweek.org>.
- EdSource. (2000). *Current policy readings: K–12 school reform in California*. Palo Alto, CA: EdSource.
- Education Commission of the States. (1999). *Governing America's schools* (Report of the National Governing America's Schools Panel). Denver, CO: Education Commission of the States.
- Elmore, R., Abelman, C., & Fuhrman, S. (1996). The new accountability in state education reform: From process to performance. In H. Ladd (Ed.), *Holding schools accountable: Performance based reform in education*. (pp. 65–98). Washington, DC: Brookings Institute.
- Fiscal Crisis and Management Assistance Team. (2001). *West Contra Costa Unified School District assessment and improvement plan*. Office of the Kern County Office of Education, Bakersfield, CA.
- Fuller, B., & Izu, J. (1986). Explaining school cohesion: What shapes the organizational beliefs of teachers. *American Journal of Education*, 94(4), 501–535.
- Goals 2000: Educate America Act. Retrieved from <http://www.ed.gov/legislative/Goals2000/TheAct>.
- Johnson, L. (1952). *Development of the central state agency for public education in California, 1849–1949*. Albuquerque: University of New Mexico Press.
- Legislative Analyst. (1999). *A special guide to K-12 reform*. Sacramento, CA: Office of the Legislative Analyst.
- Legislative Analyst. (2000). *K–12 Master plan: Starting the process*. Sacramento, CA: Office of the Legislative Analyst.
- Lowi, T. (1969). *The end of liberalism*. New York: Norton.
- Macpherson, R. J. S., Cibulka, J., Monk, D., & Wong, K. (1998). The politics of accountability: Research in prospect. In R. J. S. Macpherson (Ed.), *The politics of accountability* (Yearbook of the Politics of Education Association). Thousand Oaks, CA: Corwin.

- March, J., & Olsen, J. (1989). *Rediscovering institutions: The organizational basis of politics*. New York: Free Press.
- Marsh, P., & Gortner, R. (1963). *Federal aid to science education programs*. Syracuse, NY: Syracuse University Press.
- Mazmanian, D., & Sabatier, P. (1983). *Implementation and public policy*. Glenview, IL: Scott Foresman.
- Meyer, J., & Rowan, B. (1977). Institutionalized organizations: Formal structures as myth and ceremony. *American Journal of Sociology*, 83.
- Moe, T. (1989). The new economics of organization. *American Journal of Political Science*, 213–253.
- Moe, T. (1990). Political institutions: The neglected side of the story. *Journal of Law, Economics, and Organization*, 6, 738–774.
- National Commission for Governing America's Schools. (1999). *Governing America's schools: Changing the rules*. Denver, CO: Education Commission of the States.
- Policy Analysis for California Education. (2000). *Crucial issues in education: Are the reform pieces fitting together?* Berkeley: Policy Analysis for California Education, Graduate School of Education, University of California, Berkeley.
- Pressman, J., & Wildavsky, A. (1984). *Implementation* (3rd ed.). Berkeley: University of California Press.
- Quality counts. (2003, January 9). *Eduaction Week*, xxii(17), 1–5.
- Ravitch, D. (1995). *National standards in American education. A citizen's guide*. Washington, DC: Brookings Institute.
- Reich, R. (1991). *The work of nations*. New York: Knopf.
- Spillane, J. (1996). Districts matter: Local educational authorities and state instructional policy. *Education Policy*, 10 (1).
- Sufrin, S. (1963). *Administering the National Defense Education Act*. Syracuse, NY: Syracuse University Press.
- Tafoya, S. (2000). The linguistic landscape of California schools. In *California counts: Population trends and profiles* (Vol. 3, No. 4, pp. 1–15). San Francisco: PPIC.
- Tiebout, C. (1956). A pure theory of local expenditures. *Journal of Political Economy*, 64 (5).
- Timar, T. (1997). The institutional role of state education departments: A historical perspective. *American Journal of Education*, 105(3), 231–260.
- Timar, T., & Kirp, D. (1988). Educational reform and institutional competence. *Harvard Education Review*, 57(3), 1–23.
- Timar, T., & Tyack, D. (1999). *The invisible hand of ideology: Perspectives from the history of school governance*. Denver, CO: Education Commission of the States.
- Weiss, C. (1992). *Organizations for policy analysis*. Newbury Park, CA: Sage.
- Wildavsky, A. (1979). *Speaking truth to power: The art and craft of policy analysis*. Boston: Little, Brown.