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# The Ballot Initiative and Other Modern Threats to Public Engagement in Educational Policymaking

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## Abstract

*This paper situates recent changes in educational policymaking, especially the increased use of the ballot initiative, within larger historical trends related to democratic engagement in policy development. I conduct an integrative literature review that combines conceptual analyses with findings from empirical investigations into new policymaking tactics and their influence on policy development. Specifically, I explore (a) the discourses justifying policy priorities over time, and (b) the role of democratic engagement in dominant modes of policymaking. I demonstrate that various sources combine to tell a troubling story about the longstanding exclusion of the public from policymaking regarding its public schools. Further, I argue that, perhaps paradoxically, the increased use of the ballot initiative only exacerbates this trend. Ultimately, I use results from the reviewed research to ask if there is a better way to make policy, one that aspires to higher democratic ideals.*

*Keywords:* education policy, literature review, discourse analysis, democratic engagement

The educational policymaking arena has changed dramatically in recent years. A controversial and ever-expanding menu of policy proposals is now debated and developed by an increasingly diverse array of high-powered political actors (Buras, 2011; McGuinn, 2012a, 2012b). Change is perhaps most visible within state legislatures across the country, where new political actors using new political tactics have had a major influence on the policies that have been enacted. One set of actors new to state-level policymaking is a loosely federated group of nonprofit advocacy organizations that has enjoyed remarkable success in recent years (McGuinn, 2012a; Sawchuk, 2012b, 2012c). Many of these organizations are non-governmental actors, often located far from the states and communities whose policies they hope to influence. Fueled in part by new rules regarding political spending, these organizations have helped to drive controversial changes that aim, consistent with the neoliberal agenda, to make public education function more like private business.

This article traces major discursive shifts in educational policymaking over roughly the last 50 years, starting with the social welfare era and continuing to the current era of neoliberal reform. Within this analysis, I locate research findings on a perhaps misunderstood and increasingly popular vehicle of neoliberal reform: the ballot initiative.

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Because the ballot initiative has quietly become a driver of neoliberal reform, it is important that the literature on each topic—that is, ballot initiatives and neoliberal reform—are examined together. I situate the ballot initiative in the history of educational policymaking by combining a review of existing research on ballot initiatives with an exploration of shifts in political discourse and modes of democratic engagement. Together, these sources tell a troubling story about public exclusion from educational policymaking.

As I demonstrate below, dominant discourses of the social welfare and neoliberal eras gave justification to policymaking that generally eschewed broad public engagement in the tradition of deliberative democratic debate—that is, broad, inclusive debate that includes the perspectives of those most affected by policy change. I argue that, in the transition to the neoliberal era, dominant modes of decision-making have moved further away from the deliberative ideal, a troubling trend that has accelerated with the increased use of the ballot initiative.

Historically, wealthy individuals seeking controversial changes across all areas of public policy have relied upon ballot initiatives (Moses & Saenz, 2008). In the 1990s, wealthy elites across multiple states used ballot initiatives to influence educational policy with state propositions that banned race-based affirmative action in higher education admissions and mandated English-only instruction in K–12 public schools. Now, influence has spread beyond wealthy elites, as smaller organizations can have a larger impact by pooling their money beyond previous campaign spending limits. Due to changes in campaign spending rules, especially the 2010 U.S. Supreme Court ruling in *Citizens United v. FEC*, advocacy groups have come to function as the wealthy individuals of the past. Since *Citizens United*, many groups have established Super PACs and 501(c)4 organizations, which allow special interests to spend unlimited amounts of money on political advocacy, often without having to disclose their donors (Sawchuk, 2012c). Because they are now allowed to pool donations from an undisclosed list of donors, groups are able to combine efforts to promote public policies that serve private interests. A major threat to informed public engagement, these efforts often take place through a labyrinthine web of disclosed and undisclosed donations, making it very difficult for the public to know who is funding certain initiatives and to make their voting decisions accordingly.

Recent research identifies a growing national trend in the connection between ballot initiatives and advocacy groups across all areas of public policy. Reviewing political finance records from six states between 2006 and 2014, Lee, Valde, Brickner, and Keith (2016) of the Brennan Center for Justice found that “state and local ballot measure elections tend to draw heavy anonymous spending by economically motivated special interests” (p. 14), defined as groups that “seek more immediate, direct benefit” (p. 10) from a particular policy change. Specifically, ballot campaigns are often funded by “dark money”—donations from groups that do not have to disclose their donors—which increased by a magnitude of 38 times between 2006 and 2014. Further, the report predicted a major increase in spending on ballot initiatives in the 2016 election. By the spring of 2016, advocacy groups had already raised \$125 million to promote over 800 ballot measures across the country, representing a 75% increase in spending from that point in the 2014 election cycle (Lee et al., 2016).

Partly a result of changes to political finance rules, the use of the ballot initiative has increased in recent years, with initiatives often promoting highly controversial reforms funded by special interests (Lee et al., 2016). In 2008, ballots across the country featured 18 initiatives related to public K–12 or higher education (National Conference on State Legislatures, 2015a). By 2012, the first national election following *Citizens United*, the number of initiatives nearly doubled to 35 education-related measures (Workman, 2012). One such set of controversial measures was the 2012 “Luna Laws” in Idaho, a series of wide-ranging ballot initiatives that proposed severe new restrictions on job protections and collective bargaining for teachers, essentially turning teachers into at-will employees (Resmovits, 2011). An organization called Education Voters of Idaho, registered as a 501(c)4 group that does not have to disclose its donors, funded the campaign for the Luna Laws. It later required a court order to reveal that this organization was heavily funded by charter school advocates and technology corporations, who stood to benefit financially from one stipulation in the laws mandating the purchase of a laptop for every Idaho student (“Ed reform,” 2012).

Special interest spending on ballot initiatives only increased in the most recent election. For example, a group called Great Schools Massachusetts filed a ballot initiative that would have allowed 12 additional charter schools in the state each year. In reviewing state financial disclosures, local investigative reporting linked the campaign to dark money sources funneled through a nonprofit called Strategic Grant Partners, which spent more than \$10 million in Massachusetts during the 2014 election cycle on neoliberal education reform efforts (Cunningham, 2016). According to the Massachusetts Office of Campaign and Political Finance, groups supporting charter school expansion ultimately spent a shocking \$25.8 million on the ballot campaign, shattering the state record (Phillips, 2016). Even more troubling, major news outlets reported that a large proportion of funding for the initiative came from out-of-state groups, some of whom were closely connected to the administration of Massachusetts Governor Charlie Baker, having previously worked for him or for others in his cabinet (Phillips, 2016; Ryan & Arsenault, 2016; Thompson, 2016). If ballot initiatives emerged from a model of democratic engagement, policy priorities would be developed through debate among those who would be most affected by the proposed changes. Instead, although voters eventually defeated the initiative, the Massachusetts campaign illustrates how, in the neoliberal era, outside groups can disproportionately influence the terms of debate about significant state school policies.

These cases illustrate the unprecedented use of the ballot initiative as a vehicle for neoliberal reform in education. In this paper, I engage in an integrative literature review (Whittemore & Knafl, 2005) that combines conceptual analyses with findings from a wide variety of empirical investigations into new policymaking tactics and their influence on the policy development process. I use a variety of sources to outline policymaking trends in the transition from the social welfare era to the neoliberal era. I then argue that obstacles to public engagement in the neoliberal era have become stronger and taller since *Citizens United*, as evident in the increased use of the ballot initiative. Although proponents of the ballot initiative process argue that it can spark direct democratic engagement in policy development, the weight of research evidence suggests instead that policymaking by ballot initiative gives further influence to moneyed special interests over

and above the concerns of ordinary citizens. In the process, policy is directed more by an influential class of elites than by the individuals most affected by policy change.

Throughout this review, I use deliberative democratic theory to evaluate the potential for dominant modes of educational governance to advance democratic ideals. Deliberative democratic theory calls for policymaking that builds public trust through informed critique of dominant policies, thoughtful inclusion of marginalized voices, and local-level deliberation. As documented across a variety of conceptual sources, deliberative theory is guided by three foundational principles: the reason-giving requirement, the principle of equal participation, and the principle of equal respect (Chambers, 2003; Fung & Wright, 2001; Gutmann, 1999; Ranson, 2007; Thompson, 2008).

Described below as *public accountability*, Chambers (2003) defines *reason-giving* as “publicly articulating, explaining, and most importantly, justifying public policy” (p. 308) to those who are affected. Various terms are used for this principle: *membership* (Ranson, 2007) or, perhaps most commonly, *non-repression* (Gutmann, 1999), the principle of equal participation holds that deliberation should “[strive] to ensure that the multiplicity of differences within a community were present” (Ranson, 2007, p. 212) and that no one dominates the debate and silences others (Fung & Wright, 2001; Gutmann, 1999; Ranson, 2007; Thompson, 2008). Closely related to the standard of equal participation is that of equal respect, which states that not only should all relevant perspectives be included but also that all should receive comparable levels of respect and consideration. This standard is perhaps most prominently known as Gutmann’s (1999) principle of *non-discrimination*, though it appears in others’ work as *equality of voice* (Ranson, 2007). As I review the literature on public engagement, both in educational policymaking and in the use of the ballot initiative, I use deliberative democratic theory as a guide for what public policymaking can or should aspire to be.

### **Framing the Review**

I engage in a parallel examination of (a) the discourses justifying policy priorities over time, and (b) the role of various forms of democratic engagement in dominant modes of policymaking. A product of post-structural literary theory, the “discourse” heuristic refers to the themes that establish relationships between different selections of text (Bacchi, 2000; Ball, 1994, 2008; Foucault, 1972). Foucault (1972) explains that discourses do not appear whole in any single text; instead, they are an “anonymous dispersion through texts” (p. 60), formed not by a single author, but by the combination of themes, topics, and perspectives that appear across a body of texts (Bacchi, 2000; Sharp & Richardson, 2001). Discourses give political argumentation in a text the appearance of truthfulness or common sense. As Ball (2008) explains, in political debate, individual statements draw from common social narratives, or discourses, to “[make] particular sets of ideas obvious, common sense, or ‘true’” (p. 5). I explore discursive changes in educational policymaking through the following research questions:

- What does the conceptual and empirical literature say about dominant arguments, or discourses, shaping democratic engagement in modern educational policy development?

- What does the empirical literature say about democratic engagement in neoliberal educational policy development?
- What does the empirical literature say about democratic engagement in the ballot initiative process?

My characterization of policy discourses is based on analyses of the changing political landscape from a variety of methodological perspectives, including process tracing (Mehta, 2013), domain analysis (DeBray-Pelot & McGuinn, 2009), discourse analysis (Hursh, 2005, 2009), and critical policy analysis (Valenzuela & Brewer, 2011). I draw further insight from conceptual scholarship on characteristics of the neoliberal era, including its relationship to the rise of global capitalism (Ball, 2006, 2010; Ranson, 2007; Rizvi & Lingard, 2009) and its affinities with neoconservative principles (Apple, 2006; Buras & Apple, 2008).

Alongside discussion of political discourses, I explore empirical scholarship regarding democratic engagement in modern educational policymaking. I compare research findings to the notion of “public accountability,” defined in deliberative democratic theory as “having to answer questions about what has happened or is happening within one’s jurisdiction” (Dunshire, 1978, p. 41). More than numerical measures of performance, the deliberative notion of accountability includes what Ranson (2007) describes as a “dimension of ‘answerability’” (p. 199), wherein policymakers and practitioners are “held to account” (p. 199) publicly for the reasons behind their actions and for their related political consequences (Dunshire, 1978; Ranson, 2012). This broader notion of accountability is oriented towards increasing public trust in the public school system. As Ranson (2007) explains, “trust and achievement can only emerge in a framework of public accountability that enables different accounts of public purpose and practice to be deliberated in a democratic sphere” (p. 214). To reach shared accounts of the purpose and impact of certain school policies, affected stakeholders must engage in meaningful debate, in which individuals challenge one another to defend their opinions, and collaboratively develop policies that best reflect the interests of all (Fischer, 2003; Warren, 2009).

To identify conceptual and empirical articles related to democratic engagement in educational policy, I conducted a Boolean search, using key terms such as *democratic engagement*, *public engagement*, and *educational policymaking*. I collected additional articles through a snowball method that included close review of article citations related to the themes of educational policymaking and democratic engagement. I then conducted a separate Boolean search for empirical investigations of the ballot initiative process and its impact on democratic engagement in policymaking, using terms such as *ballot initiative*, *direct democracy*, and *democratic engagement*. I also used a snowball method to supplement results from my initial Boolean searches. Because the literature on ballot initiatives is limited, I did not restrict my search to articles written about education. Table 1, below, presents a complete list of the sources used for this review, organized according to the research questions.

Table 1  
*Reviewed Research*

Focus Area	Sources Used	Total Count
What does the conceptual and empirical literature say about dominant arguments, or discourses, shaping democratic engagement in modern educational policy development?	Apple (2006); Ball (2006, 2008, 2010); Berends, Cannata, & Goldring (2011); Buras & Apple (2008); Conley (2003); DeBray-Pelot & McGuinn (2009); Dumas & Anderson (2014); Hargreaves & Shirley (2009); Henig (2008); Howe & Meens (2012); Hursh (2005); Kantor & Lowe (2006); McDonnell (2009); McGuinn (2012b); Mehta (2013); Olssen, Codd, & O'Neill (2004); Ranson (1995, 2007, 2012); Ravitch (2001); Rizvi & Lingard (2009); Robertson (2000); Soss, Fording, & Schram (2011); Tyack (1974); Vidovich (2007); Wacquant, (2009)	28
What does the empirical literature say about democratic engagement in neoliberal educational policy development?	Bartlett, Frederick, Gulbrandsen, & Murillo (2002); Buras (2011); DeBray, Scott, Lubienski, & Jabbar (2014); Gold, Christman, & Herold (2007); Hursh (2007, 2009); La Londe, Brewer, & Lubienski (2015); Puriefoy (2000, 2005); Rogers (2006); Scott, Jabbar, Goel, DeBray, & Lubienski (2015); Simon, Gold, & Cucchiara (2011); Sleeter (2008); Valenzuela & Brewer (2011)	14
What does the empirical literature say about democratic engagement in the ballot initiative process?	Ellis (2002); Farley, Gaertner, & Moses (2013); Lascher, Hagen, & Rochlin (1996); Lee, Valde, Brickner, & Keith (2016); McDonnell (2007); McLendon & Eddings (2002); Moses & Farley (2011); Moses & Saenz (2008, 2012); Smith & Tolbert (2004)	10
Total Sources Reviewed		48

### **Results of the Review: Threats to Public Engagement in Educational Policymaking**

I organize results according to two major eras of educational policymaking: the social welfare era, from the enactment of the Elementary and Secondary Education Act (ESEA; 1965) to the 1983 publication of the *A Nation at Risk* report; and the neoliberal era, beginning in 1983 and accelerating under new political finance rules. I use discussion of the social welfare era to set the stage for a more detailed analysis of what the literature says about discourse and democratic engagement in the neoliberal era. I explore the findings of empirical investigations of democratic engagement in cities that have been widely recognized as experimental sites for neoliberal educational policymaking, including New Orleans (Buras, 2011) and Philadelphia (Gold, Christman, & Herold, 2007; Simon, Gold, & Cucchiara, 2011). I then review empirical literature on the use of

the ballot initiative to explore its role as a vehicle for neoliberal reform (Farley, Gaertner, & Moses, 2013; Lascher, Hagen, & Rochlin, 1996; McLendon & Eddings, 2002; Moses & Farley, 2011; Moses & Saenz, 2008, 2012).

### **The Social Welfare Era, 1965–1983**

In the social welfare era, educational governance adhered to the notion that “the government shared some responsibility for safeguarding the conditions that could enable people to flourish” (Hursh, 2007, p. 495; see also Conley, 2003; DeBray-Pelot & McGuinn, 2009; Hargreaves & Shirley, 2009; Ranson, 1995, 2012). This political framework led to the spate of government spending and social programs that helped the country emerge from the Depression and lead allied forces in World War II (Buras & Apple, 2008; Hursh, 2005). As DeBray-Pelot and McGuinn (2009) note, educational policymaking in this era was characterized by an “equity rationale” (p. 17), where the national government supplemented state funding in an effort to equalize educational opportunity for low-income students (Conley, 2003; Hargreaves & Shirley, 2009; Howe & Meens, 2012).

Two related discourses are evident in educational policy of the social welfare era: the role of the government in promoting school achievement, and the value of local control over public schools (Howe & Meens, 2012; Hursh, 2005, 2007, 2009; Mehta, 2013; Tyack, 1974). According to Mehta (2013), in the decades prior to the release of *A Nation at Risk*, debate about education policy adhered to the notion that “social forces were responsible for academic outcomes” (p. 286). According to this perspective, school improvement is a public responsibility, not a matter of policies and practices within a particular school building. Consistent with the government responsibility discourse, democratic engagement in the social welfare era was based on a form of democracy in which the public largely trusted local elected officials to make decisions about local schools, rather than direct engagement in policy debate in the deliberative model (Fung, 2007; Ranson, 2012).

Policymaking in the social welfare era reflected dominant discourses about school improvement. The most prominent example of social welfare educational policy was the Title I funding formula at the center of the 1965 ESEA legislation (Mehta, 2013). A redistributive form of social improvement (Fraser, 1989), Title I provided funding to schools in low-income communities to offset disparities in state funding, which often relied heavily on local property taxes. Consistent with the social welfare discourse, the government aimed to spur academic achievement by mitigating the harmful effects of social forces, like poverty, on student performance (Buras & Apple, 2008; Hargreaves & Shirley, 2009; Hursh, 2005).

Educational decision-making also reflected discourses about the value of local control over public schools. As described by Howe and Meens (2012), “equity-minded reformers . . . adopted [local control] as a tool of education reform” (p. 5) in order to advocate for policies that increased access to educational opportunity. According to the local control discourse, the role of centralized government was limited to the provision of social opportunity (Hursh, 2009; Mehta, 2013). Local school leaders, meanwhile, maintained wide discretion over school’s curriculum, pedagogy, and assessment (Tyack, 1974).

In the social welfare era, the local control discourse was an influential part of the educational policy debate. Howe and Meens (2012) note, for example, that conservatives used arguments about local control to resist racial desegregation policies. Meanwhile, African American and Latino/a civil rights leaders used discourses about local control to argue for community governance over schools in cities like New York and Chicago (Howe & Meens, 2012; Perlstein, 2004). For example, the local control discourse was the centerpiece of pitched battles among the Black community, school district leaders, and the teachers' union that played out famously in Ocean Hill-Brownsville in Brooklyn (see Perlstein, 2004). As explored by Rickford (2016), dissatisfaction with urban desegregation led African Americans to seek direct community control over schooling. While it is outside the scope of this paper to explore these examples in detail, they illustrate how the notion of local control largely shaped the debate in the social welfare era, as various groups battled over who had control over schools and what control meant.

The discourse of local control also supported the wide promulgation of localized accountability, in contrast to the top-down mandates for student performance that have come to define the neoliberal era. In social welfare policies, such as Title I, government funding was tied to student income, not to student performance, and included only limited accountability requirements (DeBray-Pelot & McGuinn, 2009; Mehta, 2013; Ranson, 2007, 2012). Beginning in the neoliberal era and accelerating after *Citizens United*, local governmental control has given way to increased direct influence of national non-state actors, aided by important transitions in the role of state governance.

**Minimal democracy in the social welfare era.** Ranson (2012) situates social welfare policies within the “age of professionalism” (p. 245), where the public largely deferred trust for educational quality to elected officials and practitioners (Mehta, 2013; Ranson, 1995, 2012). In this way, the social welfare era of educational policymaking was characterized by what Fung (2007) describes as “minimal democracy,” which “favors comparatively low standards of public accountability” (p. 454) and largely relies on “elections as the central political institution” (p. 448) and policymaking apparatus. The standard of minimal democracy falls short of the multi-voiced debate favored by the deliberative democratic tradition; instead of shaping policy through dialogue and debate, the public primarily engaged in policymaking indirectly, via election of school board members and other local officials (Fung, 2007; Mehta, 2013; Ranson, 2012).

The publication of the *A Nation at Risk* report in 1983 sparked public and political attention to student achievement and global economic competitiveness, decimating public trust in social welfare policies and effectively ending the era of social welfare policymaking (Conley, 2003; Mehta, 2013; Ranson, 2012). According to Mehta (2013), *A Nation at Risk* “called into existence a broad public backing for school reform” (p. 300), instigating a broad discussion of education policy goals and strident calls for performance-level accountability. In the language of *A Nation at Risk*, “if an unfriendly foreign power had attempted to impose on [the United States of] America the mediocre educational performance that exists today, we might well have viewed it as an act of war” (National Commission on Excellence in Education, 1983, p. 5). In the report’s aftermath, federal policymaking shifted from the “programmatic optimism” (Ball, 2006, p. 56) of the social welfare approach to “radical pessimism” (p. 56). *A Nation at Risk*, then, in spreading the belief that reliance on local government had failed schools, simultaneously

marked the end of the social welfare era and the beginning of the current era of neoliberal policymaking.

### **The Neoliberal Era, 1983–Present**

Neoliberal reform operates from the premise that the market, as opposed to government, is an efficient solution to inequitable access to social goods (Hursh, 2007; Rizvi & Lingard, 2010). In education, neoliberal policymakers assume that market principles, such as competition and choice, will ensure that the educational system more efficiently provides social goods, such as high-quality teachers, to its “consumers,” America’s public school students and their families (Ball, 2006; Hursh, 2005; Rizvi & Lingard, 2010). As described below, according to the neoliberal perspective, standards-based accountability is the vehicle for providing rational consumers with the information they need to choose the best schools or teachers. Advocates of neoliberal policies believe that the combination of choice and high-stakes accountability will eventually replace low-performing educational models with high-performing ones, as these will garner the widest demand in the educational marketplace. Tabb (2002) describes neoliberalism as:

The privatization of the public provision of goods and services—moving their provision from the public sector to the private—along with deregulating how private producers can behave, giving greater scope to the single-minded pursuit of profit and showing significantly less regard for the need to limit social costs or for redistribution based on nonmarket criteria. The aim of neoliberalism is to put into question all collective structures capable of obstructing the logic of the pure market. (p. 29)

Following Tabb (2002), because neoliberal policies are designed to make public schools function more like private businesses, I use the term *neoliberalism* as a synonym of marketization and corporate-oriented reform.

Neoliberal approaches to school policies emerged largely in response to perceived shortcomings of the low-accountability, redistributive policies that dominated the social welfare era. Working perhaps from a complicated web of motivations, state leaders and legislators “used the failed reforms of the 1980s as proof that schools would not change and that the system needed to be abandoned” (Conley, 2003, p. 5), turning to neoliberal policies as vehicles for what they perceived as long-overdue accountability for educational innovation and improvement (Conley, 2003; DeBray-Pelot & McGuinn, 2009). In the decade following *A Nation at Risk*, distrust of social welfare policies, along with the shift to a Republican-controlled Congress in 1995, “created a policymaking environment that was less disposed toward the old equity consensus and more inclined toward innovation” (DeBray-Pelot & McGuinn, 2009, p. 23; Mehta, 2013).

Although some argue that the transition to neoliberalism was motivated by a genuine interest in improving schools through standards and accountability (Conley, 2003), others argue that the focus on school, as opposed to society, legitimized divestment from non-White communities (Kantor & Lowe, 2006). For scholars working from a critical race perspective, the neoliberal emphasis on high-stakes accountability was also part of a

transition from social assistance to policies based on punitive or paternalistic control (see Soss, Fording, & Schram, 2011; Wacquant, 2009).

I argue that a variety of related policy discourses have come to characterize the current neoliberal policy era, leading to significant policy changes at the state and federal levels. Table 2 provides an organizer for this discussion, juxtaposing discourses and modes of democratic engagement in the social welfare era with those in the neoliberal era through the present time. I use the literature to argue that, in the transition to neoliberalism, policymaking moved even further away from the deliberative ideal towards an aggregative democratic model based on counting individual choices.

Table 2  
*Policy Trends in Modern Educational Policymaking*

	Social Welfare Era, 1965–1983	Neoliberal Era, 1983–Present
Dominant Discourses	<ul style="list-style-type: none"> <li>• School improvement as a social responsibility</li> <li>• Local control over public schools</li> </ul>	<ul style="list-style-type: none"> <li>• Neoliberal reforms as necessary, given changes to the global economy</li> <li>• Failure of local control over school policy</li> <li>• Value of top-down accountability for student achievement</li> <li>• Value of diverse, non-state educational service providers</li> <li>• Schools as being able to overcome social factors impacting educational inequity</li> </ul>
Mode of Democratic Engagement	<ul style="list-style-type: none"> <li>• Minimal democracy: Low standards of public accountability and high-trust in elected officials (Fung, 2007)</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregative democracy: The tally of individual choices determines the shape of public institutions and the policy options available to the public (Fung, 2007)</li> </ul>

**Discourses of neoliberalism.** One major discourse evident in neoliberal reforms is the notion of their necessity due to changes in the global economy (Ball, 2008; Hursh, 2009; Sleeter, 2008). Mehta (2013) demonstrates that the embrace of the neoliberal policy framework was fueled by paradigmatic changes in dominant beliefs about the purpose of education. In particular, rhetoric emphasizing the so-called economic purposes of education, considered marginal during the social welfare era, became much more common and dominant following *A Nation at Risk* (Dumas & Anderson, 2014). This discursive shift led to a spate of unprecedented changes that characterize the neoliberal agenda, especially the rise of standards-based accountability and, as discussed further below, the expanded influence of non-state actors in educational policymaking, particularly through the increased use of the ballot initiative.

According to the discourse of economic necessity, a shift towards a more interconnected and information-oriented global economic marketplace has changed the

knowledge and skills necessary for economic success and, thus, the guiding purpose of public education (Ball, 2010; Hargreaves & Shirley, 2009; Ranson, 2007). As opposed to industrial or service-oriented economies of earlier eras, in the global knowledge economy, labor is no longer primarily physical and, instead, laborers “work with their heads and produce or articulate ideas, knowledge, and information” (Ball, 2008, p. 19). In the globalized economic marketplace, advocates for neoliberal reform argue, America's high school graduates will no longer be able to earn a middle-class income performing physical labor in America's post-industrial economy. Instead, they contend, graduates will need to compete in a knowledge-oriented economy, requiring standardized skills and content-area knowledge. In this view, common standards and high-stakes accountability are mechanisms to ensure that all students receive the minimum skills necessary to participate in this new economic order (Olssen, Codd, & O'Neill, 2004; Rizvi & Lingard, 2009; Tabb, 2002).

Through interviews with key stakeholders and artifact analysis of major speeches and legal documents in three U.S. states, Mehta (2013) observed that the economic necessity discourse became much more prominent in policy debates following the release of *A Nation at Risk*. For example, before 1983, governors in Michigan devoted approximately 4.8% of their State of the State addresses to discussing public education. Following the release of *A Nation at Risk*, the proportion of speeches devoted to public education jumped to 19.2%, with much discussion focused on the value of public education for students' economic success and the nation's long-term economic competitiveness. Results were similar in each state studied, despite differences in political parties, state geography, and state policy preferences.

Widely accepted by leaders of both parties, beliefs about the purpose of public education in a globalized economy led to a series of policy changes oriented towards adoption of common learning standards, ostensibly to ensure that all students would graduate from public education with the basic skills necessary to compete with their global peers (Howe & Meens, 2012; Mehta, 2013). In 1994, President Clinton's Goals 2000: Educate America Act (1994) funded the development of state standards in Mathematics and English Language Arts, and the reauthorized ESEA (1965) tied Title I funds to the development of state standards (Conley, 2003; Mehta, 2013). Both Goals 2000 and the 1994 ESEA reauthorization were early milestones in the development of national standards. In recent years, standards-based reform has increased its reach, with states negotiating national-level standards. Due to incentives in President Obama's Race to the Top competitive grant initiative, 43 states have adopted the Common Core State Standards, although this number may decrease amidst increasingly contentious political debate about the new standards (“Common Core,” 2015).

The support for common learning standards also was fueled by a discursive shift away from local control of public schools. In the neoliberal era, policy change is driven by the notion that school failure is rooted in egregious local autonomy that contributed to the development of what was characterized in *A Nation at Risk* as an uneven “cafeteria-style curriculum in which the appetizers and desserts can easily be mistaken for the main courses” (National Commission on Excellence in Education, 1983, p. 18). Neoliberal policymaking adheres to the discourse that top-down, test-based accountability is a preferable mechanism to ensure that all schools teach rigorous academic standards (Howe

& Meens, 2012; Ravitch, 2001). As Ranson (2007) explains, standardized assessment is intended as a “clear, technical, means-end rationality” (p. 204) that will restore public trust in a system that had supposedly gone soft (Apple, 2006; Hursh, 2009; Mehta, 2013; Rogers, 2006; Tabb, 2002).

Following the release of *A Nation at Risk*, and fueled by federal incentives in President Clinton’s Goals 2000 Act and the 1994 ESEA reauthorization, almost every state developed statewide academic standards (Conley, 2003; Ravitch, 2001). Moreover, an overwhelming majority of U.S. states developed tests to measure students’ mastery of the standards (Conley, 2003; Mehta, 2013; Ravitch, 2001). By 1999, 39 states had mandated statewide exams that aligned with new standards, and 19 required that students pass exit exams in order to graduate from high school (Conley, 2003).

As many have noted, the 2001 ESEA reauthorization, titled the No Child Left Behind Act (NCLB, 2002), raised the stakes of standardized assessment far beyond high school graduation (Conley, 2003; DeBray-Pelot & McGuinn, 2009; Hursh, 2007). Unprecedented in American educational policymaking, NCLB required that states make “Adequate Yearly Progress” (AYP) (NCLB, 2002, p. 1449) towards universal proficiency on their state exams (Conley, 2003). With the enactment of NCLB, students and school leaders faced punitive consequences for underperformance, consistent with the neoliberal emphasis on high-stakes accountability as a vehicle for change. Intended to spur educational innovation, especially regarding the instruction of typically underperforming subgroups of students, the law mandated that states implement a series of increasingly severe consequences to schools that failed to meet AYP, including “corrective action” (NCLB, 2002, p. 1442) involving replacement of the school leadership, state takeover, or shifting to a privatized portfolio model (Conley, 2003).

Despite the broad bipartisan consensus supporting its enactment, NCLB was widely panned for its reliance on federal mandates and compliance (Hargreaves & Shirley, 2009; Puriefoy, 2005). After its passage, critics, including some state policymakers, labeled NCLB an “unfunded mandate” and charged that the law did not provide sufficient support for local districts to meet their AYP goals. In particular, critics derided the NCLB requirement that states attain universal proficiency by the 2014 school year, widely viewed as an unrealistic policy goal that impeded productive school improvement.

In response to these criticisms, President Obama’s Race to the Top competitive grant program offered an infusion of funds to states to develop innovative educational reforms. Although McGuinn (2012b) notes that Race to the Top was fundamentally about “helping states construct the administrative capacity to implement these innovations effectively” (p. 137), the grant competition incentivized neoliberal reforms, encouraging states to adopt the Common Core State Standards and related assessments, and to increase accountability for teachers or schools that were determined to be underperforming. The Department of Education (2009) rated states’ grant applications in four areas: (a) adopting standards and assessments that prepare students to succeed in college and “to compete in the global economy” (p. 2); (b) building data systems to measure student growth; (c) recruiting and retaining effective teachers, especially in high-needs districts or subjects; and (d) turning around low-performing schools. States that scored highest were awarded major, long-term federal grants to help initiate their proposed changes.

In tandem with Race to the Top-funded innovation, the Obama administration granted ESEA waivers to 41 U.S. states, giving state leaders flexibility from NCLB's accountability requirements in exchange for progress towards state-set accountability goals. These waivers expired in August 2016, and states must now transition to the most recent reauthorization of the ESEA, titled the Every Student Succeeds Act (ESSA). ESSA continues the testing requirements under NCLB, but, like the ESEA waivers, shifts authority back to states to define accountability goals and determine consequences for schools that do not meet them (National Conference of State Legislatures, 2015b).

As McGuinn (2012a, 2012b) notes, the Race to the Top program has provided the political cover for nonprofit organizations to gain influence in the policymaking arena. Prior to Race to the Top, for example, personnel decisions related to supervision and tenure had been considered the "third rail" of education politics" (McGuinn, 2012b, p. 145) because these topics drew the ire of politically powerful teachers' unions (Mehta, 2013; Sawchuk, 2012c). Targeting teacher training, evaluation, and retention policies as one of four "core education reform areas," Race to the Top "shone a bright light on ineffective state policies and helped create new political coalitions to drive reform" (McGuinn, 2012b, p. 140), often by countering union opposition (Sawchuk, 2012a). As a result, Race to the Top represented "a coming-out party of sorts" (McGuinn, 2012b, p. 142) for groups aligned with the Obama administration's policy preferences, including, of course, policies that served the neoliberal agenda of standards and test-based accountability.

The advent of Race to the Top, thus, marks another major discursive shift from the social welfare era. Although policymakers before *A Nation at Risk* viewed centralized government as the provider of social opportunity, policies of the neoliberal era, especially the policy mechanisms incentivized in Race to the Top, use privatized service providers to distribute public goods (Ball, 2010; DeBray-Pelot & McGuinn, 2009; Mehta, 2013; Vidovich, 2007). Educational policymaking in the neoliberal era, then, is characterized by the infusion of a complex and diverse array of educational service providers, often entering from the nonprofit and private sectors or via complicated public-private partnerships (Ball, 2008, 2010; Conley, 2003; DeBray-Pelot & McGuinn, 2009; Gold et al., 2007; Ranson, 2007; Simon et al., 2011).

According to neoliberal discourse, the state's proper role is not to provide social services directly, but to create the conditions necessary for private entities to enter the market and provide access to public goods, like education and health care (Ball, 2010; Mehta, 2013, Vidovich, 2007). For proponents of the neoliberal agenda in education, the expansion of service providers accomplishes two important goals. One goal is for new actors, like charter schools, to provide the competition necessary to spur innovation and improvement in public schools (Berends, Cannata & Goldring, 2011; Conley, 2003; Henig, 2008). The second goal is to expand the menu of educational opportunities, thus providing parents with greater school choice (Hursh, 2009; Robertson, 2000). Consistent with the neoliberal view, the state helps to promote a diverse array of educational choices, "steering at a distance" (Ball, 2006, p. 10), while consumers choose which policy options are best in the expanded marketplace.

The shift away from government bureaucracy to a market of service providers occurred, in part, because influential political thinkers began to grow fearful of

government influence on individual personal freedom (Buras & Apple, 2008) and/or were unwilling to redistribute social resources to the U.S.'s expanding non-White communities (Kantor & Lowe, 2006). Although social welfare policies framed social progress in collectivist terms, neoliberalism, aligned with neoconservative thought (Apple, 2006; Buras & Apple, 2008), reframed social progress as the sum of individual achievements and the expansion of individual choice (Glass & Rud, 2012). Buras and Apple (2008) explain that many "old leftists" (p. 294) who originally supported the New Deal "drifted right" (p. 295) towards neoconservatism following the Great Society programs of the 1960s. Disenchanted with corrupt communist regimes abroad and fearful of social engineering in the name of social improvement, "old leftists" began to embrace neoconservative arguments, which "advocated a more limited welfare state and expressed concerns that the Great Society and the War on Poverty were creating a culturally deficient underclass dependent on government intervention" (Howe & Meens, 2012, p. 295). Rather than being viewed as the provider of social opportunity, government became viewed as a barrier to social progress, a crutch that sapped individual initiative while inflating government spending.

Since the 1980s, de-centered government control, coupled with increased influence from private-sector actors, has led to "increasingly blurred boundaries between different tiers of government, and the public and private sectors" (Ball, 2010, p. 124). In education, neoliberal policies have led to "contractual management" (McDonnell, 2009; Ranson, 2007), referring to the public school district practice of contracting out educational services to outside vendors, including private firms and community organizations (see Gold et al., 2007; Simon et al., 2011). As a result, the education policy arena has seen new actors increasingly emerge from the nonprofit and business sectors. These actors, including for-profit charter management organizations and nonprofit policy groups, have contributed to the rise of the ballot initiative (Conley, 2003; DeBray-Pelot & McGuinn, 2009; Mehta, 2013; Sawchuk, 2012a, 2012b).

**The transition from minimal democracy to aggregative democracy.** While the social welfare era favored so-called minimal democracy that deferred trust to local elected officials, scholars align the neoliberal era with aggregative democracy, in which the tally of individual choices, including purchases, determines the shape of public institutions and the policy options available to the public (Fung, 2007; Gutmann, 1999; Hursh, 2009; Ranson, 2007; Rogers, 2006). According to neoliberal political discourse, individuals shape policy not through deliberative public debate, but through individual transactions in a broad educational marketplace, including the decision to send their children to a public, private, or charter school (Gutmann, 1999; Hursh, 2007, 2009; Rogers, 2006).

By providing data to consumers, standardized assessments play an integral role in helping parents and families make choices in this so-called educational marketplace. NCLB created an "unprecedented availability of disaggregated school-level student performance" (DeBray-Pelot & McGuinn, 2009, p. 28) through its mandate for states to measure and publish schools' achievement scores in key subject areas and disaggregate the scores to highlight achievement gaps for subgroups of students. Tests provided data to the consumer, thereby spurring improvement via market-oriented competition (Ball, 2010; Rogers, 2006; Sleeter, 2008). NCLB required both public reporting of school AYP

data and individualized reporting delivered directly to students' families, giving parents and community members unprecedented access to information for making rational choices about which teachers are best and about where to send their children to school (Puriefoy, 2005; Rogers, 2006).

In the next section, I explore the impact of aggregative democracy in educational policymaking, and I use evidence from the literature to argue that threats to public engagement in the neoliberal era are only likely to become more formidable with the increased use of the ballot initiative.

### **Aggregative Democracy Accelerated: Neoliberal Reform and the Ballot Initiative**

Consistent with aggregative modes of democratic engagement, the ballot initiative aims to shape policy through the sum of individual choices. While the marketplace shapes policy through the sum of consumer choices, the ballot initiative tallies individual choices of policy preferences in the voting booth. Although use of the ballot initiative in public policymaking far precedes the neoliberal era, it has become a preferred policymaking instrument of neoliberal reform that has expanded in the years following *Citizens United*. In the discussion below, to illustrate how neoliberal reform and the use of the ballot initiative have become more closely intertwined in recent years, I examine both together through a review of empirical research exploring the impact of neoliberal policies on public engagement in public education (Bartlett, Frederick, Gulbrandsen, & Murillo, 2002; Buras, 2011; Gold et al., 2007; Rogers, 2006; Simon et al., 2011).

Proponents of neoliberal policies argue that the expanded availability of test score data, among other innovations, will spur public engagement in school policy. Meanwhile, critics charge that neoliberal policies promote a sort of “possessive individualism” (Ranson, 2007, p. 208) built on a consumerist model of society, in which emphasis on individual choice overrides a conception of individuals working together to advocate for better policies for the common good (Ball, 2006, 2008; Hursh, 2007, 2009; Ranson, 2012). Below, I use the literature to determine whether empirical evidence exists for either argument. Subsequently, I extend the discussion to pursue a similar analysis of empirical literature on the use of the ballot initiative in public policymaking, focusing where possible on the research from the field of education (Lascher et al., 1996; McDonnell, 2007; McLendon & Eddings, 2002; Moses & Farley, 2011; Moses & Saenz, 2008, 2012; Smith & Tolbert, 2004).

**Neoliberal reform and public engagement.** Empirical scholarship published shortly after NCLB's enactment largely focused on the impact of test data availability on parents' engagement in their children's education, particularly whether poor test performance made public through NCLB would increase parental involvement in public schools in the deliberative sense (Puriefoy, 2000, 2005; Rogers, 2006; Sleeter, 2008; Valenzuela & Brewer, 2011). In recent years, researchers have broadened their focus to examine the impact of a diverse array of neoliberal policies, including the expansion of charter schools, on public engagement in public education (Bartlett et al., 2002; Buras, 2011; Gold et al., 2007; Simon et al., 2011). The research reviewed below suggests that neoliberal policies present a significant impediment to deliberative public engagement in public education.

Research has demonstrated, for example, that NCLB's heavy reliance on standardized tests has actually created obstacles to collective or deliberative social action (Hursh, 2007, 2009; Rogers, 2006; Sleeter, 2008; Valenzuela & Brewer, 2011). Surveys conducted by the Public Education Network (PEN) found that "parents see the names of their children's schools on watch lists, but they don't know what these lists mean" and that "they know they need to speak up in order to get the services their kids deserve, but they don't know how to voice their concerns or who will listen to them" (Puriefoy, 2005, para. 5). According to a poll of over 1,200 voters, "respondents strongly preferred solutions based on more community involvement" (Puriefoy, 2000, p. 36) in their local public school, such as forming community-based organizations that raise awareness about school issues and advocate for change. The PEN research further suggests that NCLB's test score reports impeded parents' abilities to pursue these solutions, as the reports were confusing and did not provide the information parents would need for broad public engagement.

Similarly, drawing from public opinion polls and reports from public forums, Rogers (2006) found that NCLB policies provided low-income parents only with information that served the ends of aggregative models of democratic decision-making, rather than the goals of community organizations seeking deliberative engagement for parents. Analyzing the narratives of parent power evident in public speeches about the law, Rogers uncovered a bias towards atomized parental engagement. For example, in his public speeches, Secretary of Education Rod Paige claimed that "parents enact power individually" (p. 616–617) by helping children with homework or using NCLB provisions to seek tutoring support. Belief in individualized, aggregative change clashed irreconcilably with the goals of Parent-U-Turn, the community organization examined in Rogers's research. Parent-U-Turn aimed to build "alliances with other parent and advocacy groups concerned with guaranteeing all children a quality education" (p. 632), but found nothing in the NCLB law to help implement a broad, collective advocacy campaign oriented towards changing school structures that preserve educational inequity.

Recent research, focusing on neoliberal reform at the city and state levels, points similarly towards the conflict between market-oriented policies and empowered community action. In her investigation of K–12 education in New Orleans, Buras (2011) found that, following Hurricane Katrina, New Orleans became an "experimental site" (p. 296) for neoliberal reform in the urban context. Using stakeholder interviews, document analysis, and observations of public debate, Buras documented how the coalitions that were created to plan the city's redevelopment eschewed input from economically and racially nondominant community groups. Instead, the city's reform coalition relied on "exclusionary decision-making by elite policymakers" (p. 322), such as nationally influential conservative groups (e.g., the Heritage Foundation), local real estate billionaires, and locally influential charter management organizations. Parents and community members, on the other hand, were systematically excluded from the planning process. Following the input from the city's reform coalition, New Orleans embraced a portfolio model that provided a menu of different types of schools, including the most extensive charterization of any major public urban district at the time. According to Buras, this portfolio represented an "unconscionable" dispossession of educational

opportunity: a concentration of schools in the predominately White uptown areas of the city and the corresponding absence of schools in the predominately Black downtown.

In their examination of market-oriented policies in North Carolina, Bartlett and colleagues (2002) found that a market discourse excluded other discourses about school improvement. Compiling 40 interviews, as well as field notes from observations of public planning meetings in two North Carolina counties, the researchers aimed to “probe the social forces shaping political action and inaction” (p. 4) in local-level policymaking. Similar to Buras’s (2011) research in New Orleans, Bartlett and colleagues found that the planning process was dominated by local elites, such as professional economic developers, realtors, bankers and “chamber of commerce representatives who stand to gain from the restricted economic development under way in North Carolina” (p. 8). These groups often used the language of economic growth “to justify pernicious educational structures, such as unequally funded districts in Halifax and an abysmal alternative school in Durham” (p. 19). Instead of developing an equitable system of public education, the disproportionate influence of “local growth elite” (p. 19) reserved the best public schools for their own children while leaving underserved students with limited opportunities, as seen also in Buras’s (2011) research.

Over time, local community leaders have become systematically isolated from decision-making about major changes to their cities’ public schools, as is particularly evident in longitudinal research about the Philadelphia public school system (Gold et al., 2007; Simon et al., 2011). Scholars working for Research for Action, a nonprofit organization located in Philadelphia, have closely followed the city’s embrace of a “diverse provider model,” which, in the neoliberal tradition, features an array of school types, including charters, district-run public schools, and schools managed by external providers under contract with the district. Following state takeover of the Philadelphia school system, a coalition of business leaders, city representatives, and district leaders, called the School Reform Commission, was appointed to replace the city’s school board. Between 2002 and 2006, Research for Action conducted regular observations of the commission’s semi-monthly meetings and conducted over 70 interviews with variously positioned stakeholders, including district insiders and leaders of community-based organizations.

Gold and colleagues (2007) found that, as in New Orleans and North Carolina, in Philadelphia, “privatization often narrows, rather than expands, public input into policymaking” (p. 207). Interviews and public observation revealed that the district effectively neutralized feedback and criticism from community groups by turning them into contractually obliged service providers. Once contracted to work with city schools, community-based organizations no longer had the freedom necessary to hold the district publicly accountable for improving outcomes for students. Instead, the “locus and meaning of accountability” (p. 207) shifted, such that community groups found themselves accountable to the district for the terms of their contract.

Similarly, Simon and colleagues (2011) found that the planning process of Philadelphia’s School Reform Commission was characterized more by secrecy than by public debate. In an examination of the civic engagement of a community organization called Students Empowered, the researchers found that the organization was repeatedly eschewed from city planning largely because their beliefs about school improvement

clashed with the city's overwhelmingly neoliberal agenda. Instead, groups "that had the ability to reach leaders were much more successful in achieving their goals than groups that relied on public engagement strategies" (p. 295) to advocate for change. Juxtaposed with research by Gold and colleagues (2007), the research of Simon et al. (2011) suggests that community organizations in Philadelphia faced a dilemma: sacrifice critical autonomy by accepting contract work with the district, or face near-total exclusion from city decision-making. Research across New Orleans, North Carolina, and Philadelphia, then, demonstrates that aggregative democracy's promise of increased choice—already a narrow form of democratic engagement—became further conscripted by exclusionary decision-making that limited the number and quality of choices available to under-resourced, predominantly non-White communities.

Meanwhile, more recent research has found that so-called educational Intermediary Organizations (IOs) stifle deliberative engagement by accepting large sums of money from special interest groups and selectively promoting research that advances a neoliberal school reform agenda (DeBray, Scott, Lubienski, & Jabbar, 2014; Scott, Jabbar, La Londe, DeBray, & Lubienski, 2015). La Londe, Brewer, and Lubienski (2015) define IOs as nonprofit groups that act as "brokers" who "seek to match consumers in policymaking positions with particular research evidence from producers" (p. 5), often regardless of the quality of the research. IOs are aligned in their advocacy of "incentivist" reforms, which "incorporate the use of enticements to drive school change" (Scott et al., 2015, p. 3), including many neoliberal policies that aim to incentivize school change by attaching high-stakes consequences and financial or other rewards to school outcomes. Additionally, IOs are often funded by the same major philanthropic organizations, such as the Broad, Gates, and Walton Family Foundations (Scott et al., 2015).

Using interviews with key policy insiders, DeBray and colleagues (2014) found that IOs have limited capacity to generate their own high quality research and instead tend to selectively identify research that supports their advocacy goals. For example, Scott and colleagues (2015) found that IO networks in Denver coordinated efforts in order to "promote evidence that is in alignment with a coalition's agenda, while slighting or rejecting high-quality research that could challenge their agenda" (p. 5). In this way, IO networks use their resources to exclusively promulgate research that aligns with their beliefs about educational change, thereby constraining broad public engagement of diverse perspectives. Able to receive unlimited donations from often anonymous donors, IOs are likely to continue such activities into the foreseeable future. In addition, IOs, including several of the groups mentioned in the introduction, have recently turned to another vehicle through which to advocate for their incentivist agenda: the ballot initiative.

**The ballot initiative and public engagement.** Until this point in my analysis, I have used the literature to trace major discursive changes from the social welfare era to the current neoliberal reform era, focusing on dominant modes of democratic engagement in each era's policymaking. In the social welfare era, policymaking was driven by dominant discourses about school improvement as a broad social responsibility and local state-centered control over public schools. In light of concerns raised by *A Nation at Risk*, neoliberal policies later turned this notion on its head, promulgating the discourse that school-based practices can promote academic achievement regardless of the social forces,

such as poverty and access to health care, that affect students' lives. Neoliberal policymaking also moved away from policymaking by locally elected officials, creating avenues for non-state and non-local policy actors to enjoy much more influence over the policy process. In the remainder of this paper, I use the literature to demonstrate how the ballot initiative, an increasingly popular policy instrument, fits into the larger history of educational policymaking.

As demonstrated earlier, policymaking in both the social welfare and neoliberal eras fell short of standards for deliberative engagement in policy development. In the transition from minimal democracy to aggregative democracy, policymaking moved even further away from the deliberative ideal, often providing increased influence for elite policymakers to the exclusion of economically and racially nondominant community members most affected by policy change. Contrary to the conception of a collective public in the deliberative model, aggregative democracy views the public as isolated, independent actors, such as individual consumers choosing services in an educational marketplace or voters marking choices on a ballot. Accordingly, I build the argument below that the ballot initiative continues and exacerbates the retreat from meaningful deliberative engagement. This may be paradoxical: Although the ballot initiative promises direct citizen influence over policymaking, in practice it offers another venue for moneyed special interests to shape the debate.

Research on the use of the ballot initiative, in education and otherwise, illustrates three primary ways in which the ballot initiative could increase public engagement in public policy. A ballot initiative could (a) provide citizens access to the lawmaking process (McDonnell, 2007; Moses & Farley, 2011), (b) ensure that legislators are responsive to public opinion (Lascher et al., 1996; McLendon & Eddings, 2002; Moses & Farley, 2011), or (c) stimulate greater public participation and democratic debate (McLendon & Eddings, 2002; Moses & Farley, 2011). However, a small but growing body of research on the ballot initiative reveals only counter-evidence for each argument.

Although many believe that the ballot initiative is more responsive to voter interests than the legislative system, researchers have found that the results of ballot initiatives "may be biased away from the views of the median voter" (Lascher et al., 1996, p. 772; Farley et al., 2013). Because organized interest groups have the funding to collect signatures for initiating the ballot process and the visibility to trumpet their cause, they can dominate the ballot process to the exclusion of ordinary citizens (Moses & Farley, 2011; Moses & Saenz, 2008). Meanwhile, voters of lower socioeconomic status are often underrepresented in ballot initiative votes (Farley et al., 2013). Furthermore, research on the role of the media in facilitating public debate about ballot initiatives in education (Moses & Saenz, 2008) suggests that inadequate or misleading media coverage functions as an additional barrier to informed public engagement (Farley et al., 2013).

Lascher and colleagues (1996) found that the initiative process did not lead to legislation that better reflected the political preferences of the general public. Using public opinion surveys in 47 states between 1976 and 1988 to develop a "grand index" (p. 765) of the liberalism/conservatism of each state's voters, Lascher and colleagues compared the general political views of the inhabitants of the state to the general liberalism/conservatism of the policies enacted, examining both initiative and non-initiative states. According to the authors' hypothesis, if the policy initiative process

enhances responsiveness to voter concerns, there would be a stronger relationship between voter preferences and policy outcomes in initiative states compared to non-initiative states. The study's findings, however, exhibited no such correlation, indicating "simply that the initiative process in practice does not enhance the extent to which policies accord with public opinion" (p. 774). This finding supports the claim that initiatives may reflect the agendas of special interest groups, rather than broader public interest (Ellis, 2002; Farley et al., 2013; Moses & Saenz, 2008).

As noted earlier, the ballot initiative process has long been susceptible to corruption by high-financed special interests, as famously exemplified in the multi-state anti-affirmative action initiatives funded largely by businessman Ward Connerly in the 1990s (McLendon & Eddings, 2002; Moses & Farley, 2011). This weakness partially stems from its high costs. In their review of higher education-related ballot initiatives, McLendon and Eddings (2002) note that it takes an "estimated \$3 to \$6 million . . . to mount an effective campaign" (p. 197). Often, money is raised from well-financed national corporations and philanthropies. Contrary to the original purpose of the ballot initiative—to reflect the policy preferences of the average voter (Lascher et al., 1996)—these organizations can thus influence the policies of states far from their headquarters, signaling an abandonment of the local control considered so vital to democratic engagement during the social welfare era. Consistent with the political discourses of the neoliberal era, the anti-affirmative action cases provide examples of how non-state actors, sometimes from long distances, have used the ballot initiative to pursue market-oriented changes to public education.

According to recent research published by the Brennan Center for Justice (Lee et al., 2016), new political finance rules have further expanded the influence of special interest groups in funding ballot initiative campaigns. In a review of ballot initiatives in six states, the authors found that "contentious ballot measures that carry major economic consequences frequently attract dark money" (p. 10). Noted earlier, the authors predicted that spending on ballot measures in the 2016 election would increase by as much as 75% above the 2014 election cycle. This, of course, should be troubling to advocates of deliberative and publicly accountable debate about public education. With the ability to anonymously control the debate, interest groups effectively "hijack the policymaking process" (Moses & Saenz, 2008, p. 291) while giving their narrow interests the imprimatur of public opinion.

Further, wealthy groups have the funding and resources necessary to launch campaigns that market special interests as benefits to the public good. Research has noted that the general public often does not have the expertise necessary to make an informed decision about topics that are featured on ballot initiatives (McLendon & Eddings, 2002; Moses & Farley, 2011). Perhaps as a result, the labeling of initiatives has a strong effect on whether voters approve them (Ellis, 2002). In their analysis of anti-affirmative action initiatives in three states, Moses and Farley (2011) found that advocacy groups sometimes misled voters with their campaigns and wording. For example, Moses and Saenz (2008), in their media analysis of the same anti-affirmative action initiatives, found that advocacy groups "co-opted" (p. 306) the concept of civil rights to stand for a color-blind version of equality, as opposed to an explicit effort to improve social opportunities for specific racial-minority groups. Misleading labeling and inadequate media coverage

may explain the results from Farley and colleagues (2013), who found that voters in Colorado were confused about the intent of the state's 2008 Civil Rights Initiative that aimed to eliminate affirmative action in public higher education admissions. Using item response theory to estimate attitudes about affirmative action for a sample of over 500 voters, Farley and colleagues (2013) found "considerably more voters voting yes when intending to preserve affirmative action than those voting no when intending to prohibit it" (p. 451). Hence, misleading language on ballot initiatives can lead to the approval of policies that do not represent the true education policy preferences of the general public.

Of course, disproportionate special interest influence on the ballot initiative process was evident in the examples presented above, including Idaho's Luna Laws and the initiative to lift the charter school cap in Massachusetts. The Luna Laws were a collection of neoliberal policies that were drafted, promoted, and financially supported by a coalition of charter school advocates and technology corporations. Before *Citizens United*, these kinds of coalitions were much less common because their spending was limited. Similarly, the Massachusetts case pushed new limits in special interest spending on ballot initiative campaigns, as groups promoting the initiative spent over \$25 million on the campaign, far exceeding the previous state record (Phillips, 2016). As noted above, much of this funding came from dark money or out-of-state sources (Cunningham, 2016). Consistent with the definition of "economically motivated special interests" (Lee et al., 2016, p. 14) from the Brennan Center for Justice, groups in each state stood to derive direct, immediate economic gain from the passage of their proposed laws.

Reflecting the notion that ballot initiatives are often biased away from the views of the median voter, the Idaho and Massachusetts initiatives were ultimately defeated. However, other cases demonstrate that misleading advertising can shape voter attitudes enough to tip the scales in favor of proposed changes, as was the case in earlier affirmative action initiatives (Farley et al., 2013). Even when initiatives are defeated, they come at an ever-escalating political cost and take attention away from issues that may have broader public support. With the ability to pool money from multiple, often undisclosed sources, special interests have been able to set the terms and topics of the policy debate, effectively moving educational policymaking even further from the deliberative ideal.

### **Prospects for Democratic Engagement in Educational Policymaking**

The literature reviewed above demonstrates that dominant discourses shaping educational policy have changed dramatically in the transition from social welfare policies to the current neoliberal era of school change. Historically, educational policymaking has avoided deliberative forms of democratic engagement in favor of shallow notions of public accountability that ultimately undermine public trust. Policies of the social welfare era were based on a minimalist democracy that trusted local officials to make decisions about public schools (Fung, 2007; Ranson, 2007). *A Nation at Risk*, however, raised damaging questions about the era's low-accountability redistributive social programs and localized school control that had supposedly led to "unthinking, unilateral educational disarmament" (National Commission on Excellence in Education, 1983, p. 5).

Following *A Nation at Risk*, common standards and top-down accountability replaced local control over curriculum and instruction. Most importantly, policymaking came to embrace the neoliberal agenda for school change, in which public goods, such as high-quality schools and teachers, are distributed through a market-oriented system that values competition, choice, and high-stakes accountability (Friedman, 1995; Hursh, 2007; Olssen et al., 2004; Ranson, 2007; Rizvi & Lingard, 2009; Tabb, 2002). According to the neoliberal model, individuals are consumers of education who operate, ideally, in an open educational marketplace. In the style of aggregative democracy, the tally of individual choices in this marketplace determines the policy options available to the public (Fung, 2007; Gutmann, 1999; Hursh, 2009; Ranson, 2007; Rogers, 2006).

As demonstrated above, however, aggregative democracy has largely failed in practice to offer meaningful avenues for public engagement in education reform. Promulgation of test scores under NCLB did not empower parents to advocate against educational inequity (Puriefoy, 2000; Rogers, 2006). The promise of choice has often only further disenfranchised under-resourced, and often majority non-White, communities. Research in New Orleans, North Carolina, and Philadelphia suggests that wealthy elites wield disproportionate influence on the policy options presented to the public (Bartlett et al., 2002; Buras, 2011; Gold et al., 2007; Simon et al., 2011). Meanwhile, the influence of wealthy individuals and organizations has increased through the expanded ability of IOs and related nonprofits to wage well-financed campaigns to promote research aligned with the neoliberal school reform agenda (DeBray et al., 2014; La Londe et al., 2015; Scott et al., 2015). In effect, there is hardly any democracy at all left in aggregative democracy.

Concluding their review of the initiative process in Colorado, Farley and colleagues (2013) reflect that “ballot initiatives...have yet to be examined adequately in the context of education” (p. 455). By situating the ballot initiative research within the larger body of literature on democratic engagement in educational policymaking, with this review I aimed to shed light on this increasingly popular vehicle for school change. Specifically, I propose that we have entered a new, accelerated phase in the neoliberal era, as exemplified in the increased use of the ballot initiative. Empowered by new political finance rules, national non-state actors, including many education advocacy organizations, have elevated their influence to unprecedented levels (Lee et al., 2016). In the process, the aggregative form of democracy underpinning early neoliberal reforms has become an even greater obstacle to deliberative democratic engagement in the present time, as policies bring to light Margaret Thatcher’s vision: that there is no society, only collections of individuals.

While many believe that the ballot initiative spurs collective public engagement in policymaking, the research strongly suggests otherwise (McLendon & Eddings, 2002; Moses & Farley, 2011). The ballot initiative has long been a tool for wealthy individuals to exert disproportionate influence, and such influence has expanded to include wealthy corporations in the aftermath of *Citizens United* (Lee et al., 2016). In this new phase of neoliberalism, corporations are empowered to function as the wealthy individuals of the past by pooling donations to fuel high-powered political outreach campaigns. With the funds to pay signature gatherers and craft a targeted messaging campaign, organizations can use ballot initiatives to promote special interests in the guise of the public good. As a

result, ballot initiatives often do not reflect voter preferences and do not stimulate more deliberative social engagement (Farley et al., 2013; Lascher et al., 1996; McLendon & Eddings, 2002; Moses & Farley, 2011). Because ballot initiatives are increasingly funded by dark money sources, the public does not know who is funding a particular campaign and what their agenda might be—key information for making an informed vote.

Neoliberal, and often conservative, policymakers used the so-called crisis touted in *A Nation at Risk* to question whether the public should trust the school policies and policymaking processes dominant in the social welfare era. As the research illustrates, however, the public has less reason to trust currently dominant modes of decision-making, in which high-level special interests, shadowed by disclosure laws, direct policies while systematically excluding the public from decision-making about public schools. By the standards of the deliberative model, neoliberal discourse and related forms of aggregative democracy are not very democratic at all. The review above, then, provides reason to question and challenge the acceleration of aggregative “democracy” and its promise of choice. Deliberative models, by contrast, have the potential to garner genuine public trust through meaningful recognition of the knowledge, needs, and concerns of those most affected by policy change. Although the deliberative ideal requires difficult work to achieve in practice, it may offer our best hope for shifting a policy environment characterized by fallacious arguments for trust and increasing threats to democratic policymaking.

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