

## Fall 2025 Syllabus

## Structural Change in Public Education

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## Course Information

### Instructional Team

- Elizabeth Chu
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### Important Links and Information

- Google Calendar
- The Seminar’s purposes, content, norms, class modalities, assignments, and grading are introduced below. Please read this introduction carefully before the semester begins.
- Discussion Board assignments and readings for each Seminar session are also in the Coursework Modules tab. Please access them from there to be sure they are up to date.
- CPRL follows Columbia University health policies and guidelines. You must regularly check and respond to your Columbia University email to remain current on University health policies and guidelines.

## Introduction

The CPRL program is designed to ask and answer a central question: How might we reconstitute our public institutions, starting with public education, a pillar of our democracy, to deliver on their promise of advancing equity and well being for all individuals and our nation as a whole?

Public institutions can and must work better. The nation and world face existential crises and technological advances so complex and encompassing that only robust, multi-competent public institutions can address them. Yet public trust in public institutions' ability to mobilize the knowledge, will, flexibility, democratic participation, and trust needed to solve big problems is at an all-time low--with good reason in many cases, given how poorly those institutions function. As public institutions decline and fail, they are increasingly abandoned, deservedly so, given their inability to provide consistently high-quality services to their diverse constituency. The solution is not to give up on these institutions or defend the status quo, but to transform the institutions so they deliver on their promise, earning back their constituents' trust, support, and engagement. This transformation goes beyond silver bullet policy solutions to rewiring public institutions' operating logic. The concepts developed in the seminar apply to all public institutions--and, indeed to private institutions, as well. In the seminar, therefore, we will draw on readings and examples from many different sectors, both public and private. We will focus much of our attention, however, on public institutions that serve young people, our nation's future.

A first and central task of the seminar portion of the CPRL program is to provide a conceptual framework for achieving fundamental change and improvement in how public institutions serve the educational needs (broadly understood) of children, youth, and their families.

We call this framework Evolutionary Learning or Democratic Experimentalism. We will spend a good bit of time during the semester defining these terms. For now, it is enough to say that the framework calls upon public institutions systematically to improve the services provided to their clientele and their achievement of their public purposes through their own and their stakeholders' careful observation of and learning from the institutions' daily experiences.

We use three lenses in observing and discussing this framework.. The first lens is equity: how to achieve the fundamental changes needed to assure that public school systems understand and meet the needs of each student, especially students of color, in poverty, or otherwise underserved. Our second lens is what we call governance: how public school systems and other organizations go about deciding what substantive policies to implement in given circumstances and how to implement those policies and improve them over time. Our third lens is democracy: how and to what extent public school systems enable their client populations, ground-level staff, and other stakeholders to participate meaningfully in making, carrying out, and evaluating substantive decisions.

In developing this framework, we draw on perspectives from a variety of fields, including data sciences, education, law, management, organizational design, policy, sociology, and political science. As is noted above, we consider case studies from many public- and private-sector domains in and well beyond public schooling. We incorporate such a broad range of disciplines, domains, and perspectives because of the insufficiency of any single approach to solving the complex problem of educational inequity at the level of each child, family, classroom, school, and the system as a whole.

This is not a traditional course in business, data sciences, education, law, policy, or any other discipline. One reason why the seminar is different from traditional courses in those disciplines is its interdisciplinary nature : it draws on many disciplines at once. More importantly, unlike many courses in each of those disciplines, our seminar focuses less on particular educational policies and rights and more on systems and structures that countries, states, districts,

schools, and classroom teachers use to develop, adopt, implement, and improve different combinations and varieties of those policies and rights. We take this approach because fully meeting each and every student’s and their family’s needs and desires (what we call equity) requires close attention to context; it demands different substantive strategies for different communities, schools, classrooms, families, and students. As such, it is only by improving (i) how systems identify, define, and implement different policies and rights (i.e., by improving what we call governance) and (ii) by improving how fully systems enable key actors such as teachers and affected populations such as students and families to drive those choices (i.e., by improving what we call democracy) that we can assure that public institutions effectively and equitably serve their public purposes and their clientele.

A second central aim of the Seminar and of the CPRL experience generally is to prepare you to become public sector leaders of the fundamental change we study, with the practical skills and competencies needed to design and manage systems, organizations, teams, and activity to meet the needs of each and every child, family, and community. In Seminar and throughout your CPRL experience, therefore, we explore and concretize how to be a leader who enacts the Evolutionary Learning conceptual framework described above to achieve fundamental systems change.

This type of leadership requires both the specialized knowledge and competencies associated with your professional training and degree and a set of cross-cutting competencies less commonly addressed in professional schools. These “Skilled Generalist” competencies include:

1. Problem analysis and solution generation
2. Human-centered orientation and communication
3. Cultural literacy and fluency
4. Teamwork and team building
5. Project management

Both our Evolutionary Learning conceptual framework and the related approach to leading fundamental change will be brought to life in your research and consulting projects, as you, your clients, and your clients’ stakeholders pursue equity. We encourage you to use your observations and experiences in the project work—as well as what you have learned in your other courses in college and graduate school—as a basis for critically assessing the Seminar framework and leadership approach.

## Seminar Arc

The Seminar proceeds in four stages:

**Part I: Current State and Construction of and Obstacles Facing our Public Systems:** Public institutions, starting with public education, are fundamental to our democracy and to realizing democracy’s promise by effectively addressing the major public problems of the day. Regrettably, however, many of our public institutions are in decline and under attack after decades of failing to serve all well and of serving some better than others.

**Part II: Problem Analysis:** Predominant models of governance and democracy (operative in the private as well as in the public sector) are to blame for the poor and worsening performance of our institutions. Most common models—bureaucracy and interest-group politics, first and foremost, as well as several common alternatives, including marketization, managerialism, and professionalism/craft and their mechanisms for tempering interest-group politics—are incapable of managing the uncertainty and complexity that characterize modern public problems and of generating the innovation required to solve those problems. These difficulties serve all children and families well in the short- and long-term, needs only heightened by the rise of AI. Privatization, too, poses grave risks to children, families, and society.

**Part III: Solution Generation:** Evolutionary learning and associated problem-solving politics provide a promising alternative for complex systems that draws strengths from each of the governance models.

**Part Stage IV: Transition Pathway – Experimenting Our Way Toward an Improved Future:**

Restructuring/reconstituting institutions, (re)building the public will and legal foundation for their existence and role, and defending attacks will likely require activity in and outside of the courts, transitioning governance and democracy models, fending off legal attacks, reimagining litigation, and building an affirmative case for the duty of the government to deliver high-quality public services.

## Class Preparation & Pre-Class Discussion Board

You are expected to read or listen to all the materials assigned to you for each class and to come to class prepared, both in full-class and in small-group discussion, to offer your takeaways from, questions about, and critiques of those materials. Doing the reading is important because it will enable you to participate productively in class and small-group discussions, keep up with the learning arc, and complete the Interim and Closing Exercises we describe below without additional preparation. Often, we assign different readings to different segments of the class, giving those of you who are assigned a reading the responsibility to explain, question, and critique it for the benefit of class or small-group members who did not prepare that reading. As we note below, we at times will cold-call students during class discussions, most usually to ask them to introduce and commence our discussion of particular readings.

For many—but not all classes—we will ask you to respond to a discussion board question before class. When you are assigned to a question, please complete the following:

- By 5PM the afternoon before class, submit a response to the discussion board question that is no more 1200 words; and
- By the start of class, offer at least one comment or reply to someone else’s comment to the same discussion board question

The discussion board questions typically ask you to offer a judgment or opinion on a topic and/or reading that we will discuss in class. In some cases, the questions help you reflect on your project.

The quality and thoughtfulness of your discussion board posts contribute to roughly 30% of your Seminar grade. We will evaluate the responses to the discussion board questions by using the following criteria:

- Demonstrates understanding of and engagement with readings for the upcoming class session
- Thoughtfully extends, adds to, or reflects (critically or otherwise) on the concepts, debates, strategies, and/or tools discussed in readings or in other students' discussion board answers
- Thoughtfully draws on prior Seminar sessions' readings and discussions, on insights from your project work, and/or on your own experiences or knowledge
- Thoughtfully reflects on how the readings and other students' comments do or do not relate to, inform, and/or improve your project work

## Assignment for Discussion Board Questions

You will be assigned discussion board questions by group A, B, or C. Below are the members of those groups.

## Interim and Closing Exercises

1. **Interim Exercises :** On two occasions during the semester, you will have a 2 hour and 15 minutes written exercise in which we will (i) give you a scenario or other context, or ask you to come up with a context of interest to you, and (ii) give you one or more prompts that will invite you to apply and reflect on learnings from the eight or so prior class sessions in that unit.
2. **Closing Exercise:** In our next to last class session, you will have a 3-hour written exercise in which we will identify or you will choose a context and we will give you a prompt or prompts inviting you to apply and reflect upon learnings from all class sessions.
3. **Preparation for the Interim and Closing Exercises:** Your preparation for the Interim and Closing exercise answers will be to keep up with the readings, discussion board posts, class discussions, and in-class exercises for all class sessions covered by the Interim and Closing exercises. We will provide you with and post to Courseworks the rubric we will use in grading the exercises.
4. The quality and thoughtfulness of your Interim and Closing exercise responses will make up 70% of your Seminar grade.

## Class Attendance and Participation

Per University and Law School requirements, you are required to attend classes in-person and on time, unless you are ill or have a personal or family emergency. To receive credit for the CPRL coursework, you must attend at least 80% of all classes, with absences for illness, emergencies, and all other reasons counting toward your 20% maximum of absences. Come to class on time, which means leaving yourself enough time for subway and other delays and to get situated before the start of class.

The University has directed faculty not to allow students to participate remotely for any reason other than ones associated with the academic program itself (e.g., if you are off campus and unavailable to attend class while performing required work on your assigned CPRL project). Subject to the results of COVID testing, if you have a cold

but can attend class, we invite you to do so and to consider wearing a mask. Everyone should respect others' masking choices.

If you are ill or experience an emergency, all classes are automatically recorded and available on Courseworks within 24 hours of the class.

You are expected to be prepared to respond to cold calls, participate in whole and small-group discussions, and to inform other students about readings assigned to you but not to them. Class participation is not graded. Criteria for self-assessing your participation include:

- Attending class and being on time
- Making your share of contributions to whole and small-group discussions
- Respectfully making way for and carefully considering other students' contributions
- Providing quality commentary on the readings and other topics and thoughtful (including critical) responses and feedback to other students and faculty
- Experimenting with new ideas and skills

We do not expect ideas expressed in class to be fully formed and seamlessly presented, so don't worry if yours are not.

In full-class discussions, we often rely on volunteered comments, while also using cold calls to get and keep the conversation moving and assure that everyone participates. To help set the conditions for robust discussion, we abide by the following mindsets and norms, which are covered in more depth in the Program Expectations document and in our initial classes:

- **Try on:** Risk trying new ideas, other points of view, and new behaviors; keep only what, upon reflection, you choose.
- **Think big:** Let your aspirations inspire you to think creatively and consider possibilities in the face of constraints.
- **Maintain confidentiality:** Keep confidential all information learned in class and projects, including what others share about themselves.
- **Engage in "both/and" thinking:** Break down false dichotomies that limit our thinking and our compassion.
- **Lean into discomfort:** Emotional discomfort expands our learning possibilities. Push yourself at this learning edge.
- **Tune into relational dynamics:** Avoid relational dynamics that unduly burden any or all classmates and are not in the best interests of the group. Participate frequently but not in ways that monopolize airtime or otherwise discourage classmates from participating or disagreeing with you. Challenge members of the instructional team when you disagree with or do not understand their views.
- **Expect and accept non-closure:** Because we have a lot of ground to cover and because the questions we address rarely have perfect answers, you may have thoughts and feelings that go unresolved today or even throughout the semester. Feel free to identify these to the instructional team inside or outside of class. We

commit, and ask you to commit, to being a part of each other's and the community's learning journey at all times.

**Internet and social media use:** You may use the internet during class to pursue information of relevance to that class session. Please do not check email, text, or use social media for other purposes when class is in session.

You may bring food and drink to class. Please dispose of any debris after class.

## Seminar Grading

Grading for the semester is discussed in detail in the Program Expectations document. The Seminar portions of your grade is based on:

- Quality of Discussion Board responses (30%)
- Quality of Interim and Closing Exercise responses (70%)
- Exemplary classroom participation, which in a small number of cases may boost but can never lower a grade
- Absences and lateness, which can lower but never boost your grade

## Seminar Sessions

Class sessions, readings, and pre-class Discussion Board questions for each class session are set out below to have them collected in one place at the start of the semester. Additionally, the “Modules” tab on Courseworks includes a separate file for each Seminar Session with the readings and pre-class Discussion Board questions. Things will frequently change during the semester as we rethink sessions. Those changes will not be reflected in this document. So, please use the Coursework Modules and not the remainder of this document when preparing for each class session.

### Part 1: Current State and Construction of our Public Systems.

#### Class 1 (September 2, 9am-11am): Course Orientation and Expectations

**Discussion Board (Everyone):** Share 1-6 words describing your reasons for participating in CPRL this semester.

##### Readings:

1. Overview of U.S. Education System [NOTE: This reading is optional for students familiar with the US system of public education. Students new to that system should read this Overview]
2. Education Futures Council, Ours to Solve, Once — and for All: Securing the outcomes our students need (2024), pp.10-37, 42-43 [NOTE: This report provides an assessment of the current state of public PK-12 education in the US and a proposal for improving it. As is true of most readings we assign, we do not agree with everything in it, including in its assessment and its proposal. We offer it as a useful recent comprehensive analysis of public education in the US and as a takeoff point for discussion and debate.]
3. Seminar Syllabus

4. Skilled Generalist Self-Assessment
5. Chu et al, The Learning Hive: Leading Collective Innovation to Transform Education Systems, Chapter 1
6. Ezra Klein, In this House, We're Angry When Government Fails, N.Y. Times, Nov. 22, 2024 (Excerpts)

## Class 2 (September 2, 12pm-3pm): The Current State of Public Institutions and Public Education in the U.S.

**Discussion Board (Group A):** What is the main underlying goal or goals of public schooling? In answering this question, don't say, or don't stop after saying, what you think kids should learn (e.g., literacy, numeracy, problem-solving, etc.). Instead, focus on what you believe to be the main reason(s) for or goal(s) of learning such things in public schools. Also, if you believe there are goals particular to public schooling (as opposed to schooling or education more generally), please say what those are.

**Readings:** The readings for this session offer a variety of assessments of the current state of US public schools and of public institutions generally—some very broad and others very narrow in terms of what is being assessed and the measure of success being used. The readings also offer a variety of views about the functions and purposes of our public school and other public systems. After doing the reading, please take a moment to formulate in your mind an overall sense of (1) what you think public, especially public school, systems' main objective or objectives are; (2) how well they are achieving those objectives; and (3) why they might be falling short of those objectives, including given who actually runs and influences school and other public systems and how they do so.

1. Tom Kane & Sean Reardon, Parents Don't Understand How Far Behind Their Kids Are in School, New York Times, May 11, 2023
2. Cory Turner, A Deep Dive on U.S. Reading and Math Scores and What to Do About Them, NPR, Feb. 11, 2025
3. April Rubin, Students Struggle to Recover from COVID Learning Loss, Axios, Feb. 11, 2024
4. David Labaree, The Fraught Connection Between State and School, Kappan, Nov. 28, 2022

[Note: When reading Labaree's article, consider what public schooling must do in order to achieve the first of the three goals Labaree identifies ("legitimizing the state"). What do members of the public expect public schools to do for them and their children in order to provide that legitimacy?]

5. OECD, PISA 2018 Combined Executive Summaries, p. 17-18
6. Brief Amicus Curiae for National Parents Union et al. in Oklahoma Statewide Charter School Board v. Drummond, pp. 4 (Part II)-32. Before reading this Brief, please read the Explanatory Note.
7. Excerpts #1 from James S. Liebman & Bennett Lunn, "Stewards of a Precious Treasure": Public Schools and the Constitution of the Republic (in process) – read this after reading the Amicus Brief above; you need not read the footnotes in these excerpts, with one exception: **please do read footnote 40.** (For those interested in reading the entire draft of this article, it is available here.)

8. Liebman, Cruikshank & Ma, Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform, 69 Florida Law Review 365 (2017). READ ONLY pp. 373-86 (not including footnotes): K-12 Bureaucracy and its Discontents, parts A and B

## Class 3 (September 3, 9am-12:30pm): The History and Current Reality of Educational Segregation

**Discussion Board (Group B):** Why should we, or why should we not, have more racial integration of public schools in the US? Why don't we have more racial integration of public schools?

**Introduction:** This session uses school segregation—particularly racial segregation—to introduce the challenges presented by efforts to understand the causes of and address educational inequity. School segregation is not the only form of inequity we will address this term, nor is racial segregation the only form of segregation of interest. But this form of educational inequity has received more attention than others over centuries in the US, as a matter of law and policy, and there is much to be learned by focusing on that history, this form of inequity, and what should and can be done about it.

### Readings:

1. Richard Rothstein, *The Color of Law: The Forgotten History of How Our Government Segregated America* (2017), Preface
2. Butler, Buksinski, Liebman, *Mine the Gap* (2020), Introduction and Part II., pp. 2-9, 37-46 (text only, not footnotes)
3. Derrick A. Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *Yale Law Journal* 470 (1976). READ ONLY (not including footnotes) pp. 470-83, 487-488 (including the full first paragraph of section C), 489-92 (section 2); 512-16 (part V)

## Class 4 (September 4, 9am-12:30pm): Affirmative Action in K-12 Enrollment and in Higher Education Admissions

**Discussion Board (Group C):** Respond to one of the below prompts:

1. Given the current state of the law, how would you go about achieving the most educationally advantageous mixture of students in K-12 schools or in colleges/universities (including their professional schools and programs)?
2. Alternatively, if you don't accept the legal principles adopted in the Parents Involved and/or FFA, what legal rule(s) would you substitute, and how would you go about convincing the courts (or, if you prefer, the public at large) to adopt the changes you propose?

**Introduction:** In Parents Involved in Community Schools v. Seattle School District No. 1 in 2007, the U.S. Supreme Court ruled unconstitutional under the Fourteenth Amendment Equal Protection Clause voluntary desegregation plans adopted by two U.S. school systems which, in certain circumstances, used the race of students in assigning them to schools in order to achieve greater racial integration. Then, in Students for Fair Admissions v. Harvard (SFFA) in 2023, the Supreme Court declared race-based affirmative action policies in admitting students to colleges and universities to be unconstitutional in violation of the Equal Protection Clause, thus requiring all selective colleges and universities to re-design their admissions policies to omit any decisive consideration of applicants' race.

This session will trace the history of affirmative action largely through the lens of the Supreme Court's jurisprudence. We will seek to understand (i) the majority opinion's rationale in Parents Involved and in SFFA for declaring unconstitutional voluntary K-12 integration plans and university-based affirmative action, (ii) the arguments in favor of voluntary racial integration and affirmative action, and (iii) whether there are "race neutral" policies that may be used to increase racial and ethnic integration of K-12 schools and to increase diversity on college campuses. We'll next break into groups that will represent selective high schools or higher education institutions that are re-imagining admissions policies. Those groups will address these questions:

1. What is the mission of our institution, i.e., what are we trying to accomplish at our school?
2. What other values should we care about in building a class of students?
3. What constraints do we face in building that class of students (fiscal? political? technical/practical?)
4. How do we measure the success of our admissions policies?
5. What admissions (or outreach, financial aid, recruitment, etc.) policies should we consider to achieve success?
6. How can we make admissions policies a dynamic, experimentalist process of launching well-theorized/planned admissions initiatives, measuring the outcomes of those initiatives, and learning from and revising those initiatives.

#### Readings:

1. Primer on the Equal Protection Clause and tiered analysis
2. Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (excerpts)
3. Students for Fair Admissions v. Harvard, 143 S.Ct. 2141 (2023) (**excerpts**)
4. Stanford's Rick Banks on Race-Based College Admissions SCOTUS Decision, Stanford Law School Blogs/Legal Aggregate (June 29, 2023)
5. Aatish Bhatia et al., What Happened to Enrollment at Top Colleges After Affirmative Action Ended, NY Times, Jan. 15, 2025
6. U.S. Dep't of Education Dear Colleague Letter (Feb. 14, 2025)
7. U.S. Dep't of Education, U.S. Secretary of Education Linda McMahon Directs National Center for Education Statistics to Collect Universities' Data on Race Discrimination in Admissions (Aug. 7, 2025)

## Class 5 (September 5, 9am-12pm): The One Best System

**Discussion Board (Group A):** To what extent has the “one best system failed?” What are the main reasons it has failed / succeeded? How optimistic are you about its forward-looking success? Why?

### Readings:

1. David Tyack & Larry Cuban, *Tinkering Toward Utopia* (June 30, 2009), Chapters 3, 4, epilogue
  - a. Note: Students less familiar with the history of education in the US would benefit from reading the book in its entirety (optional). The full text is available online from Columbia Libraries.
2. Steve Farkas & Ann Duffett, [Maze of Mistrust: How District Efforts and Cross Talk are Stalling Efforts to Improve Public Education](#) (FDR Group 2014)

## Class 6 (September 8, 9am-12pm): The Claimed Unconstitutionality of Our Public School Systems and the Rise of the Private Choice Movement

**Discussion Board (Group B):** At the end of the assigned excerpts from the Supreme Court’s *Carson v. Makin* decision, we note that the Supreme Court could soon decide that the 50 States’ longstanding practices of barring religious instruction in public schools and barring funding for religious schools are illegal as a violation of the First Amendment right to the free exercise of religion. If you would like for the Supreme Court to reach that conclusion, explain why in three sentences or less. If you oppose such a ruling, write no more than three sentences explaining what legal, political, education-reform, or any other steps you would propose to try to discourage the Supreme Court from reaching that conclusion. Because courts pay attention to public opinion and to practicalities such as the quality of education in different kinds of schools, you need not be a lawyer or provide legal arguments in answering this question (although you should feel free to make legal arguments if you like).

### Readings:

As you prepare these readings, please consider their bearing and your thoughts on these questions:

- A. Professors Hamburger (reading 1), McConnell (reading 2), and Liebman and others (readings 4 and 5) offer what might be called, respectively, a libertarian, a pluralist, and a civic/democratic view of K-12 schooling. How do those three views differ? Which do or don’t you find most appealing and why?
  - B. Influential observers called for replacing our current public school system with choice (aka voucher) systems as early as 1975, in the 1990s, and today. Only recently, however, have choice proposals started taking hold across the U.S. Why do you think that is happening now?
  - C. What threats does the choice movement pose to public school systems? How serious are those threats?
  - D. What educational, political, legal, or other steps might public-school systems and their advocates take to moderate those threats?
1. Philip Hamburger, *Is the Public School System Constitutional?*, Wall St. J. Oct. 22, 2021

2. Michael McConnell, Education Disestablishment: Why Democratic Values Are Ill-Served By Democratic Control of Schooling, 43 Nomos 87 (2002); READ ONLY pp. 87-89, 104-06 (intro to part III)
3. Excerpts from Carson v. Makin, 596 U.S. 767 (2022)
4. Brief Amicus Curiae for National Parents Union et al. in Oklahoma Statewide Charter School Board v. Drummond, pp. 4-32 (you read this for Session 2; please read it again carefully)
5. Review from Class 2 Excerpts #1 from James S. Liebman & Bennett Lunn, "Stewards of a Precious Treasure": Public Schools and the Constitution of the Republic (in process), including footnote 40 (For those interested in reading the entire draft of this article, it is available here.)
6. Excerpts #2 from Liebman & Lunn, Stewards of a Precious Treasure
7. Bella DiMarco, Directional Signals: A New Analysis of the Evolving Private School Choice Landscape - FutureEd (July 7, 2025)
8. Vince Bielski, School Choice Takes Its Fight From Red to Blue, REALCLEARINVESTIGATIONS (Jan. 3, 2025)
9. Dana Goldstein, Public Schools Try to Sell Themselves as More Students Use Vouchers, N.Y. Times, Aug. 5, 2025

## Class 7: Retreat (September 10, 9am-5pm): Difference and Diversity

**Discussion Board:** There is no Discussion Board for this session.

**Readings:**

1. TBA

## Class 8 (September 11, 9am-12pm): The Rise of AI and the Uncertainty and Complexity Ahead

**Discussion Board (Group C):**

**Readings:**

1. Pooja Sahotra, A.I.-Driven Education: Founded in Texas and Coming to a School Near You (July 27, 2025)
2. Mary Harrington, Thinking Is Becoming a Luxury Good (July 28, 2025)
3. Narayanan & Kapoor, AI as Normal Technology (April 15, 2025)
4. Ho & Bagley, Runaway bureaucracy could make common uses of AI worse, even mail delivery, (January 16, 2024)
5. Dean W. Ball, How California Turned on its Own Citizens (January 24, 2025)
6. Ezra Klein Show, We Have to Really Rethink the Purpose of Education (May 13, 2025)
7. Optional: Ezra Klein Show, What if Dario Amodei is Right about AI (April 12, 2024) (recommended listening for students less familiar with the growth curve of AI)

## Part II: Problem Analysis

### Class 9 (September 12, 9am-10:30am): Bureaucracy

**Discussion Board (Everyone):** Identify one proposition, debate, strategy, condition, or tool addressed in the reading that relates to your client project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project and how reflection on the proposition, debate, strategy, condition, or tool may contribute to a more successful and equitable outcome to your project.

**Introduction:** The goal of this class is to understand the One Best System, previously discussed in Class 5, as a form or type of governance—bureaucracy; to consider how that form of governance operates in general; and to understand the conditions under which it does and does not generate effective service provision in the education and other sectors. The class also notes the affinity between this form of governance and a particular form of democracy: interest-group politics.

**Readings:** Come to class prepared to instruct other students on the thesis of Chubb & Mo, or Sizer, or Youngblood, whichever you read and they didn't read. **(For purposes of doing so, students in all three groups (A-C) are on call.)**

#### Governance Generally

1. The Learning Hive: Leading Collective Innovation to Transform Education Systems, Chapter 2
2. **Excerpts** (short but important; **read them carefully**) from
  - a. Ludger Woessmann, The Importance of School Systems: Evidence from International Differences in Student Achievement, 30 J. of Econ. Perspectives 3, 24, 27 (2016) and
  - b. Brian J. Caldwell, School Autonomy and Student Achievement: Case Studies in Australia, Educational Transformations v-vii, 73, 76-77 (June 11, 2015)

#### Bureaucracy

3. Rudi R. Volti, An Introduction to the Sociology of Work and Occupations (2007), at 83 (1st full paragraph: "Modern bureaucracy . . .")-93
4. Review from Class 2 Liebman, Cruikshank & Ma, Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform, 69 Florida Law Review 365 (2017). READ ONLY pp. 373-86 (not including footnotes): K-12 Bureaucracy and its Discontents, parts A and B
5. Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services (1979), at 13-25, 48-53

#### Bureaucracy in schooling

Each of the following readings criticizes the operation of US school systems. As you read the critique assigned to

you, consider these four questions: As described by the author(s), (i) what is the bureaucratic school system's strategy for assuring that all relevant actors pursue and achieve the organization's or system's goals? (ii) what measures does the system use to determine the success of that strategy? (iii) how does the system make meaning of and respond to the information those measures reveal? (iv) why does the strategy fail?

1. [Students in Group A only:] John E. Chubb & Terry M. Moe, *Politics Markets and America's Schools* (1990), at 3-6, 38-45, 47-51 (through the end of the first full on p.51), 56-64 (through the end of the first full on p.64)
2. [Students in Group B only:] Theodore R.Sizer, *Horace's Compromise: The Dilemma of the American High School* (2004), 205-13.
3. [Students in Group C only:] Johnny Ray Youngblood, *Draining the School Swamp*, N.Y. Daily News (1992)

## Class 10 (September 15, 9am-11:30am): Markets/Privatization and "Charter School City"

**Discussion Board (Group A):** Write a sentence or two explaining the basis for Harris' conclusion that the "choice" mechanisms at play in the New Orleans reform do not account for the reform's success in improving student learning. Write another sentence or two explaining the mechanisms at play in the reform other than choice that Harris believes do account for its success.

**Readings:** This is the first of two sessions that discuss "Minimalist" approaches to governance—i.e., governance that aims to minimize the role of government actors and interest-group politics in social activity. Marketization attempts to do that by using either actual or artificial market mechanisms through which individuals' choices among competing service providers determines the quantity and quality of services that are available over time. Again, as to marketization, consider the four questions you previously applied to bureaucracy: (i) what is marketization's strategy for assuring that all relevant actors pursue and achieve school systems' service-provision goals? (ii) what measures does marketization use to determine its success? (iii) how does marketization make meaning of and respond to the information those measures reveal? (iv) how well does the strategy work to improve student learning and learning equity?

1. Review the following readings from Class 6
  - a. Excerpts from Chu et al., *Family Moves*
  - b. Bella DiMarco, *Directional Signals: A New Analysis of the Evolving Private School Choice Landscape* - FutureEd (July 7, 2025)
  - c. Vince Bielski, *School Choice Takes Its Fight From Red to Blue*, REALCLEARINVESTIGATIONS (Jan. 3, 2025)
  - d. Excerpts #2 from Liebman & Lunn, *Stewards of a Precious Treasure*
2. James S. Liebman, *Voice, Not Choice*, 101 *Yale Law Journal* 259 (1991) (excerpts)
3. Douglas N. Harris, *Charter School City: What the End of Traditional Public Schools in New Orleans Means*

for American Education, Chapters 1, 2, 4, 6, 7, 9

4. Bruno Manno, 20 Years After Hurricane Katrina: What New Orleans Teaches American About School Reform, RealClearEducation, Aug. 8, 2025

## Class 11 (September 17, 9am-11:30am): Managerialism

**Discussion Board (Group B):** Identify one proposition, debate, strategy, condition, or tool addressed in the reading that relates to your client project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project and how reflection on the proposition, debate, strategy, condition, or tool may contribute to a more successful and equitable outcome to your project.

**Readings:** Like the previous session, this one discusses “Minimalist” governance—governance that aims to minimize the role of government actors and interest-group politics in social activity. Instead of trying to generate markets among competing service providers, however, Managerialism—the subject of this class—aims to induce behaviors that some observers associate with for-profit actors. Managerialism does that by assigning decisions, as much as possible, to managers who are required to meet or beat government-imposed service-provision targets and are rewarded when they do so and penalized in some way when they fall short of their targets.

Again, in considering the readings, ask four questions: (i) What is Managerialism’s strategy for assuring that all relevant actors pursue and achieve schooling’s public goals? (ii) What measures does Managerialism use to determine whether the strategy is or is not working? (iii) How are actors expected to make meaning of and respond to information about whether the strategy is or is not working? (iv) How well does the strategy work?

1. Cary Coglianese & David Lazer, Management-Based Regulation: Prescribing Private Management to Achieve Public Goals, 37 L. & Soc. Rev. 691 (2003), at 691-706 (read through the preamble to Part III only)
2. Rachel Aviv, [Wrong Answer](#), The New Yorker, July 21, 2014
3. Eric Hanushek, Teacher Deselection, in *Creating a New Teaching Profession* 165-78 (D. Goldhaber & J. Hannaway eds. 2010)

4. DC IMPACT:

This set of short readings includes a self-study of the IMPACT system of teacher evaluation, support, and incentives in place in the District of Columbia Public Schools (DCPS) since 2009-10. IMPACT links measures of teacher performance based on student test scores and frequent professional observations to financial incentives for effective teachers and possible dismissal for ineffective teachers. IMPACT embeds these evaluations in a comprehensive system of teacher goal setting, review, feedback, and improvement steps. Based on these readings, consider the extent to which IMPACT adheres to and/or deviates from a managerialist model.

- a. IMPACT: The DCPS Evaluation and Feedback System for School-Based Personnel, including links to Initial Set of Evolutions to IMPACT and Evolutions to IMPACT (DCPS’s overview of

the system)

- b. “Essential Findings” of the study in [Equity Review memo](#) (pp.1, 4, 9)
- c. Matthew Yglesias, D.C.’s Teacher Compensation Reform is Working, *Slow Boring*, Aug. 26, 2021

## Class 12 (September 18, 9am-Noon): Skills Session (ToA/OPTA)

**Discussion Board:** There is no discussion board for this Session

### Readings:

1. The Learning Hive: Leading Collective Innovation to Transform Education Systems, (Chapter 4: Build a Hive)

## Class 13 (September 19, 9am-11:30am): Professionalism/Craft

**Discussion Board (Group C):** Diane Ravitch describes master educator Ms. Ratliff. Dana Goldstein describes master educators Mike Miles and Lenore Furman among others. Tim Clifford describes his understanding of master teaching in general. What is one reason to think that public schools led by highly autonomous master practitioners can succeed in effectively educating traditionally underserved children? What is one reason to think that we cannot rely on such schools effectively to educate traditionally underserved children?

**Readings:** Again, in reference to the readings’ discussion of schools or school systems governed by craft or professionalism strategies, consider the usual four questions: (i) What is the system’s strategy for assuring that all relevant actors pursue and achieve the organization’s or system’s goals? (ii) What measures does the organization system use to determine the success of the strategy? (iii) How does the system make meaning of and respond to the information the measures reveal? (iv) How well did the strategy work?

1. Diane Ravitch, *The Death and Life of the Great American School System* (2010), at Ch. 9 through p. 178, 2d paragraph
2. Dana Goldstein, *The Teacher Wars* 231-47 (2015)
3. Tim Clifford, *Raising the Bar on Teachers? I’ll Pass*, WNYC/SchoolBook, March 21, 2013
4. Jal Mehta, *From Bureaucracy to Profession: Remaking the Educational Sector for the Twenty-First Century*, 83 *Harv. Ed. Rev.* 453 (2013) (excerpts)
5. Liebman & Sabel, *A Laboratory Dewey Barely Imagined: The Emerging Model of School Governance and Legal Reform*, 28 *NYU L. & Soc. Change* 1-6 (2003)

## Class 14 (September 24, 9am-11:30am): Problematic Interest-Group (Bureaucratic) and Managerialist Politics

**Discussion Board (Group A):** Drawing on your project work if possible, or if not on your experience and on course readings, identify one way in which interest-group politics affects one or more school systems' ability to promote student learning. In doing so, note (i) the interest group(s) involved, (ii) how the interest group exerts its influence, and (iii) one or more ways in which that interest-group influence positively and/or negatively affects student learning.

### Readings:

School politics generally

1. Video on different forms of politics
2. Jeffrey Henig et al., [Parent and Community Engagement in NYC and the Sustainability Challenge for Urban Education Reform](#), in O'Day et al., *supra*, at 33-38, 43-45 (ending with the first sentence of "The Three Groups" section), 46 (Figure 2-2), 48-54
3. Review from Class 5 Steve Farkas & Ann Duffett, [Maze of Mistrust: How District Efforts and Cross Talk are Stalling Efforts to Improve Public Education](#) (FDR Group 2014), at 6-18 (end of the first column), 22 ('A Genuine Attempt at Dialogue')

Problematic interest-group (bureaucratic) politics

4. Review from Class 2 (for a third time) Liebman, Cruikshank & Ma, *Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform*, 69 *Florida Law Review* 365 (2017). READ ONLY pp. **376-86** (not including footnotes): K-12 Bureaucracy and its Discontents, parts A and B
5. John E. Chubb & Terry M. Moe, *Politics, Markets and America's Schools* (1991) (excerpts)
6. Sarah F. Aniza & Terry M. Moe, 36 *Educ. Eval. and Pol'y Analysis* 83 (2014), portions of pp. 83-84, 86-87, and 94-98 that are marked with a black line in the margin. (Feel free, of course, to read the whole article.)

Problematic managerialist politics

7. [Newark - students with last names **A-K** only] Dale Russakoff, [Schooled](#), *The New Yorker*, May 19, 2014
8. [NYC - students with last names **L-Z** only] Liebman, Cruikshank, Ma, *Governance of Steel* ([Failed Democracy excerpts](#))

## Interim Exercise 1 (September 26, 9:30am-11:45am)

### Part III: Solution Generation

## Class 15 (October 1, 9am-12:30pm): Evolutionary Learning: Pragmatic Structured Learning from Experience

**Discussion Board (Group B):** Based on your current understanding, what is one thing that excites you about Evolutionary Learning and the prospect of incorporating it into the process your project team uses to develop, and/or the solution it develops, to your client's objectives? What is one thing that worries you about EL and about how its use might affect your team's process of developing solutions for your client and/or about how its incorporation in the solution you develop for the client might affect your client's ability to achieve its objectives?

**Readings:** While doing the reading consider these questions:

1. The usual questions:
  - a. How does Evolutionary Learning assure that all relevant actors pursue and achieve the organization's or system's goals?
  - b. What measures or "andons" (alarms designed to draw attention to problems) does the system use to determine the success of that strategy?
  - c. How does the system make meaning of and respond to the information those measures and andons reveal?
  - d. How well does the strategy work
2. Ansell claims that EL does a better job than bureaucracy and other governance models of avoiding the problem of "bounded rationality." Does it?
3. Ansell claims that EL has a practical solution to the problem of how to
4. determine causation when problems arise or when solutions are tested and appear to succeed. Does it?
5. Ansell claims that EL avoids the need to have agreement on objectives before people can work together effectively to solve problems. Does it?

**Readings:** Evolutionary Learning in General

1. James Surowiecki, *Better All the Time*, *The New Yorker*, November 10, 2014
2. Christopher K. Ansell, *Pragmatist Democracy: Evolutionary Learning as Public Philosophy* (2011), at pp. 3-19, 84-101

Evolutionary Learning in School Systems

3. Helen F. Ladd, *Education Inspectorate System in New Zealand: A Policy Note*, 5 Ed. *Fin. & Pol'y* 378 (2010), at 378-83
4. Elizabeth Chu et al., [RISE to Thrive: A Vision for a Transformed and Equitable Public Education System](#) (March 2021), at 3-9

- a. In connection with this reading, consider ways in which bureaucracy stymied, and Evolutionary Learning approaches improved, school systems' response to the COVID-19 pandemic
5. Martha Minow, *School Reform Outside Laboratory Conditions: A Response*, 28 N.Y.U. Rev.L. & Soc. Change 333 (2003) (excerpts)

## Class 16 (October 9, 9am-Noon): Skills Session: Measurement

**Discussion Board:** There is no Discussion Board for this session.

### Guiding Questions:

- When, how, and why does measurement become a driver of equity and improvement?
- How might we develop a culture of measurement and embed measurement structures and practices into daily operations?
- How might we transition an organization from a tacit measurement system to an explicit measurement system? How might we move from induction to abduction? From deduction to abduction?

### Readings:

1. *The Learning Hive: Leading Collective Innovation to Transform Education Systems* (Chapter 5 and 6)
2. [Leading through Learning: Evolutionary Toolkit, Stages 3-5](#)
3. Bryk, A.S., Gomez, L.M., Grunow, A., & LeMahieu, P.G. (2015). *We Cannot Improve at Scale What We Cannot Measure* (Chapter 4). In *Learning to Improve: How America's Schools can get Better at Getting Better*. Cambridge, MA: Harvard Education Press.
4. Tulsa Public Schools. (2022). [Pathways to Opportunity](#).
5. ERS. (2022). *Bridging the Divide: How Tulsa Built Sustainable Improvement Systems to Connect Vision, Strategy, and Implementation*

## Class 17 (October 3, 9am-12:30pm): Classic Examples of Evolutionary Learning in Action (Alcoa, Nuclear Navy, Nuclear Power Plant Safety (INPO), Toyota)

**Discussion Board (Group C):** Spear presents all of his case studies as examples of systematized individual and organizational learning from the close observation of the results of everyday experience. Describe one way that you think an urban school system with large resource and outcome disparities between white children/middle-class students and students of color/in poverty—or one way individual schools or educators in that school system—could use similar forms of adult and organizational learning to overcome those inequities?

**Readings:** The model on which you are to become expert, and present to the class:

- **Alcoa:**
- **Nuclear Navy:**

- **Nuclear Power Plant Safety:**
- **Toyota Jidoka Framework + GM:**
- **Toyota Quality Circles + Jishuken Support Teams + GM:**

Note: **Everyone in the class is on-call in this session for purposes of informing the other members of the class about the case study to which you are assigned below.** (Only members of Group C are on call for purposes of the Discussion Board.) Members of the Alcoa and Nuclear Navy groups should read both of those case studies but are asked to become experts only on the case study to which they are assigned below. Members of the two Toyota groups are assigned both the Toyota and GM case studies in their entirety but are asked to become experts on only the parts of those case studies that are noted below. Both Toyota groups should also consider why the Toyota techniques on which they have become expert translated well to GM's Fremont plant but not to GM's Van Nuys plant.

Readings:

Everyone:

- Steven J. Spear, *The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition* (2010), Excerpt 1: Pp. xx-xxi, 1-2

If you are assigned to Alcoa or Nuclear Navy:

- Steven J. Spear, *The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition* (2010), Excerpt 2: Pp. 1-32

If you are assigned to Nuclear Power Plant Safety:

- Joseph Rees, *Hostages of Each Other: The Transformation of Nuclear Power Safety After Three Mile Island* (1998), at 1-7, 91-150

If you are assigned to Toyota Jidoka Framework + GM or to Toyota Quality Circles + Jishuken Support Teams + GM:

- Steven J. Spear, *The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition* (2010), Excerpt 2: Pp. 36-71, 83-91
- This American Life Podcast on Toyota and GM

## Class 18 (October 8, 9am-12:30pm): Evolutionary Learning in Five School Systems (NYC, Long Beach CA, Finland, Sobral Brazil, New Orleans)

**Discussion Board (Group A):** Identify one feature of the case study system about which you read that you associate with Evolutionary Learning and that you could imagine being incorporated in some useful way into the process or results of your client project. Briefly describe (1) why you associate this feature with Evolutionary Learning and (2)

how adopting, adapting, or in some other fashion analogizing to that feature might help your team and/or client achieve a more successful and equitable outcome to your project.

Come to class prepared to describe the case study/reform to which you are assigned below, answering the usual four questions to the extent the case study permits:

1. What is the school system's strategy for assuring that all relevant actors pursue and achieve the organization's or system's goals?
2. What measures does the system use to determine the success of that strategy?
3. How does the system make meaning of and respond to the information its measures reveal?
4. How well did the strategy work.

Your exercise group and the case study on which you are to become expert and present to the class:

- **Group 1. New York City:**
- **Group 2. Long Beach:**
- **Group 3. Finland:**
- **Group 4. Sobral:**

Readings:

EVERYONE

1. Introduction to St. Paul Public Schools Exercise
  - a. Please read this first; note that (1) this document divides you all into exercise groups for purposes of the St. Paul Exercise; (2) each of the remaining readings below is assigned only to members of specified exercise groups; and (3) as described in this document, each of you, before class, should identify the role you intend to take as part of your exercise group.

New York City, 2003-2013- **Group 1 only:**

1. Maureen Kelleher, [New York City's Children First: Lessons in School Reform](#), (Jan. 2014) (pp. 1-34)
2. NYC Strategy Snapshot (PPT slide)
3. Butler, Buksinski & Liebman, *supra*, at 24-26 (first 3 paragraphs of section C; text only, not footnotes); tables and graphs on pp.26-36, keeping in mind that the NYC reform ended in 2013.

Long Beach, CA - **Group 2 only:**

1. Michael Fullan, Long Beach Unified School District (2016), pp.2-11
2. Desiree Carver-Thomas & Anne Podolsky, Long Beach Unified School District, Positive Outliers Case Study (2019), pp. 1-19

Finland –**Group 3 only:**

1. Charles Sabel, AnnaLee Saxenian, Reijo Miettinen, Peer Hull Kristensen & Jarkko Hautamäki, Individualized Service Provision as the Key to the New Welfare State: Lessons from Special Education in

Finland (Sitra Studies 62 Dec. 2011), at pp. 4-15, 30 ('The next national core curriculum')-53, 57-64

Sobral, Brazil – **Group 4 only:**

1. Louisee Cruz & Andre Loureiro, Achieving World-Class Education in Adverse Socioeconomic ConditionsLinks to an external site.: The Case of Sobral in Brazil, (World Bank Group, June 2020), pp. 1-28

## Class 19 (October 10, 9am-1pm): Problem Solving Politics (School Politics, Habitat Conservation, Policing, Community Policing & Planning)

**Discussion Board (Group B):** The readings present a number of examples of “new democracy or politics” in the environmental, policing, and school contexts, although with doubts raised about their sustainability and scalability. What are one or two design principles you draw from the examples that might support a sustainable, equitable version of participatory democracy for a large urban school district?

**Readings:**

1. Christopher K. Ansell, [Pragmatist Democracy](#), at 134-40, 166-83
2. Liebman, Cruikshank & Ma, Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform, 69 Florida Law Review 365 (2017). READ ONLY pp. 416 (Part III)-22
3. Archon Fung, Deliberation and Social Conflict, in Empowered Participation: Reinventing Urban Democracy (2004), entire excerpt
4. Jonathan Weisman, Divided Politics, a Colorado Town Mends its Broken Bones, N.Y. Times, Nov. 30, 2023
5. Christopher Ansell & Jacob Torfing, Public Governance as Co-Creation (2021) (Democracy excerpts)

SPPS Exercise Prep.

6. SPPS's Proposed New Governance Strategy (PPT slide)[Please come to class prepared to identify one or more of the bullets on SPPS's Proposed New Governance Strategy that you consider problematic and would like to revise.]

## Class 20 (October 15, 9am-12pm): EL Assessment and Improvement Tools Quality Review (Assisted Living, Child Welfare Services)

**Discussion Board (Group C):** Assume that you are designing a framework for determining and improving how the solution your project team is developing for your client works to achieve its objectives. What (if any) use could such a framework make of qualitative review of the actions of schools, teachers, or other actors relevant to your project? [If this question doesn't apply well to your project, assume that you are designing a framework for determining and improving how well schools or, if you prefer, teachers in a school district are accelerating the learning of traditionally underserved students.] What (if any) use could such a framework make of qualitative review of those schools or teachers?

**Readings:** These readings discuss the focal regulatory system's (1) strategy for assuring that all relevant actors pursue and achieve the regulators' goals; (2) the measures regulators use to determine the success of that strategy; and (3) how regulators make meaning of and respond to the information their measures reveal.

1. John Braithwaite & Valerie Braithwaite, *The Politics of Legalism: Rules versus Standards in Nursing-Home Regulation*, 4 *Soc. & Leg. Stud.* 307 (1995)
2. Kathleen Noonan, et al., *Legal Accountability in the Service-Based Welfare System: Lessons from Child Welfare Reform*, 34 *L. & Soc. Inq.* 523 (2009)
3. Review Ladd, *Education Inspectorate System in New Zealand* (Sessions 11 and 15)

## Class 21 (October 17, 9am-12pm): EL Improvement Tools—Inquiry, Inquiry Teams, Individual Education Plans

**Discussion Board (Group A):** Assume that you are designing a framework for determining and improving how well schools (or, if you prefer, teachers) in your district are accelerating the learning of traditionally underserved students. What (if any) use could such a framework make of structured inquiry?

**Readings:**

1. Peg Tyre, *The Writing Revolution*, *Atlantic Monthly*, Oct. 2012
2. Jim Fredrickson, *Are We Learning the Right Lessons From New Dorp High School?*, *Atlantic Blog* (2012)
3. *Leading Educators, Case Study: DC Public Schools* (2018)
4. *Learning Forward, The Path to Instructional Excellence and Equitable Outcomes* (2019)
5. Liebman, Cruikshank & Ma, *Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform*, 69 *Florida Law Review* 365 (2017) (Excerpts, pp. 1-11)

**Discussion Board:** There is no Discussion Board for this session.

**Readings:**

1. *The Learning Hive: Leading Collective Innovation to Transform Education Systems* (Chapter 5)
2. Becerra-Fernandez, I. and Sabherwal, R. (2010). [Introducing knowledge management \(Chapter 1\)](#), [Knowledge management solutions: Processes and systems \(Chapter 4\)](#), [Organizational impacts of knowledge management \(Chapter 5\)](#). In *Knowledge management: Systems and processes*. Armonk (N.Y.); London: M.E. Sharpe.

## Interim Exercise 2 (October 22, 9:00am-11:15am)

### Class 22 (October 29, 9am-12:30pm): Evolutionary Learning and Participatory Democracy with an Equity Lens (Baltimore)

Discussion Board (**Group B**): There is no Discussion Board for this session.

Guiding Questions: Come to class prepared to address these questions:

1. In what ways does Evolutionary Learning help school systems and other organizations and their stakeholders address complex equity issues in education?
2. What are the challenges and potential limitations of this approach?
3. How might you build in equity considerations to enhance the Evolutionary Learning process?
4. How might you build an equity lens for yourself and help your client and others with whom you work build such a lens?
5. What personal and mental hurdles do you anticipate might affect how you engage in this equity work?
6. How will you prepare for what are often difficult conversations around race and equity?

#### Readings:

1. Council of Chief State School Officers, [Leading for Equity: Opportunities for State Education Chiefs](#) (2017), at pp. 16-20.
2. Ed Reports, [Redefining Engagement: How Baltimore City Schools Transformed its Approach to Adopting Instructional Materials](#) (Dec. 2, 2019)

## Part IV: Transition Pathway – Experimenting Our Way Toward an Improved Future

### Class 23 (November 5, 9am-12:30pm): Transition Through Litigation (San Antonio, Detroit)

Discussion Board: There is no discussion board for this session.

Introduction: This session considers lawsuits under the U.S. Constitution to force school systems to provide greater equity in educational inputs such as funding, physical plants, curriculum, and the like.

U.S. courts have a mixed history at best when it comes to addressing underserved students' challenges to inequitable or ineffective state and local educational policies and practices. As we discussed in Session 5, the U.S. Supreme Court in *Brown v. Board of Education* (1954), ordered school systems that were intentionally segregating children into schools for Black and for white students to transition from "dual" to "unitary" (racially integrated)

systems. As we also discussed in Session 5, however, the Court previously had endorsed racial segregation of school, and it wasn't until 15 years after deciding *Brown* that courts actually required sustained desegregation to occur, and, then, only in the non-urban South. A few years later, the Court refused to address challenges to racially segregated schools in cities throughout the US. because they did not explicitly require Black and White students to attend different schools and instead assigned children to "neighborhood" schools with attendance zones that mirrored segregated housing patterns.

Then in *Rodriguez v. San Antonio School District* in 1973, the Supreme Court refused to allow federal courts to hear lawsuits challenging school property-wealth-based funding schemes that allocated many fewer dollars per student to school districts with mainly poor, Black, and Brown students than to school districts with mainly middle class White students. In doing so, the Court refused to declare that underserved students have a right to an education that is "equal" to that received by other children or that is "adequate" according to some legal standard. Explaining that conclusion, Justice Powell wrote that the judiciary is well advised to refrain from imposing on the States inflexible constitutional restraints that could circumscribe or handicap the continued research and experimentation so vital to finding even partial solutions to educational problems and to keeping abreast of ever-changing conditions.

Reform-minded litigators turned next to state constitutions as sources of educational rights and finance reform. Soon after the Supreme Court handed down *Rodriguez*, the New Jersey Supreme Court declared its school funding system unconstitutional under the New Jersey Constitution's education article, which imposed on the state legislature a duty to provide a "thorough and efficient" education to the state's children. Thereafter, state high courts relied heavily on their state's education article, at times employing it in conjunction with the state's constitutional equality provision, when finding the state's school spending scheme unconstitutional.

The essence of these claims was the unconstitutional *inequity* of school funding schemes. plaintiffs primarily sought to achieve either equity among school districts, such that per-pupil revenues were roughly equalized by the state, or fiscal neutrality, such that the revenues available to a school district would not depend solely on the property wealth of the school district. Unfortunately, plaintiff school children prevailed in only 7 of the 22 final decisions handed down by courts in those early "equity" cases. Research findings suggest that, in those states where the court struck down the school finance system, per-student spending across districts became more equal, but there is no reliable evidence that student's educational outcomes were improved or equalized due to the lawsuits.

In 1989, the Kentucky Supreme Court launched a new set of state court efforts when it concluded that the education article in its state constitution did not create an entitlement to educational equity, but rather an entitlement to a defined level of educational quality. Interpreting its state constitutional "thorough and efficient" education clause, the Kentucky Supreme Court held that the state legislature must fund and provide its students with an *adequate* education, defined as one that instills in its beneficiaries certain capabilities, including, for example, sufficient oral and written communication skills to enable them to function in a complex and rapidly changing society. Unlike equity or equality, adequacy is a measure that does not compare the educational resources or

outcomes of students with each other; rather, it looks only to some minimally required level of resources for all students.

Although “adequacy” lawsuits subsequently enjoyed more success than the previous generation of “equity” lawsuits, courts enforcing “adequacy” orders (including in New York State) were wary of intervening very far in restructuring of school finance systems, or in insisting upon any particular level or equalization of learning outcomes. With relatively rejections of plaintiff challenges in Colorado, Texas, and California, and battles over implementation of court orders in Kansas and Washington, state court judges have exhibited growing caution in using their power under state constitutional law to intervene in state education decision making, notwithstanding strong evidence of inequitable inputs and outcomes.

Starting in around 2015, educationally underserved school children in a number of states filed new lawsuits asking federal courts to back away from the *Rodriguez* decision and find a legal right to equitable and effective schools. Fueling this flurry of “public-interest” lawsuits was the expectation that Hilary Clinton would be elected President in 2016 and appoint judges to the Supreme Court and lower federal courts who might be more sympathetic to such suits than previous judges. In the intervening period, all of those efforts failed to generate any good news for school children facing inequitable conditions.

The suit against the State of Michigan—*Gary B. v. Snyder* is an example. It focused on several egregiously under-resourced schools in Detroit with shamefully poor conditions and student outcomes. The *Gary B.* was first heard by a federal district judge in Detroit, who took evidence on the claims in the complaint. That judge found as a matter of fact that:

The conditions and outcomes of schools [attended by the plaintiff school children in Detroit] . . . are nothing short of devastating. When a child who could be taught to read goes untaught, the child suffers a lasting injury—and so does society.

In the next sentence, however, the judge ruled against the plaintiff school children, concluding that they had no right to better schools under the US Constitution as the Supreme Court had interpreted it in the *Rodriguez* decision.

The *Gary B* case then was heard by a 3-judge panel of an appellate court: the United States Court of Appeals for the Sixth Circuit Court. One of our readings from this case is the April 2020 opinion of that panel of judges, two of whom found that the plaintiff school children had demonstrated a violation of the US Constitution. A third of the three judges wrote a dissenting opinion, however, arguing that, as bad as conditions in the Detroit schools were, they did not provide the basis for finding a federal constitutional violation of the students’ rights, given the limitations imposed on courts by the Supreme Court’s earlier decision in *Rodriguez*.

After the three-judge panel ruled, the dissenting judge in the case prevailed upon other appellate judges in the same judicial “circuit” to agree to rehear the appeal “en banc,” meaning in front of all 20 or so judges on that court, and not just a 3-judge panel, In doing so, the full court “vacated” the panel decision, leaving the district court decision in effect, pending the outcomes of the en banc appeal. Fearing that the full circuit court was about to

issue a ruling approving the district court decision, the plaintiffs and Michigan Governor Whitmer agreed to settle the case and remove it from court.

**Readings:** You may skip the footnotes in these readings, other than footnote 35 in Chu et al., *Family Moves* reading (item 8).

Federal legal decisions seeking an individual right to an education defined by inputs to education:

1. Primer on the Equal Protection Clause and tiered analysis (review; previously assigned for Session 17)
2. [San Antonio Independent School District v. Rodriguez](#) (US Supreme Court 1973) (excerpts)
3. Gary B. v. Whitmer (US Court of Appeals for the 6th Circuit 2020)
  - a. In Judge Clay’s opinion starting at page 2, read pages 2-16, 33-42, 52-55, 56- 57 (on page 57 just read the run-over from the last paragraph on page 56), and 60-61
  - b. In Judge Murray’s opinion starting at page 62, read pages 62-64

Proposed alternative strategies for using law to establish greater educational equity:

4. Derrick A. Bell, [Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation](#), 85 Yale Law Journal 470 (1976). Review only pp. 512-16 (part V of this article, which you first read for Class 3)
5. Richard Thompson Ford, [Moving Beyond Civil Rights](#), N.Y. Times, Oct. 27, 2011
6. Proposed amendment to the California Constitution:
  - a. Existing language. Cal. Const. art. IX, § 5: “The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year . . . .” [The California Supreme Court has held that this provision only governs basic educational input and creates not rights or duties in regard to learning outcomes.]
  - b. Proposed amendment: “The state and its school districts shall provide all public school students with high-quality public schools, defined as schools that equip them with the tools necessary to participate fully in our economy, our society, and our democracy.”
7. James Liebman, [Perpetual Evolution: A School-focused Public Law Litigation Model for Our Day](#), 117 Colum. L. Rev. 2005 (2017) (excerpts) (proposed right on the part of children to a responsible (i.e., flexible, iterative, learning) process through which school systems make equitable educational policy decisions)
8. [Elizabeth Chu et al., Family Moves and the Future of Public Education](#), 53 Colum. Hum. Rts. L. Rev. 468 (2023), ONLY pp. 472-81 (ending with run-over paragraph at the top of p.481); also read footnote 35 (understanding public schooling, not as an individual right at all, but as a fundamental structure of government—like the executive, legislature, and judiciary—designed to create a stable system of liberal democratic governance)

## Class 24 (November 12, 9am-12pm): Transition from Within (Aldine, Long Beach CA, NYC); St. Paul Exercise

**Discussion Board (Group C):** In one way or another, your project work is designed to foster or support change in your client organization and/or in school systems, schools, or classrooms that are the focus of your client organization. Identify one transition strategy, process, or tool addressed in the reading that you think might help you or your client in motivating or enabling the relevant actors to undertake that change willingly and effectively. In answering this question, please do NOT focus on the end state your client is seeking. Instead, focus on the transition process your client is or could be using -- on how your client is trying to, or might try to, cause and enable people in the existing system to accept and pursue change. In answering this question, you may focus on a transition strategy, process, or tool that your client IS using. Or you may focus on a transition strategy, process, or tool that your client is NOT using but that you think it could use to good effect.

**Readings: It is very important that you prepare your assigned reading in items 1, 2, 3, 4 or 5 because you may be the only one in your exercise group who did that reading, and you will be responsible for reporting on it to your group.**

1. [Everyone:] Charles Sabel & David Victor, *Fixing the Climate: Strategies for an Uncertain World* (2022), pages 1-14
2. [Everyone:] *The Learning Hive: Leading Collective Innovation to Transform Education Systems* (Chapter 8)
3. [Everyone:] Ansell, *supra*, ch. 3, pp. 43-55, 61-62
4. [Everyone:] Christopher Ansell & Jacob Torfing, *Public Governance as Co-Creation* (2021) (Transition excerpts)
5. [Group A only:] Heather Zavadsky, *Bringing School Reform to Scale* (2009), Chapter 2
6. [Group B only:] Eric Nadelstern, *The Evolution of School Support Networks in New York City* (Center on Reinventing Public Education 4-20 (2012)
7. [Group C only:]
  - Some of you may have read these two reports for Session 13. If so, please review them and focus heavily on the above "Everyone" readings.
  - Fullan: Michael Fullan, *Long Beach Unified School District* (2016), pp.2-11
  - Desiree Carver-Thomas & Anne Podolsky, *Long Beach Unified School District, Positive Outliers Case Study* (2019), pp. 1-19
8. [Everyone:] Choice of Governance-style Slide
9. SPSS Prep Slides

## Class 25 (November 19, 9am-12pm): Summing Up; Looking Forward

### Readings:

1. Klein, Ezra, and Derek Thompson. *Abundance*. Avid Reader Press (Simon & Schuster), 2025.

## Class 26 (December 8, 9am-12pm) Closing Exercise