

# Seminar Syllabus

## Structural Change in Public Education and the Public Sector Generally

### INTRODUCTION

The central task of the first two weeks of this intensive seminar is to consider the current state of public education in the United States; the impact on it of the governance structure through which most organized public-sector activity in and outside the context of public education (and much private-sector activity) has for decades been internally managed—bureaucracy; and the pros and cons of and alternatives to bureaucracy as a mechanism for identifying and meeting the needs of the nation’s and the world’s school children. Among the questions we will address in this part of the course are:

1. What is the current state of public education in the United States and the world?
2. What is the role of “governance”—the internal mechanisms through which organizations make and implement decisions—in causing or impeding solutions to the deep structural inequalities that characterize the current status of public education? What, in particular, is the role of bureaucratic governance in those regards? When does governance by bureaucracy succeed and fail in delivering—or in remedying the unequal provision of—public education and other public- and private-sector products and services?
3. What are the comparative merits and demerits of several prominent governance alternatives to bureaucracy, again, with a focus on public education?
4. We will focus considerable attention on one alternative to bureaucratic governance that we believe is particularly promising, *if* the combination of flexibility and organizational discipline required for its effective implementation can be put in place. That alternative—self-conscious organizational learning, or, as we variously refer to it, “*evolutionary learning*” or “*democratic experimentalism*”—raises its own set of questions, starting with this one: How effective, realistically actionable, and widely adopted is Evolutionary Learning?
5. We begin addressing one final question in this segment of the course and continue addressing it throughout the semester: What lessons do your research and consulting projects and their organizational contexts teach about the value and uses of the different modes of governance we discuss as mechanisms for delivering and reforming public education?

The next portion of the course addresses tools learning organizations use to function effectively, improve rapidly and constantly, and in the process, engage with, learn from, and be held accountable to key stakeholders and the broader public. (1) We start with tools effective learning organizations use to mine their own everyday experience for weak, as well as strong, signals about how operations are falling short and how to improve them and their outcomes. After familiarizing ourselves with the balanced-scorecard and other approaches to organizational goal-setting and evaluation, (2) we turn to qualitative evaluation of schools and other organizations and processes for accelerating learning from experience at the street or field level through quality circles, inquiry teams, multi-disciplinary rounds, and similar collaborative practices. (3) We then address the interaction between governance and democracy—between the way organizations function internally and the way they engage with and are kept accountable to key constituencies—in public education, for example, children, families, and communities—and the public at large. In this last of these contexts, we explore the relationship between bureaucracy and interest-group politics and the role of the latter in the current state of, and in difficulties encountered in trying to equalize access to, public education. We consider whether replacing bureaucracy with evolutionary learning requires that interest-group politics be replaced with something we call “problem-solving” politics through which organizations engage their various internal and external stakeholders to learn from, as well as being made accountable to, them.

We begin the last third of the course with the question of how organizations transition from bureaucracy to institutional learning and from interest-group to problem-solving politics. The class then addresses the uses of learning *regimes*, which link multiple organizations in a single learning structure and foster experimentation and innovation in the spaces between organizations. Because these regimes often also combine institutional learning with other governance models, we use this same topic to address the question of when and how organizations can mix, or “braid,” different governance styles.

Essential questions for the second and third sections of the course include:

1. What tools can an organization use to receive and respond to the “weak signals” from experience that are a key feature of institutional learning?
2. When do interest group politics succeed and fail in effectively delivering and equalizing public education, and to what extent do the alternative forms of governance entail alternative forms of political and stakeholder engagement, such as “problem-solving politics”?
3. How can organizations that currently function as bureaucracies transition to a learning stance?
4. What governance arrangements are possible when the objectives or activity at hand are too complex or difficult for a single organization or a single governance model to accomplish on its own?

We end the semester with project team presentations and a last session in which a guest speaker joins us in considering the future of public education reform.

Most classes are a combination of structured and free-form discussion and team-based exercises and debriefs. Each student is on call several times during the semester and is expected to participate often in class whether or not on call. Below we summarize the topics to be addressed in the 19 class sessions, then lay out in detail the readings and discussion questions for each of those sessions (excluding the team presentation sessions, for which you and your project team will later identify discussion questions and readings).

The discussion questions are provided to guide your consideration of the readings. You are not expected to prepare formal answers to the questions ahead of time, but only to begin thinking about them as you prepare for class. We have made an effort to pare down the mandatory readings, designating interesting but non-essential items as “optional.” We expect students to prepare all non-optional readings.

## **SEMESTER OVERVIEW**

### ***THE CURRENT STATE OF PUBLIC EDUCATION AND THE ROLE PLAYED BY BUREAUCRACY AND ALTERNATIVE FORMS OF GOVERNANCE***

Sessions 1 & 2 (September 6 & 7): Introduction to the Course and Course Expectations; the Current State of Public Education in the United States and the World

Session 3 (September 9): When Bureaucracy Works and Fails in General and in Public Education

Session 4 (September 12): Managerialism and Minimalism as Alternatives to Bureaucracy: the Vagaries of School and Teacher Evaluation

Session 5 (September 14): Professionalism/Craft as an Alternative to Bureaucracy—What Is Gained and What Is Lost by Making Tacit Knowledge Explicit?

Session 6 (September 19): Evolutionary Learning—*i.e.*, Pragmatic, Structured Learning from Experience—as an Alternative to Bureaucracy, Professionalism, and Minimalism

### ***ORGANIZATIONAL LEARNING IN ACTION***

Session 7 (September 19 & 21): Classic Private- and Public-Sector Learning Organizations in Action

Session 8 (September 23): Educational Policy and Racial Equality in Education

Session 9 (September 28): Evolutionary Learning Arrangements vs. Bureaucracy, Craft/Professionalism and Managerialism in Three Public Education Systems—Finland, New York City (2003-2013), Ontario

### ***LEARNING TOOLS***

Session 10 (September 28): Tools Supporting Structured Institutional Learning—The Balanced Scorecard and Allied Approaches to Strategy and Accountability

Session 11 (October 5): The Role of Qualitative Review in Institutional Learning—Using Leading Indicators to Build Expertise and Harness Street-Level Discretion

Session 12 (October 12): Using Adult Learning to Harness Street-Level Discretion and Increase Organizational Expertise—from Quality Circles to Inquiry Teams

### ***INTEREST-GROUP POLITICS, STAKEHOLDER ENGAGEMENT, AND ALTERNATIVE FORMS OF DEMOCRACY***

Session 13 (October 19 & 21): Public Problem Solving and Democracy

### ***TRANSITION FROM BUREAUCRATIC TO LEARNING ORGANIZATIONS***

Session 14 (October 26): Transitioning from Bureaucracy to the New Organization

Session 15 (November 4): Evolutionary Learning in the Courts—the Role of Litigation in Encouraging Organizational Transformation in the Context of Racial Justice

### ***LEARNING REGIMES***

Session 16 (November 11): Learning Regimes and the Elastic Boundaries of Private- and Public-Sector Learning Organizations—From Three Mile Island to Equality Directives

### ***TEAM PRESENTATIONS***

Sessions 17-18 (November 16 & 23): Team Presentations

### ***CONCLUSION***

Session 19 (November 30): Summing Up; Looking Forward

## SESSION ASSIGNMENTS AND DISCUSSION QUESTIONS

### ***THE CURRENT STATE OF PUBLIC EDUCATION AND THE ROLE PLAYED BY BUREAUCRACY AND ALTERNATIVE FORMS OF GOVERNANCE***

#### **Sessions #1 & 2 (September 6 & 7): Introduction to the Course and Course Expectations; the Current State of Public Education in the United States**

##### **Discussion Questions:**

1. What is the current state of public education in the United States and the world? What (if any) are the failings you see and what (if any) are the successes? What criteria do you use to judge the state of public education?
2. What are the causes of the failings or successes you identify, focusing particularly on the U.S.?
3. On causation, consider the many studies like those by Caldwell and Woessmann, whose illustrative (but by no means dispositive!) findings are briefly excerpted in the readings. (Their full studies are in the Optional readings.) These studies link differences in educational outcomes among schools, districts, states, or nations to differences in “governance”—i.e., in how the relevant entities organize themselves to design and deliver public education. Is it reasonable to think that such factors have as much bearing on educational outcomes as family background? If so, what would the implications be for public policy?
4. What are the best solutions to any problem you identify? In evaluating solutions—for example, mandatory racial integration of schools—which do you value most: immediate, even if incremental, improvement or structural but long-in-the-making change? Why? What steps can you imagine to achieve both relatively more immediate and more structural change?
5. As a backdrop for understanding the status of public education in the U.S., as well as potential causes and solutions, what is your understanding of the span of control that the following actors exercise in regard to the level and quality of education that public school children actually receive: the national government, state governments, neighborhood and communities within which schools are situated, local school districts and the municipalities in which they are located, school leaders, teachers, families, students, outside funders, others?

6. What do you hope to learn or experience in this course that will enrich your thinking on the state of public education in the U.S. and worldwide and on the causes of and solutions for any problems you perceive?

**Reading:**

1. Jennifer A. O'Day & Marshall S. Smith, [Quality and Equality in American Education: Systemic Problems, Systemic Solutions](#), in *The Dynamics of Opportunity in America: Evidence and Perspectives* (ETS 2016), at 298-319. **NOTE: For students new to the landscape of U.S. public education, we strongly recommend that you read this entire chapter, through p. 351.**
2. OECD, [Country Comparison of 2012 Reading, Math and Science PISA Outcomes](#), at p. 5
3. Brief excerpts with findings from two studies included in full in the Optional Readings below: Brian J. Caldwell, *School Autonomy and Student Achievement: Case Studies in Australia*, v-vi (June 11, 2015); Ludger Woessmann, *The Importance of School Systems: Evidence from International Differences in Student Achievement*, 30 *J. of Econ. Perspectives* 3, 24, 27 (2016)
4. Eric A. Hanushek, et al., [U.S. Students from Educated Families Lag in International Tests](#), *Education Next*, Fall 2014
5. Stephanie Simon, [Maybe U.S. Public Schools Don't Stink](#), *Politico*, Sept. 21, 2013
6. This American Life, *The Problem We All Live With* (July 31, 2015), *Prologue* and *Part 1*, [Podcast](#) or [Transcript](#) (Note: The podcast is powerful; the transcript is less so but takes less time to read.)
7. James S. Liebman, [Ending the Great School Wars](#), *Ed. Week*, Dec. 12, 2012
8. Optional:
  - a. Brian J. Caldwell, *School Autonomy and Student Achievement: Case Studies in Australia* (June 11, 2015)
  - b. Ludger Woessmann, *The Importance of School Systems: Evidence from International Differences in Student Achievement*, 30 *J. of Econ. Perspectives* 3 (2016)
  - c. Motoko Rich, *Money, Race, and Success: How Your School District Compares*, *N.Y. Times*, Apr. 29, 2016
  - d. Joy Resmovits, [Student Test Scores Have Stalled Nationally. What Can be Done About it?](#), *L.A. Times*, May 1, 2016

- e. Evie Blad, [Disparities Continue to Plague U.S. Schools, Federal Data Show](#), Educ. Week, June 7, 2016
- f. Elizabeth A. Harris, [Where Nearly Half of Pupils Are Homeless, School Aims to Be Teacher, Therapist, Even Santa](#), N.Y. Times, June 6, 2016
- g. Emmeline Zhao, [Education Systems Around the World Are Failing to Prepare Students for the Workforce: Survey](#), RealClearEducation, Nov. 3, 2015

### **Sessions #3 (September 9): When Bureaucracy Works and Fails in General and in Public Education**

#### **Discussion Questions:**

1. How do you define bureaucracy, understood as a way to organize concerted activity?
  - a. What explains the attraction and broad use of bureaucracy as a way to manage how work gets done in organizations?
  - b. How does bureaucracy manifest itself in (i) public agencies devoted to delivering services; (ii) public agencies focused on regulating private behavior; (iii) private-sector organizations, such as manufacturing companies?
2. What are examples of bureaucracy working well? What are examples of bureaucracy working poorly? What accounts for the difference?
3. In public- and private-sector organizations, why is street-level or shop-floor discretion problematic? How do bureaucracies try to solve the problem of field-level discretion? How do they do so in regard to order-maintenance policing (discussed by Wilson)? How do they do so in the context of public education? Are there circumstances in which you would expect those solutions to be more or less effective?
6. Sizer, Chubb & Moe, and Youngblood all find fault with the way U.S. schools are governed. What are their critiques? What do the two critiques you read have in common? How do they differ? All three pieces were written decades ago. (Sizer's book was first published in 1984 and has retained its basic content since.) Do their conclusions still hold?
7. Would you expect bureaucracy to be an effective strategy for delivering public education, managing public schools, and reforming or improving public education? Would answer this question differently if you focus on school systems serving cities vs. suburbs vs. rural areas? On large vs. small school systems?
6. In different ways, both Liebman & Sabel and Hannah-Jones (both of which are optional readings, but recommended for those interested in legal

approaches to school reform) examine top-down (including court-ordered) racial desegregation as a mechanism for attacking public education inequality. Liebman & Sabel additionally examine court-ordered finance equalization as a mechanism for accomplishing that same goal. Under what circumstances do the desegregation and finance equalization strategies discussed seemed to work best; under what circumstances do they seem to fail? What linkage is there (if any) your answer to these questions and bureaucracy?

**Reading** (prepare all listed readings unless otherwise indicated):

1. Bureaucracy generally: Rudi R. Volti, [An Introduction to the Sociology of Work and Occupations](#) (2007), at 83 (1<sup>st</sup> full paragraph: “Modern bureaucracy . . .”)-93
2. Street-level bureaucracy
  - a. ***Students with last names beginning with A-K, read***: Michael Lipsky, [Street-Level Bureaucracy: Dilemmas of the Individual in Public Services](#) (1979), at 13-25, 48-53
  - b. ***Students with last names beginning with L-Z, read***: James Q. Wilson, [Varieties of Police Behavior](#) (1968), at pp. 1-4 (first full para.), 5 (last partial para)-9 (last full para.), 16-22 (runover para. only), 30 (single full para.), 34 (new section)-36 (runover para. only), 48 (new section)-49 (end of full para.), 57-58 (runover para. only), 60 (first full para.)-62 (runover para. only), 64 (new section)-68 (runover para. only), 70 (last para.)-74 (end of full para.); optional: Chapter 9: Conclusions and Policy Implications
3. Bureaucracy and the delivery of public education:
  - a. ***Students with last names beginning with A-K, read***: 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)
  - b. ***Students with last names beginning with L-Z, read***: Theodore R.Sizer, [Horace’s Compromise: The Dilemma of the American High School](#) (2004), 205-13
4. ***All students read***: Johnny Ray Youngblood, [Draining the School Swamp](#), N.Y. Daily News (1992)
5. Optional:
  - a. [Sustaining Centrist Education Reform in a Time of Polarization](#) by Paul Hill & Ashley Jochim, Real Clear Education, May 6, 2016

- b. Matthew Weinzierl and Katrina Flanagan, Reform in the Chicago Public Schools, Harvard Business School
- c. *Students who are interested in the uses of and problems with bureaucracy as a method of judicially enforced education reform are encouraged to read these articles:*
  - i. James S. Liebman & Charles F. Sabel, [A Public Laboratory Dewey Barely Imagined: The Emerging Model of School Governance and Legal Reform](#), 28 NYU L. & Soc. Change 183, 195-204 (2003) (Excerpt #1)
  - ii. Nikole Hannah-Jones, [Choosing a School for my Daughter in a Segregated City](#), N.Y. Times Magazine, June 9, 2016

**Session #4 (September 12): Managerialism and Minimalism as Alternatives to Bureaucracy—the Vagaries of School and Teacher Evaluation**

**Discussion Questions:**

1. What solutions to the problem of street-level discretion are discussed in each of the readings for this session? How do those solutions differ from the solution used by bureaucracies?
2. Coglianese & Lazer use the label “performance management” to define a strategy governments sometimes use to regulate private activity. We often shorten that label to “*managerialism*.” What features are common to (i) the managerialist regulatory approach Coglianese & Lazer describe; (ii) the education reform strategy advocated by Hanushek; and (iii) the education reform strategy implemented in Atlanta as described by Aviv? How do those features affect the success of the relevant organizations?
3. What knowledge or expertise do “managerialist” strategies expect successful managers to have? How is that knowledge defined, acquired, manifested, and spread?
4. Sabel & Simon describe an approach to public-sector governance called “minimalism.” Other observers sometimes describe this same approach as a form of “marketization.” What are the features of minimalism that cut across all the examples Sabel and Simon offer?
  - a. How does minimalism respond to the problems associated with the exercise of discretion by street-level officials?
  - b. To what extent does minimalism overlap with, and to what extent does it differ from, “managerialism”?
  - c. How is knowledge defined, acquired, and disseminated in minimalist regimes?
5. How effectively do managerialism and minimalism deal with the problems of bureaucracy and of street-level discretion that we identified in Session 3?

What advantages and disadvantages do these two strategies have in general, compared to bureaucracy, and compared to each other?

Reading:

1. Managerialism generally
  - a. 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)
  - b. Charles F. Sabel & William H. Simon, [Minimalism and Experimentalism in the Administrative State](#), 100 Geo. L.J. 53 (2011), at pp. 2-11
2. Managerialism in teacher evaluation
  - a. Eric Hanushek, [Teacher Deselection, in Creating a New Teaching Profession](#) 165-78 (D. Goldhaber & J. Hannaway eds. 2010)
  - b. **Read one of the following (your choice):**
    - i. Thomas Dee & James Wyckoff, [Incentives, Selection, and Teacher Performance](#), NBER Working Paper No. 19529, Oct. 2013, at 1-4, 26-29
    - ii. Edward H. Haertel, [Reliability and Validity of Inferences about Teachers Based on Student Test Scores](#), pp. 14-20, 26
3. Managerialism in School Evaluation
  - a. Rachel Aviv, [Wrong Answer](#), The New Yorker, July 21, 2014
4. Optional:
  - a. Emma Brown, [98 D.C. Teachers Fired for Poor Performance](#), Washington Post, Aug. 1, 2012
  - b. Stephen Sawchuk, [Teacher Evaluation Primed for Overhaul in DC](#), Educ. Week, Feb. 10, 2016
  - c. NY Times Room for Debate, [Making the Grade in NYC](#) (Oct. 9, 2012)
  - d. Editorial, [Getting an Accurate Fix on Schools](#), N.Y. Times, January 26, 2014
  - e. Kate Taylor, [New School Evaluations Will Lower Test Scores' Influence](#), NY Times, September 30, 2014.

### **Session #5 (September 14): Professionalism/Craft as an Alternative to Bureaucracy**

**Discussion Questions:**

1. We use the labels “professionalism” and “craft” to describe the approaches to organizing or operating schools and classrooms that are advocated or illustrated by (i) Ravitch; (ii) *Phase 1* of the Alvarado reforms in District 2 in NYC (Liebman/Sabel reading); (iii) Clifford; (iv) Wise & Usdan (their favored alternative); and (v) Mehta. What attributes do these approaches have in common? Do you see any ways in which the approaches differ? In particular, do you see any differences between the “professionalism” that Mehta describes and that advocated or illustrated by the other authors?
2. What knowledge or expertise defines the “profession” or “craft” of teaching as described in these readings? How is that knowledge or expertise acquired, manifested, and spread from one person to another? Does the profession or craft of teaching as described in the readings coincide or contrast with your view of the profession you are preparing to enter?
3. How—and how effectively—does professionalism in each of the forms illustrated by the readings deal with the problems of bureaucracy and of street-level discretion that we surfaced in the third class session?
4. In *Phase 2* of the reforms in New York City’s District 2, Anthony Alvarado believed he was deviating from the professionalism that had characterized *Phase 1*? What changes did he make? Do those changes strike you as a version of Managerialism? Of bureaucracy? Something else? How did Alvarado address the problem of bureaucracy and of street-level discretion in *Phase 2*? What advantages and disadvantages do you see with his approach?
5. Applied to schools and school districts, which of the governance approaches illustrated by the readings for Sessions 3-5 seems most or least appealing to you: Bureaucracy, Managerialism, Minimalism, Craft/Professionalism, the approach Mehta advocates, and the one Alvarado used in *Phase 2*? Why?

### Reading:

1. Diane Ravitch, [The Death and Life of the Great American School System](#) (2010), at Ch. 9 through the flag for footnote 11
2. Liebman & Sabel, [A Laboratory Dewey Barely Imagined](#), at 213-31 (excerpt #3)
3. Tim Clifford, [Raising the Bar on Teachers? I’ll Pass](#), WNYC/SchoolBook, March 21, 2013
4. Arthur E. Wise & Michael D. Usdan, [The Political Future of the Teaching Profession](#), Ed. Week, March 13, 2013

5. Jal Mehta, [From Bureaucracy to Profession: Remaking the Educational Sector for the Twenty-First Century](#), 83 Harv. Ed. Rev. 453 (2013)
6. *Optional*: David Osborne, [To Improve Schools, Let Teachers Run Them](#), The Washington Post, January 16, 2015

**Session #6 (September 19): Evolutionary Learning—i.e., Pragmatic, Structured Learning from Experience—as an Alternative to Bureaucracy, Professionalism, and Minimalism**

**Discussion Questions:**

1. Surowiecki contrasts different ways of thinking about exemplary performance. Is there any relationship between those ideas about performance and the different approaches to governance that we've discussed thus far in the course? How are Surowiecki's suggestions for improving education similar to or different from the improvement strategies discussed in the Sabel & Simon and Ansell readings?
2. "Democratic Experimentalism" (Sabel-Simon's terminology)—or, as we'll often call it, "Evolutionary Learning" (Ansell's terminology)—is another way to govern the operations of organizations and another alternative to Bureaucracy.
  - a. What are the key features of this governance strategy?
  - b. How does it seek to avoid the problems of Bureaucracy?
  - c. How does it manage the exercise of discretion by street-level actors?
  - d. How is knowledge defined, acquired, and disseminated?
3. How is Evolutionary Learning similar to, and how is it different from, Bureaucracy, Managerialism, Minimalism, and Professionalism/Craft? Under what circumstances would you expect Evolutionary Learning to be a more, or less, effective form of governance than the other strategies?
4. In Ansell's view, Bureaucracy and partisan politics interact to keep public agencies from solving public problems. His solution is to expand both the role of public agencies and the breadth of public participation in them. How does Ansell expect this solution to work? How convincing is Ansell's solution?
5. Drawing on a set of American "pragmatist" philosophers and social theorists active in the late nineteenth and early twentieth centuries, Ansell describes "public inquiry" as a mechanism individuals, teams, and organizations can use to solve problems and improve. In Chapter 5, footnote 30, Ansell describes philosopher John Dewey's understanding of public inquiry as follows:

[T]he creative formation of conjectures in the absence of data is not the key to successful inquiry. Rather the interweaving of observation, conjecture, verification, and additional observation are the key ingredients of successful problem solving.

The pragmatists called this form of inquiry “abduction,” to distinguish it from drawing inferences by “deduction” and by “induction” or “intuition.”

- a. How does the form of inquiry Dewey describes differ from deductive logic? How does it differ from intuition?
  - b. Under what circumstances can public officials realistically and effectively solve public problems through (i) deductive logic; (ii) intuition; (iii) the “abductive” inquiry Dewey describes?
6. **Preparation for Class Exercise:** Think of a public agency that strikes you as frequently unsuccessful in carrying out its mission. Before class jot down some notes, identifying:
- a. Features of the operation or outcomes of that agency that strike you as unsatisfactory;
  - b. Evolutionary Learning strategies that might improve or transform the agency;
  - c. Difficulties or resistance you imagine Evolutionary Learning strategies would encounter within the agency as currently organized; and
  - d. Alternative steps you might take to transform the agency through some form of either Minimalism or Professionalism/Craft.

If you have trouble thinking of an example of an unsuccessful public agency, consider the public high schools that Sizer describes in the reading for Session 3, or a failing public school with which you are familiar.

### Reading:

1. [Minimalism and Experimentalism in the Administrative State](#), *supra*, at pp. 1-2, 11-17 (stop at the flag for footnote 98)
2. Christopher K. Ansell, [Pragmatist Democracy: Evolutionary Learning as Public Philosophy](#) (2011), at Chapters 1, 5 (pp. 3-19, 84-101)
3. James Surowiecki, [Better All the Time](#), *The New Yorker*, November 10, 2014

## **ORGANIZATIONAL LEARNING IN ACTION**

### **Session #7 (September 19 & 21): Classic Private- and Public-Sector Learning Organizations in Action**

#### **Discussion Questions:**

1. What accounts for the success of each of the four organizations described in the readings from Spear? How are their strategies similar? How do they differ?
2. In each example Spear gives, who or what part of the relevant organization does the experimenting and learning?
  - a. Who generates knowledge and how? Which way does information about that knowledge flow?
  - b. How does that knowledge compare to knowledge as conceived by Bureaucracies, and by Managerialist, Minimalist, and Professional/Craft organizations and structures?
3. In what ways are the strategies used by the four organizations consistent or inconsistent with Evolutionary Learning? In what ways do they reinforce your confidence in, or your doubts about, Evolutionary Learning, including as applied to public education and other public-sector activity? Do any of the organizations Spear discusses have features of other governance models (Bureaucracy, Managerialism, Minimalism, Craft/Professionalism)?
4. Dean Minow and famed teachers union leader Albert Shanker appear to disagree on the applicability of the Toyota example to the schools context. What accounts for Minow's pessimism and Shanker's optimism on that score? Whose view do you find most convincing?
5. In regard to the arrangement(s) or strategy/ies discussed in the readings assigned to your alphabetical cohort:
  - a. What public problem(s) is the arrangement designed to solve? How does the arrangement attempt to solve that problem?
  - b. In what ways is the arrangement similar to, and how does it differ, from Bureaucracy, Managerialism, Minimalism, Professionalism/Craft, and Evolutionary Learning?
  - c. What do you like about each arrangement described? What criticisms of the arrangement were made in the readings, or would you make? How likely are the arrangements to succeed or fail, and why?

**Reading:**

1. **All students:**
  - a. Steven J. Spear, [The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition](#)(2010), at pp. 1-28, 36-71, 83-91 (Alcoa, Nuclear Navy, Toyota)
  - b. Martha Minow, [School Reform Outside Laboratory Conditions: A Response](#), 28 N.Y.U. Rev. L. & Soc. Change 333 (2003) (excerpts)

- c. The Pew Forum on Education Reform, [Excerpts from “A Tribute to Al Shanker”](#) (reprinted from Ed Week, May 14, 1997), at pp. 35 (start of “Al Shanker Speaks ...”) - 38 (first page of “Lessons from Saturn”).
2. **Only students with last names beginning with A-M and all Yale SOM students—Environmental Regulation:**
- a. Charles Sabel, Archon Fung & Bradley Karkkainen, [Beyond Backyard Experimentalism](#), Boston Rev. Oct. 1999 (excerpts)
  - b. Theodore Lowi, Frontyard Propaganda, A Response to Fung et al., Boston Rev. Oct. 1999 (included in link above)
  - c. Matt Wilson & Eric Weltman, Government’s Job, A Response to Fung et al., Boston Rev. Oct. 1999 (included in link above)
3. **Only students with last names beginning with N-Z and all Woodrow Wilson Students—CitiStat and StateStat a la Martin O’Malley (Baltimore/Maryland):**
- a. Haley Sweetland Edwards, [Should Martin O’Malley Be President?](#), Washington Monthly (May-June 2013)
  - c. Mark Newgent & Jim Pettit, [Martin O’Malley’s Empty Data](#), National Review, May 13, 2013
  - c. Editorial, [Better Governing Through Data](#), N.Y. Times, Aug. 19, 2014
4. Optional: Steven J. Spear, [The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition](#)(2010), at pp. 29-32 (Pratt-Whitney)

**Session #8 (September 23): Educational Policy and Racial Equality in Education**

**Guest Session Leader: Stanford Law and Education Professor Bill Koski**

**Objectives and Discussion Questions:**

At least since *Brown v. Board* (1954), race and racial equality have been persistent issues in educational policy and practice. From desegregation as a remedy for de jure racial segregation to the disparate racial impact of “race neutral” educational policies such as ability grouping or school discipline to efforts to tackle the racial achievement gap head-on, scarcely any educational policy or practice can avoid addressing concerns about race and racial equality. In this session we will focus on (1) recent efforts to voluntarily integrate schools; (2) advocacy strategies and policy reforms aimed at diminishing the adverse impact

of certain race neutral education policies and practices; and (3) policies aimed at closing the racial achievement gap.

While we would ideally have the time to trace the historical backdrop of de jure racial segregation and the efforts of advocates and courts to desegregate schools, we will only peripherally consider that important civil rights history and work to achieve racial equality. Instead, we'll begin our exploration of racial equality in the past three decades in which we have witnessed both the rapid retreat of the courts from overseeing desegregation initiatives and the rapid re-segregation of America's schools. This retreat from "forced busing" and school assignment schemes based on racial balance has occurred side-by-side with a legal and popular movement to resist racial classifications in schooling and to return to neighborhood schools. Proposition 209 in California makes it illegal to consider race in making school assignment decisions. And the U.S. Supreme Court in the Seattle and Louisville case declared the race-conscious student assignment plans in those cities unconstitutional. Yet in Boston, Raleigh, San Francisco, and many other metropolitan areas, school administrators and educational policy-makers continue to embrace the Brown ideal and want to maintain some semblance of racial and socioeconomic balance through voluntary desegregation efforts to address the underlying problem—that metropolitan areas in the U.S. are largely segregated along the lines of race and class and that achieving integration may require moving children across town, across school district boundaries, and away from their neighborhoods.

***What are the legal and political impediments to such efforts? What policies can promote racial or socioeconomic integration? Why does integration even matter?*** Here we will consider the effects of the Seattle and Louisville decision on the issue of whether public school districts may voluntarily employ race as a factor in making school assignment decisions, as well as alternatives to race-based school assignment plans.

Racial inequality also manifests itself in schools in the more subtle and legally "benign" way of the racially disparate impact of "race neutral" educational policies such as tracking/ability grouping, school discipline, and high stakes testing. Specifically, we will consider this issue in the context of traditional school discipline policies, their negative and disparate impact on African American and Latino students, and recent advocacy and reform efforts aimed at reducing exclusionary discipline practices and ameliorating racial disparities. ***What is the effect of suspension, expulsion, and so-called "zero tolerance" school discipline? Are there alternatives to such exclusionary school discipline that promote safe learning environments, while reducing the harmful effects of discipline? What are the legal, political, and educational policy and practice barriers to and opportunities for reform?***

Before doing the reading for the class, as set forth below, please review the scenario for and prepare to take part during class in the role play described below.

## Readings:

1. This American Life, The Problem We All Live With (Part One) (<http://www.thisamericanlife.org/radio-archives/episode/562/the-problem-we-all-live-with>) (reprise) and (Part Two) (<http://www.thisamericanlife.org/radio-archives/episode/563/the-problem-we-all-live-with-part-two>)
2. [Parents Involved in Community Schools v. Seattle School Dist. No. 1](#), U.S. (excerpts)
3. Richard D. Kahlenberg, "[A New Way on School Integration](#)," The Century Foundation: Issue Brief (Nov. 27, 2006).
4. Amy Stuart Wells, Lauren Fox, and Diana Cordova-CoboRussell, [How Racially Diverse Schools and Classrooms Can Benefit All Students](#) (2006).
5. Russell J. Skiba, [Interventions to Address Racial/Ethnic Disparities in School Discipline: Can System Reform be Race Neutral?](#) in Race & Social Problems
6. Danfeng Soto-Vigil Koon, Warren Institute on Law and Social Policy, [Exclusionary School Discipline](#) (April 2003) (Optional)

## Class Role Play Problem: Republic Unified School District

The school board of a hypothetical school district—Republic Unified School District—needs to craft a settlement offer in a class action lawsuit that just survived a motion for summary judgment—meaning the judge before whom the case was filed determined that the facts asserted by the plaintiff school children would, if proven at a trial, be a basis for the court to order a remedy on behalf of the children. Republic has been sued under Section 1983 (a civil rights statute) by a group of high-school-aged African American and Latino students who attend Republic High School (which has the same size and demographics as Berkeley High School in Berkeley, CA) for intentional discrimination against minority school children in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, and for the discriminatory uneven or disparate effects of Republic’s school discipline policies and practices on children of color. As stated in the plaintiff school children’s legal complaint filed against Republic and some of its leaders (jointly referred to below as “Defendants”):

Defendants’ school discipline policies have had a disparate negative impact on and have arbitrarily and discriminatorily affected African American and Latino students. Plaintiffs are informed and believe that Defendants’ conduct was undertaken with the intent and has had the effect of discriminating against Plaintiffs because of their race, ethnic group identification, or color. Such policies and practices deny Plaintiffs their right to Equal Protection under the

Fourteenth Amendment to the United States, Article 1, Section 7, of the California Constitution, and the California Government Code Sections 11135-111139.5 and its implementing regulations at Title 22, Sections 98000 et seq. of the California Code of Regulations.

Republic has a zero-tolerance discipline policy that tracks—word-for-word—California’s school discipline statutes. Cal. Educ. Code §§ 48900 et seq. On its face, the policy is race neutral. In practice, however, African American and Latino students are suspended and expelled from Republic High at rates far higher than whites and Asian Americans. This holds true no matter the offense charged (e.g., disruption of school activities, defiance of valid school authority, possession or sale of controlled substances, causing or threatening to cause a physical assault, terror threats, or possession of a knife or other deadly object).

Republic’s school board members vehemently deny and object to the accusations of intentional discrimination and argue that although their “race neutral” school policies may have a different impact on certain racial and ethnic minority groups, such policies are educationally necessary and designed to achieve legitimate and important educational purposes. Notwithstanding Republic’s position, however, the U.S. District Court has decided that the plaintiff school children have enough evidence to go to trial on both the intentional discrimination claims and disparate impact claims under the California Government Code. The judge has also ordered, however, that the parties participate in mediation in an effort to avoid a lengthy, costly trial. Republic sincerely believes that its policies are educationally effective, but is worried about the risk of going to trial.

Republic has decided that, in addition to privately mediating the matter with the plaintiffs in the lawsuit, it would like to hold a community stakeholder meeting to discuss how best to address the alleged problem of racially disparate school discipline policies. At this meeting, the stakeholders will discuss: (1) whether there is a problem with school discipline policies in the district; (2) if so, what the source of the problem might be; and (3) if so, how to best address the problem in policy and practice.

### **Preparation for Class Role Play:**

*Each of you is assigned to play a community stakeholder in this meeting. Please approach your readings for this session with an eye toward how those readings inform your role in the meeting. In class, we will facilitate that stakeholder meeting with the goal of reaching some path forward. Each of you will be asked to stay “in role” throughout the role play in class. Here are the assignments:*

1. *Civil rights advocates/plaintiffs:* TBD
2. *School board members:* TBD

3. *School district administrators*: TBD
4. *Teachers (one of whom is a union activist)*: TBD
5. *Parents and students from the African American community*: TBD
6. *Parents and students who are non-African American and non-Latino*: TBD

**Session #9 (September 28): Evolutionary Learning Arrangements vs. Bureaucracy, Craft/Professionalism and Managerialism in Three Public Education Systems—Finland, New York City (2003-2013), Ontario**

**Discussion Questions:**

1. What are the key features—and what accounts for the success, if any—of Finland’s, New York City’s, and Ontario’s public education strategies? In what ways does Bureaucracy, Managerialism, Minimalism, Professionalism/Craft, and/or Evolutionary Learning play into those strategies?
2. How does each “model” jurisdiction handle the problem of street-level discretion? How does each define knowledge, and how is individual expertise and organizational knowledge created and disseminated?
3. How easy or hard would it be to transfer Finland’s, New York City’s, or Ontario’s strategies to the other two jurisdictions? To (other) cities or states in the U.S.? What features of each strategy or each jurisdiction in which it was deployed would make it difficult to replicate or customize the strategy elsewhere?
4. When different “model” jurisdictions achieve different outcomes on international benchmark measures, what is the best method of accounting for the different outcomes and extracting lessons? How reliable are the methods used by the authors of the readings for today in accounting for those differences and extracting lessons?
5. **Please come to class prepared to work in a team to develop a brief report to the superintendent of a struggling urban U.S. school district who wants to learn about strategies in other jurisdictions that might or might not provide a starting point for systematically improving the school district in question.**

**Reading:**

1. ***All students***:

- a. OECD, [Country Comparison of 2012 Reading, Math and Science PISA Outcomes](#), p.5
  - b. New York City School System under Bloomberg/Klein:
    - i. Stacey Childress, et al., [Managing for Results at the New York City Department of Education](#), in Jennifer O'Day, et al., *Education Reform in New York City: Ambitious Change in the Nation's Most Complex School System* (2011), at pp. 1-15
    - ii. Alliance for Excellent Education, [New York City's Strategy for Improving High Schools: An Overview](#) (Jan. 2010), at pp. 1-11 (first half of p. 11)
    - iii. James Kemple, [Children First and Student Outcomes: 2003-2010](#), in O'Day, et al., *supra*
    - iv. James Kemple, [High School Closures in New York City: Impacts on Students Academic Outcomes, Attendance, and Mobility](#) (Nov. 2015), 49-52
    - v. Michael Fullan & Alan Boyle, [Big-City School Reforms: Lessons from New York, Toronto & London](#) 35-46, 58 (2014)
2. **Only students with last names beginning with A-K and all Woodrow Wilson students—The Finland Rorschach:**
- a. 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
  - b. **Read one of the following:**
    - i. Diane Ravitch: [Why Finland's Schools Are Great \(by Doing What We Don't\)](#), Washington Post, Oct. 13, 2011
    - ii. Anu Partanen, [What Americans Keep Ignoring About Finland's School Success](#), The Atlantic, Dec. 29, 2011.
    - iii. Amanda Ripley, [Higher Calling: To Improve Our Schools, We Need to Make it Harder to Become a Teacher](#), Slate, June 17, 2014
3. **Only students with last names beginning with L-Z and all Yale SOM students—Ontario, Canada:**
- a. Ontario, Canada Ministry of Education, [System on the Move: Story of the Ontario Education Strategy](#) (2010), at pp. 1-18

- b. OECD, [Strong Performers and Successful Reformers in Education: Lessons from PISA for the United States](#) (2011), at pp. 71-77
4. Optional:
- a. Priscilla Wohlstetter & David M. Houston, [Rage Against the Regime: The Reform of Education Policy in New York City](#), Teachers College Record, January 30, 2015
  - b. Brian J. Caldwell, [School Autonomy and Student Achievement: Case Studies in Australia](#), EDUCATIONAL TRANSFORMATIONS 2-3 (June 11, 2015)

## **LEARNING TOOLS**

### **Session #10 (September 28): Tools Supporting Structured Institutional Learning—The Balanced Scorecard and Allied Approaches to Strategy and Accountability**

#### **Discussion Questions:**

1. What are the main objectives of the Balanced Score Card (“BSC”) and of allied evaluation mechanisms? To what extent do these mechanisms serve the goals of accountability and/or improvement? What roles do leading and lagging indicators and what roles do quantitative and qualitative measures play in tools like the BSC?
2. How are the Kaplan & Norton and Kusek & Rist approaches to using measurement to improve success similar and different? Why might you prefer one over the other in general or in particular circumstances?
3. The title of this session suggests that the BSC and allied tools are useful for purposes of Evolutionary Learning. Do you agree? In what ways are these tools aligned to or supportive of Managerialist or Minimalist (Market-mimicking) strategies? In what ways are they useful for Bureaucratic oversight?
4. What critique of these tools might adherents of Craft or Professionalism make?
5. Imagine designing a BSC or similar tool for a state or local school system, a school, or any other education-sector institution with which you are familiar—an exercise you will soon be asked to undertake. How would such a tool advance the objectives of the entity for which it is designed? What difficulties would you expect to encounter in designing the tool? What difficulties might

the entity for which the tool is designed encounter when it uses the tool to achieve its goals?

### Reading:

1. Robert Kaplan & David Norton, [The Balanced Scorecard: Translating Strategy into Action](#) (1996), at 1-19, 147-66
2. Jody Zall Kusek & Ray C. Rist, [Ten Steps to a Results-Based Monitoring and Evaluation System](#) (World Bank 2004), at 11-27, 129-44
3. Jim Collins, [Good to Great and the Social Sectors](#) , J. (2005), at 4-9.
4. *Optional:*
  - a. Michael Lewis, [Moneyball: The Art of Winning an Unfair Game](#) (2004), at chapter 6
  - b. The Pew Forum on Education Reform, [Excerpts from “A Tribute to Al Shanker”](#) (reprinted from Ed Week, May 14, 1997), pp. 35-37
  - c. J. Kania, M. Kramer, & P. Russell, [Up for Debate: Strategic Philanthropy for a Complex World](#). Stanford Social Innovation Review (Summer 2014), at 26-33.

### Short- and Longer-Term Writing Assignments:

Over the next three weeks, you will engage in an exercise both in class and on your own time to build a Balanced Scorecard (BSC) or other similar evaluative tool for an education sector organization of your choosing. We will ask that you **complete this evaluative tool in MS Word or Excel and email it to [cpri@law.columbia.edu](mailto:cpri@law.columbia.edu) by Wednesday, October 19 at 5:00 p.m.**

To prepare for that exercise, please **come to this class with a sketch or rough draft of the BSC you plan to develop.** We ask that you spend no more than one hour preparing this sketch, which will not be graded.

Your ultimate goal is to develop a detailed framework for a BSC or other similar evaluative tool for use by a state education department, school district, school, school-support nonprofit, philanthropy, or other K-12 organization to determine whether the organization is meeting its goals for promoting student learning and development and, if not, how to fill the performance and outcome gaps. (If part of your project work for the course is to design a BSC or similar tool for your client, please do not use that organization, and instead use another one, as the focus of this assignment.) Your final product should be responsive to—and the rough draft of it that you bring to this class should give some consideration to—most or all of the following eight questions:

1. To what organization does your balanced scored card apply?

2. What are that organization's goals and main strategies for achieving the goals?
  3. What conditions is your tool intended to measure in order to reveal the organization's short- or mid-term progress and its long-term success?
  4. How do you intend (or what tools will you use) to measure those conditions or, at least, reasonable proxies for the conditions? What role will quantitative and qualitative measures play. Which measures will be leading which will be lagging indicators?
  5. How will you know if your measures are reliable in the sense that when the same condition is evaluated by different people or at different times, the results will be the same?
  6. When you measure a condition, how will you know whether the result reflects a strong, neutral, or weak level of performance?
  7. It is likely that your BSC will measure multiple conditions. If so, will you want to evaluate each condition separately, or roll up the measures into one or more aggregate scores? If the former, how will you make sense of the multiple scores to reveal the organization's progress and success? If the latter, how will you combine and weight the measures of the different conditions that go the aggregate score(s)?
  8. How will the organization to use the information generated by the tool? Will any or all outcomes be publicly disclosed? Will stakes or consequences be attached to outcomes? What more or less explicit and structured processes will the organization use to translate the information generated by the tool into improved operations and outcomes?
- Note: Not only this class session but the next two seminar sessions, as well as Skills Sessions 9 & 10, are designed to help you answer many of these questions. We expect, therefore, that the design of your evaluative tool will evolve substantially over the next three weeks in response to the readings, class discussion, and skills work.

**Session #11 (October 5): The Role of Qualitative Review in Institutional Learning—Using Leading Indicators to Build Expertise and Harness Street-Level Discretion**

**Discussion Questions:**

1. The readings describe qualitative review procedures used to support (i) nursing home regulation in Australia and the US; (ii) child welfare services in Alabama and Utah; (iii) school inspection in the Netherlands, New York, and

New Zealand; and (iv) teacher observation in the U.S. How are those procedures similar and how do they differ?

2. To what extent do any differences in the use of qualitative review map to differences in the governance model being implemented in each case? To what extent do any differences map to the dichotomy between “rules” and “standards” that is discussed in the Braithwaite and Noonan pieces?
3. How is qualitative review useful in designing and implementing Balanced Score Cards and allied measurement schemes?
4. The readings explain what it means for an evaluative mechanism to be “valid.” How “valid” are the measures used in the various qualitative review rubrics discussed in the reading? How about those you are using in your Balanced Score Card or alternative evaluation scheme?
5. The readings also discuss what it means for an evaluation mechanism to be “reliable” and, in particular, the difficulties faced in assuring “inter-rater reliability” in the use of qualitative review mechanisms—i.e., assuring that different human observers reach consistent conclusions when applying the same standards or rubric to the same condition being observed.
  - a. Is review based on adherence to rules or to standards a better way to achieve inter-rater reliability? Why?
  - b. What methods for achieving inter-rater reliability are described in the reading?
  - c. Do you see how mechanisms for improving inter-rater “reliability” can also improve the “validity” of the standards used in the review process and thus the likelihood that the qualitative observations will improve the operations and results being achieved by the organizations under review?
6. Review the eight questions about Balanced Scorecards (BSCs) listed in describing the BSC writing assignment in Session 10 above. Does qualitative review provide answers—or pose more problems—in regard to any of those questions? How might you use qualitative review in building your BSC or other evaluative tool, which is due on October 19?

**Reading:**

1. John Braithwaite and 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), at 523-26, 533-51, 553-64
3. Helen F. Ladd, [Education Inspectorate Systems in New Zealand and Netherlands: A Policy Note](#), 5 Ed. Fin. & Pol'y 378 (2010), at 378-92
4. Charlotte Danielson, [Evaluations that Help Teachers Learn](#), 68 The Effective Educator 35 (Dec. 2010/Jan. 2011), at 35-39
6. *Optional:*
  - a. .NYC Abbreviated [Danielson Rubric](#)
  - b. [Full Danielson Rubric](#)
  - c. Geoff Decker, [New Research Deals Blows to Metrics Used in New York Teacher Evaluations](#), gothamschools.org, (May 14, 2014)
  - d. Anemona Hartocollis, [New York City Ties Doctors' Income to Quality of Care](#), N.Y. Times, Jan. 11, 2013
  - e. Quality Review Rubric 1: [NYC Quality Review Rubric](#), Composite of 2007-2010
  - f. Quality Review Rubric 2: [NYC Quality Review Rubric](#), 2012-13
  - g. Daniel E. Ho, [An Experiment of Experimentalism](#), 69 Stan. L. Rev. \_\_\_\_, \_\_\_\_ (2016) (forthcoming).

**Session #12 (October 12): Using Adult Learning to Harness Street-Level Discretion and Increase Organizational Expertise—from Quality Circles to Inquiry Teams**

**Discussion Questions:**

1. Key features of bureaucratic organizations are the concentration of knowledge and expertise at the center of the organization and the use of rules to diffuse that expertise to the field level.
  - a. What's the problem with this approach to collecting and using expertise?
  - b. How do Toyota's quality circles and other problem-solving teams, inquiry and data teams in schools, and multidisciplinary rounds in hospitals generate and use knowledge and expertise? How do they avoid the problems of knowledge and expertise encountered in Bureaucracies?
  - c. How and how well do these techniques solve, or exacerbate, the problem of enabling while controlling the discretion of "street-level bureaucrats?"
2. In what ways do the various forms of collaborative problem solving described in the readings facilitate Evolutionary Learning? In what ways are they

consistent or inconsistent with Professionalism/Craft? Do they make field-level actors more or less professional? Do they change the meaning of professionalism in any way? How are they consistent or inconsistent with Managerialism and Minimalism?

3. What are the biggest challenges to the effective use of these techniques to generate and spread field-level expertise and knowledge, and how can organizations address those challenges? How do the techniques affect the usual routines and allocation of time at sites where they occur? How can organizations keep them from degenerating into diffuse “bull sessions?” How can they usefully spread learning at each site to other sites? How straightforward do you imagine the transfer of learning from site to site tends to be?
4. Again, review the eight questions about Balanced Scorecards (BSCs) listed in describing the BSC writing assignment in Session 10 above. How do these forms of collaborative problem solving help answer—or further complicate—any of those questions? How might you use these techniques in building your BSC or other evaluative tool (due on October 19)?

#### **Reading:**

1. Quality Circles at Toyota: review Spear, [High Velocity Edge](#), pp. 56-71, 88-91
2. Inquiry Teams in Schools:
  - a. Nell Scharff Panero & Joan E. Talbert, [Strategic Inquiry: Starting Small for Big Results in Education](#) (2013), at pp. 11-28, p. 32 (Figure 2.1), pp. 38-45 (‘Changing school culture’), p. 129 (Figure 6.2), p. 152 (bulleted conclusions)
  - b. Elizabeth Chu et al., [Getting Big to Go Small: Case Studies of Collaborative Inquiry Teams in New York City](#), Nov. 2012, at 2-11, 19-34
  - d. [Collaborative Inquiry in Teacher Teams Data](#) (NYC PPT 2010)
  - d. Peg Tyre, [The Writing Revolution](#), Atlantic Monthly, Oct. 2012
  - e. Jim Frederickson, [Are We Learning the Right Lessons from New Dorp](#), Atlantic blog, Sept. 28, 2012
4. Optional:
  - a. Anthony S. Bryk, et al., [Improvement Research Carried Out Through Networked Communities: Accelerating Learning about Practices that Support More Productive Student Mindsets](#) (June 10, 2013)

- b. More on Inquiry Teams in Schools
  - i. Rosa L. Rivera-McCutchen & Neil Scharff Panero, [Low-inference Transcripts in Peer Coaching: a Promising Tool for School Improvement](#), 3 Intern'l J. Mentoring & Coaching in Educ. 86 (2014), at pp. 86-10
- c. More on Collaboration in Medicine and Public Health:
  - i. Collaborative Rounds in Hospitals: Multidisciplinary Rounds How-to Guide (Institute for Healthcare Improvement 2010)
  - ii. Atul Gawande, [Slow Ideas](#), The New Yorker, July 29, 2013 (esp. discussion of BetterBirth project, from pp. 3 (starting with "The most common approach") - 4 (the section break), pp. 6 (the section break)-end)
  - iii. Atul Gawande, [The Hot Spotters](#), The New Yorker, Jan. 24, 2011

## ***INTEREST-GROUP POLITICS AND ALTERNATIVE FORMS OF DEMOCRACY***

### **Session #13 (October 19 & 21): Public Problem Solving and Democracy**

#### **Discussion Questions:**

1. What forms of politics and democracy does Ansell identify? What forms are being implemented in each of the case studies discussed in the readings? How are these approaches to politics and democracy similar or different?
2. How effective were these approaches in the particular contexts described? How useful might they be, and what challenges would they face, in other contexts? Consider, in particular, (i) the changes that occurred between the first and second phases of the community policing example developed by Fung, and (ii) the obstacles to authentic stakeholder participation that Liebman et al. discuss.
3. In a portion of Ansell we read earlier, he stated that, "Organizational transformation of public agencies cannot easily occur without fundamental change in the relationship between agencies and democratic publics." (p.17) What kinds of changes in politics and democracy does Ansell advocate? How do they differ from the "normal politics" that are familiar at the local, state, and federal levels in contexts such as public education, health care, immigration, etc?
4. Ansell's point suggests that different governance models for internally organizing and administering public agencies may require different approaches to the politics and forms of democracy that externally influence the agency. What form of politics and democracy would seem to fit best with each of the governance models discussed in the course? In each case, what is the role of direct democracy? Representation? Interest or

- intermediary groups? Markets? Experts versus non-experts? Elections versus other ways to participate and deliberate?
5. A competing view is that, given unevenly distributed resources and divergent individual preferences, “interest-group politics” is the only stable or “natural” form of democratic interaction between the public and agencies, regardless of the internal governance mechanisms being used. Do you agree?
  6. What form of politics and democracy do Professor Henig and colleagues and Liebman and colleagues suggest are best suited to public education in New York City and elsewhere? When Mayor Bloomberg and Chancellor Klein were running the City’s schools, what form of politics and democracy did they prefer? Do you agree with Henig et al., Liebman et al., or Bloomberg-Klein about the best approach to engaging the public? Are there alternative approaches you would advocate?

### **Writing Assignment:**

Write a ~3-page paper, due as a MS Word attachment emailed to [cpri@law.columbia.edu](mailto:cpri@law.columbia.edu) by Monday, October 31, at 5:00 p.m. that uses any of the case studies discussed in the readings as a basis for answering these questions: Is it possible and useful to avoid, or create alternatives to, interest-group politics in the process of bringing about institutional change and better serving the objectives of public agencies and the needs of their clients? If so, what is (are) the best alternative(s) to interest-group politics for achieving that goal? Among the case studies you may consider are: Bridgeport (parent working groups); Newark; New York City (Bloomberg reforms; District 75 surveys); Philadelphia (McClure School); school closure in New York City, Tennessee (Memphis), and/or Washington, D.C.; Chicago/Traxton; and any of the examples Ansell gives.

### **Reading:**

1. Christopher K. Ansell, [Pragmatist Democracy](#), *supra* at 134-40, 166-83
2. [Chicago Policing Politics](#):
  - a. Archon Fung, [Deliberation and Social Conflict, in Empowered Participation: Reinventing Urban Democracy](#) (2004), at pp. 173-97
3. [Views of School Politics](#):
  - a. 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 first column), 22 (‘A Genuine Attempt at Dialogue’)

- b. 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 first paragraph of “The Three Groups” section), 46, 48-54
  - c. James Liebman, Elizabeth Cruikshank, & Christina Ma, [Governance of Steel and Kryptonite Politics in Contemporary Education Reform](#), pp. 67-84
5. Newark as a Case Study of School Politics
- a. Dale Russakoff, [Schooled](#), The New Yorker, May 19, 2014
  - b. Lyndsey Layton, [Chris Christie’s Bold Plan to Remake Public Schools is Running into Trouble](#), Washington Post, March 3, 2015
6. Optional:
- a. Gordon Whitman, [Making Accountability Work](#), 28 N.Y.U. Rev. L. & Soc. Change 361 (2003), at 361-67 (McClure School, Philadelphia)
  - b. CRPE, [Roots of Engagement in Baton Rouge: How Community Is Shaping the Growth of New School Options](#) (April 2016)
  - c. DCPS
    - i. Emma Brown, [D.C. Parents Develop Alternatives to Chancellor’s School-Closure Plan](#), Wash. Post, Jan. 1, 2013
    - ii. Emma Brown, [Chancellor Kaya Henderson names 15 D.C. Schools on Closure List](#), Wash. Post, Jan. 17, 2013
  - d. Bridgeport
    - i. [CPRL - Bridgeport Team’s 2011 Student Paper](#), The Theoretical Model pp. 42-58
    - ii. Michele Monar, [Parents Take Lead in District’s Engagement Policy](#), Ed. Week (Aug. 14, 2012) (Bridgeport)
  - e. Sarah D. Sparks, [Parent Meetings Get a Makeover](#), Educ. Week, Sept. 30, 2015, at 1
  - f. Natalie Gomez-Velez, [Public School Governance and Democracy: Does Public Participation Matter](#), 53 Vill. L. Rev. 297 (2008)
  - g. Michelle Renée & Sara McAlister, Strengths and Challenges of [Community Organizing as an Education Reform Strategy](#): What the Research Says (Nellie Mae & Annenberg Jan. 2011)

***Writing Assignment:***

Write a ~3-page paper, due as a **MS Word attachment** emailed to [cpri@law.columbia.edu](mailto:cpri@law.columbia.edu) by **Monday, October 31 at 5:00 p.m.** that uses *any* of the case studies discussed in the readings (policing in Chicago/Traxton; schools in Newark, New York City, Philadelphia, or Washington, D.C.; or any of the examples Ansell gives) as a basis for

answering these questions: Is it possible and useful to avoid, or create alternatives to, interest-group politics in the process of bringing about institutional change and better serving the objectives of public agencies and the needs of their clients? If so, what is the best alternative to interest-group politics?

## **TRANSITION FROM OLD-STYLE TO NEW-STYLE ORGANIZATIONS**

### **Session #14 (October 26): Transitioning from Bureaucracy to the New Age Organization**

#### **Discussion Questions:**

1. How might a bureaucracy (e.g., an urban school district) transform itself into a learning organization? What difficulties would that transformation face?
2. How does Ansell suggest that transformations of this sort do, or should, occur? Do you see any evidence of the process he describes in the Aldine, Norfolk, or New York City case study you were assigned to read for this session? Do you think Ansell's suggestions are workable? Are they consistent with his view of the desirable Evolutionary Learning end state?
3. Should the approach to transformation match the governance model the organization is aiming to adopt—*i.e.*, is there a way to structure transformation around institutional learning? Or, alternatively, is transition sufficiently difficult to motivate and achieve that it needs to occur by some harder-edged mechanism, such as command and control (a la Bureaucracy) or high-stakes goals and targets (a la Managerialism)?
4. What governance approach—a better Bureaucracy, Managerialism, Craft/Professionalism, or Evolutionary Learning—was the desired post-transformation end state in the Aldine, Norfolk, or New York City case study you read? Or was the desired end state a mixture of governance approaches?
5. What choices did the architects of change in the Aldine, Norfolk, or New York case study you read make in regard to the alternative transition strategies laid out in Questions 1-4 above?
6. For discussion in class: Which of the three transitions described in the reading strikes you as the most successful—and why do you think it succeeded best?

#### **Reading:**

1. Ansell, supra, [ch. 3, pp. 43-55, 61-62](#)
2. Jonathan A. Suppovitz, [The Case for District-Based Reform of Schools](#) (2006), at 219-37
3. Case studies:
  - a. **Only students with last names beginning with A-D**—[Aldine, Texas: Heather Zavadsky, Bringing School Reform to Scale](#) (2009), at chapter 2
  - b. **Only students with last names beginning with F-O**—[New York City: Eric Nadelstern, The Evolution of School Support Networks in New York City](#) (Center on Reinventing Public Education 2012)
  - c. **Only students with last names beginning with P-Z**—Baltimore, MD:
    1. Baltimore City Public Schools: Implementing Bounded Autonomy (Public Education Leadership Project at Harvard University)
    2. Career Pathways, Performance Pay, and Peer-Review Promotion in Baltimore City Public Schools, pp. 1-2 (Public Education Leadership Project at Harvard University)
  - d. Optional:
    - (i) Lindsay Unified School District, [The Transformation of Learning: Systemic Shifts toward Personalized Learning](#) (2016)
    - (ii) Brenda Iavesoli, [Why Did the Los Angeles Superintendent Resign?](#) Atlantic Monthly, Oct. 17, 2014

**Session #15 (Nov. 2, 2016): Can Litigation Alleviate Educational Inequity? Can Evolutionary Learning Enhance Legal Responses to Inequity?**

**Discussion Questions:**

*[Apologies for the lengthy notes here; the goal is to compress a lot of legal doctrine into a couple of introductory pages to set the stage for the week's reading and discussion.]*

1. In the first week of class, we confronted the intolerable realities that educational opportunities and outcomes in the United States are unevenly distributed, and that children who are poor and members of racial and ethnic minorities are disproportionately on the losing side of that equation. On the theory that intolerable outcomes should be understood to violate the U.S. and/or State Constitutions, one might turn to courts to remedy this situation. For example, as we discussed in Professor Koski's seminar session, the U.S. Supreme Court in the 1950s and

1960s invalidated legally mandated racial segregation in schools. More recently, however, the Court has rejected interpretations of the Constitution that would require public officials to remedy racial and ethnic disparities and segregation in schools. For example, in an important case called Rodriguez v. San Antonio School District in 1973, the Supreme Court refused to declare K-12 education to be a “fundamental right,” and declined to consider the legality of state methods of funding school districts that provided disproportionately low support for schools with predominantly poor and minority populations. Although some state courts have undertaken to review funding disparities between school districts or have ruled that state officials have a duty to provide an “adequate education” to all children, the results have been mixed at best.

2. Suddenly, however, a new wave of school litigation is under way. This wave includes two new federal lawsuits—Gary B. v. Snyder, filed in Sept. 2016 in Michigan challenging the education provided to children in several Detroit schools, and Martinez v. Malloy, filed in Connecticut in Aug. 2016, challenging the education provided to poor and minority children across the state. In another case, Connecticut Coalition for Justice in Education Funding, Inc (“CCJEF”) v. Rell, a state judge ruled in Sept. 2016 that some aspects of Connecticut’s public education system (e.g., how it distributes money to districts, defines the educational attainment needed to graduate from high school, and evaluates teachers) are unconstitutional.
3. In Professor Koski’s prior session on the courts, we considered a number of explanations for the courts’ reluctance to order institutions to diminish racial and ethnic disparities and segregation. Explanations included politics; a lack of will on judges’ part; a disposition by judges to avoid undermining educational advantages of their own and other privileged families; the failure of existing constitutions to provide solid legal bases for court intervention; the greater competence and legitimacy of legislators and administrators, as opposed to judges, in solving such problems; etc. The first reading for this session, a short excerpt by Liebman & Sabel, offers a different explanation—essentially their same explanation for why legislators and state and local school administrators have not effectively addressed educational disparities. According to this explanation, judicial interventions in public education occurred and succeeded at first when bureaucratic (top-down, one-size-fits-all) remedies worked to overcome racial disparities because two conditions were, or seemed to be, present: (i) there was wide consensus that the disparities were intolerable; (ii) there was a simple, broadly applicable solution to the problem, such as forbidding legally mandated segregation of schools or (as a number of state courts did) overturning egregiously inequitable state educational funding schemes. A second generation of more complex and locally diverse conditions, however, destroyed the preexisting consensus and defied simple solutions. These new conditions led courts to pull back, not because of self-dealing or cowardice but out of frustration at their inability to develop effective solutions. This explanation prompts two overarching question for this class session: **Do you think courts would be more willing to intervene if they had effective mechanisms for**

**remedying racial disparities? Do Evolutionary Learning approaches provide more effective legal mechanisms for addressing disparities?**

4. To address these questions, we ask each of you, divided alphabetically into three groups, to consider the promise or lack of promise of (i) one of the three recent court cases noted above, and (ii) one of three Evolutionary Learning strategies for using legal interventions to overcome racial disparities in juvenile justice, K-12 education, and university admissions. In doing so, please jot down and come to class with written answers to the following questions (you will not be expected to turn in your answers and they will not be graded, but they will be helpful to you in class):

a. With regard to the recent case to which you have been assigned:

- i. Who is suing, and who is being sued?
- ii. How many schools or children does the lawsuit affect—both directly within the confines of the actual case, and indirectly in terms of the number of similar schools or children elsewhere that might gain or lose if another case like this one is brought on their behalf?
- iii. What level of “scrutiny” does the lawsuit ask the court to apply—or, in the case of the CCJEF suit, does the court actually apply? [**See item 5, below for a description of different levels of scrutiny.**]
- iv. What remedy does the suit seek (or did the CCJEF judge order)?
- v. Which one or ones of the governance approaches we’ve discussed in class are reflected in the remedy that is requested or ordered?
- vi. How likely is it that the remedy will succeed for the school and children directly affected, and for others who might be indirectly affected as noted above? Why?

NOTE: Those of you reading complaints filed by plaintiffs in lawsuits should keep in mind that the statements made are allegations, not necessarily true facts or accepted statements of the law; those allegations are challenged by the defendants in their responses. Similarly, the CCJEF decision is on appeal to the Connecticut Supreme Court, which would court to overturn the decision.

b. With regard to the one of three Evolutionary Learning strategies that you have been assigned to study:

- i. What is the Evolutionary Learning strategy at issue? How is the strategy designed to work? How does it use Evolutionary Learning?

For those assigned to the Fisher case: Consider this question instead: In dissent, Justice Alito pretty convincingly demonstrates that the race-based approach to college admissions that the University of Texas uses

to increase diversity in its student body does not satisfy the preexisting two-part legal requirement for permissible race-based admissions: (a) that the race-based policy be designed to serve a well-articulated “compelling state interest” in diversity; and (b) that the means chosen to pursue that interest make the narrowest possible use of race-based decision making consistent with achieving that goal. Why is the majority justified, nonetheless, in concluding that the University of Texas is taking a conscientious approach to defining the diversity in which it has a compelling interest, while making the narrowest use of race-based decision making possible in order to achieve that diversity? What aspects of the university’s approach to affirmative action qualify as Evolutionary Learning?

- ii. Does the strategy make it easier than before for courts to remedy racial disparities or to allow officials to use affirmative action to remedy those disparities?
- iii. What evidence is there that the Evolutionary Learning has worked—or how likely is it to work—to diminish racial disparities?

**5. LEVELS OF SCRUTINY** (law students who have taken Constitutional Law can skip this summary):

- a. Courts use different levels of “scrutiny” to analyze racial or ethnic disparities and segregation that allegedly violate the Constitution. The level of scrutiny applied has a big effect on the likelihood that a court will find a constitutional violation and order a remedy.
- b. To begin with, keep in mind that constitutional rights typically protect people only from actions by “state actors,” not by private actors.
- c. Strict scrutiny applies whenever a law or policy requires decisions to be made or resources to be allocated on the explicit basis of race or ethnicity. The same is true when officials admit that they have in fact, or they are found to have in fact, made decisions based explicitly on race or ethnicity. Strict scrutiny means that the action in question will be found to violate the Constitution unless the actor can demonstrate (i) a compelling state interest in, or reason for, using race or ethnicity, and (ii) that the means chosen to serve that goal are narrowly tailored to achieve it with the smallest possible reliance on racial decision making. Examples of explicit race-based decision making to which these legal rules have been applied include:
  - i. laws requiring the internment of ethnically Japanese individuals during World War II—upheld by the Supreme Court in the much-vilified Korematsu decision on the theory that ethnically Japanese individuals as a group presented a threat of disloyalty to the nation that only internment could address;

- ii. laws requiring racial segregation of schools—overturned in Brown v. Board of Education in 1954;
  - iii. racially motivated decisions by school officials to draw attendance zones for schools so the schools would largely serve children of only one race or another—overturned in the Denver, Columbus and Dayton school desegregation cases in the 1970s; and
  - iv. “affirmative action” policies designed to integrate K-12 schools or colleges in situations where the policies were not designed as a response to prior racial discrimination and instead were aimed at increasing integration or diversity for its own sake—generally invalidated by the Supreme Court in decisions since the 1980s, with the exception of the recent decision in Fisher in our reading.
- d. Strict scrutiny also applies to overcome disparities of any kind (racial or otherwise), that were created for any reason (race-based or not), if they affect access to rights that the courts deem to be “fundamental.” The courts, for example, have held that the rights to vote and to travel from one state to another are “fundamental.” Any policies that create disparities among citizens in who can vote or travel between states thus are subject to strict scrutiny and are invalidated unless officials can demonstrate a compelling reason for the disparities and can show that they narrowly tailored the limitations on voting/travel rights to achieve that compelling state interest. As noted, the U.S. Supreme Court has thus far declined to hold that K-12 education is a “fundamental” right, although some state courts have read state constitutions to treat education as a fundamental right in those states. Caveat: In a case called Plyer v. Doe, the U.S. Supreme Court may (it’s unclear) have ruled that there is a fundamental right to a “minimally adequate” education, but the Court has limited that idea to situations where states absolutely deny certain children access of any sort to public schools—as Texas did in the Plyer case by withholding funding for children who, although they were born in the U.S. and thus were citizens, were born to parents who were in the nation in violation of its immigration laws.
- e. Middle level scrutiny: Under this approach, an interest that is “substantial,” even if not “fundamental,” gets “medium level” scrutiny. In these cases, policies or actions that give some people but not others access to the substantial interest in question are invalid unless the state can show that it (i) has an “important” (even if not “compelling”) reason for the disparate treatment, and (ii) has done a fairly decent job of tailoring its exclusionary policy to that reason. Some people read the Plyer case to have preceded on this logic. They understand Plyer to have ruled that bare access to an education (saying nothing about the quality of that education) is an important interest, which Texas unconstitutionally violated by denying funding for children of certain immigrants, when there were narrower ways of serving its interest in supporting the enforcement of the nation’s immigration laws.

- f. Rational basis scrutiny: Virtually every action a legislature takes results in disparate treatment. For example, a rule providing, say, welfare benefits or fishing licenses to people meeting certain residency, economic, age, or fee-paying requirements “discriminates” against people who don’t meet those requirements. Ditto rules requiring the homogenization of milk, or barring emissions of certain levels of certain pollutants. To avoid every such “discrimination” from becoming the basis for court invalidation, the courts apply a “default” rule: government action is permissible unless disparities it creates are “irrational” in the sense that the state cannot articulate any legitimate reason whatsoever for the distinction drawn. Reasons such as saving money, or needing to draw a line somewhere, are almost always found to be rational. As you can imagine, this level of scrutiny rarely results in invalidating state action.

### Reading:

1. Limited prior success of educational equity litigation:
  - a. **All students**: James S. Liebman & Charles F. Sabel, [A Public Laboratory Dewey Barely Imagined: The Emerging Model of School Governance and Legal Reform](#), 28 NYU L. & Soc. Change 183, 195-204 (2003) (excerpt)
2. A new wave of educational equity litigation:
  - a. **Students with last names A-D**: [Gary B. v. Snyder](#), Complaint filed (E.D. Mich. Sept. 9, 2016), Table of Contents; ¶¶ 1-23, 28, 35, 41-44, 48, 58, 61, 71, 83, 158, 199-208; pp. 128-29
  - b. **Students with last names E-M**: [Martinez v. Malloy](#), Complaint filed (D. Conn. Aug. 23, 2016), at ¶¶ 1-13, 21-22, 29-39, 43-159, 164-65, 173-76, 193-99
  - c. **Students with last names N-Z**: [Connecticut Coalition for Justice in Education Funding, Inc \(“CCJEF”\). v. Rell](#) (Conn. Super. Ct. Sept. 7, 2016), at i., **1-4** (1<sup>st</sup> full ¶), **6** (2d ¶) – **14** (1<sup>st</sup> full ¶), **23-36** (last partial ¶), **41** (last full ¶) – **55** (1<sup>st</sup> full ¶); 62-71
3. Evolutionary Learning Legal Remedies:
  - a. **All students**: Richard Thompson Ford, [Moving Beyond Civil Rights](#), N.Y. Times, Oct. 27, 2011
  - b. **Students with last names A-D**: Duty to responsibly diminish racial disparities:
    - i. Charles F. Sabel & William H. Simon, [Contextualizing Regimes: Institutionalization as a Response to the Limits of Interpretation and Policy Engineering](#), 110 Mich. L. Rev. 1265 (2012), at 1285-91
    - ii. The Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative: [Progress Report](#) 2014, at 13-20

- c. **Students with last names E-M: Duty to responsibly improve access to effective schools:**
    - i. Rebecca Yergin, [Rethinking Public Education Litigation Strategy: A Duty-Based Approach to Reform](#), 115 Colum. L. Rev. 1563, 1563-66, 1572-75, 1587-1604 (2015)
  - d. **Students with last names N-Z: Duty to responsibly pursue racially explicit affirmative action:**
    - i. [Fisher v. University of Texas](#), 579 U.S. \_\_\_\_ (2016), Justice Kennedy’s opinion for the Court at **1-20**; Justice Alito’s dissenting opinion, at **1-4, 11-12** (1<sup>st</sup> partial ¶), 13-16 (Part II.B), **42** (Part III)-45 (first line)
4. Optional:
- a. James S. Liebman & Michael Mbikiwa, [Every Dollar Counts: In Defense of the Education Department’s “Supplement Not Supplant” Proposal](#)
  - e. Olatunde Johnson, [Beyond the Private Attorney General: Equality Directives in American Law](#), 87 N.Y.U. L. Rev. 1339 (2012) (excerpts)

## **LEARNING REGIMES**

### **Session #16 (November 11): Learning Regimes and the Elastic Boundaries of Private- and Public-Sector Learning Organizations: From Three Mile Island to Equality Directives**

**Guest Session Leader: Stanford Law Professor William H. Simon**

#### **Discussion Questions:**

1. Recall Ansell’s claim that “institutional design must be closely attentive to ways that institutions are complexly ‘scaffolded’ by webs of related institutions” (14). In considering the implications of that idea, and in search of better pathways to institutional success, in what ways do the organizations and arrangements described in the assigned readings blur or cross the boundaries between different discrete organizations? Between public and private spheres of activity? Between different forms of governance? In terms of achieving the objectives of the institutions involved, what are the advantages and disadvantages of blurring lines in this fashion?
2. A number of the arrangements discussed in the readings are examples of self-regulation—*i.e.*, of action by organizations engaged in potentially harmful activities to regulate themselves? Are there differences in how self-

regulation occurs via standard markets, the simulated markets that Managerialist and Minimalist approaches use, and the “learning regimes” discussed in the readings? Which approach or approaches work better when and why?

3. In the INPO case study by Rees:
  - a. How much or little does the INPO arrangement for regulating the safety of nuclear power plants add to or detract from your confidence in the ability to generate power safely through nuclear fission? What aspects of the arrangement influence your conclusion the most?
  - b. How is the INPO arrangement different from Bureaucratic, Managerialist, or Minimalist regulation?
  - c. What role in the arrangement does the Nuclear Regulatory Agency play?
  - d. How important is secrecy in regard to INPO’s evaluative results of its member organizations? How important is “shaming”?
  - e. How valuable is the INPO model for regulating other kinds of harms? For improving government service provision, e.g., public education?
4. In the private-sector example in Gilson, et al., why did John Deere choose to vertically disintegrate its development of new products? What did it gain and lose by taking that step? What are the benefits and what are the disadvantages of the regime described for smaller companies that operate within Deere’s orbit?
5. In the leafy greens example, what difficulties has food safety regulation encountered over the last several decades and how do the new approaches respond to those problems.

### Reading:

1. Joseph Rees, [Hostages of Each Other: The Transformation of Nuclear Power Safety After Three Mile Island](#) (1998), at 1-7, 91-150
2. **Only students with last names beginning with A-K**—Private-Sector Example (John Deere and New-Age Contracting):
  - a. Ronald J. Gilson et. al, [Contracting for Innovation: Vertical Disintegration and Interfirm Collaboration](#), 109 Colum. L. Rev. 431 (2009), at PDF pp. 12-15 (from the beginning of Part III through the end of Part IIIA), 18-31 (from the beginning of Part IV through the end of Part V)
3. **Only students with last names beginning with M-Z**—Public-Sector Example (Leafy Greens):

- a. Charles F. Sabel & William H. Simon, [Contextualizing Regimes: Institutionalization as a Response to the Limits of Interpretation and Policy Engineering](#), 110 Mich. L. Rev. 1265 (2012), at 1278-85
4. Optional:
- a. [Nat'l Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Deepwater: The Gulf Oil Disaster and the Future of Offshore Drilling](#) (Final Report, May 22, 2010), at 235-41
  - b. John Paul MacDuffie, et al., [Advancing Knowledge While Controlling Opportunism, in 9 Industrial and Corporate Change](#) 443 (2000)
  - c. Frederick Hess, [Our Achievement Gap Mania](#), Nat'l Affairs (Fall 2011)
  - d. Margot Sanger-Katz, [Despite Large Income Disparity, New York's Poor Are Living Longer](#) N.Y. Times, Apr. 11, 2016

## **TEAM PRESENTATIONS**

### **Sessions #17-18 (November 16 & 23): Team Presentations**

#### **Project Presentation Instructions:**

Your presentations should address the following questions—

1. Describe the project, including its institutional context and main deliverables.

**Please consult with your Engagement Manager to surface any confidentiality concerns with identifying your client and discussing the main deliverables.**

2. Address the extent to which the project or its institutional context conforms to one or more of the governance models discussed in class—Bureaucracy, Managerialism, Marketization, Craft/Professionalism, Evolutionary Learning, other.
3. Critically consider your project or its broader context from the perspective of Evolutionary Learning and/or one or more of the other governance models we've discussed in class:
  - a. How (if at all) does the project or the client's broader reform strategy differ from that governance model(s) on which you are focusing? Do any differences impede the project's or reform strategy's effectiveness?
  - b. Would the project or the client's broader strategy succeed more fully or efficiently if it were modified in some fashion along the lines suggested by Evolutionary Learning or by another or a combination of the governance models?

4. Critically consider Evolutionary Learning or one or more of the other governance models we've discussed from the perspective of your project and its broader context:
  - a. What weaknesses, difficulties, or challenges does your project or its broader context reveal about the theory of change and improvement that underlies Evolutionary Learning or another governance model?
  - b. What light does the project or broader strategy shed on how easy or hard it is to implement Evolutionary Learning or another governance model effectively?
  - c. Do those challenges suggest any way in which the relevant governance model should be altered or improved?
  - d. What governance model would best facilitate the client organization's achievement of its goals? Do the challenges you've encountered lead you to question the value of governance models in general?
  - e. . . governance model would the proponents of Evolutionary Learning or of any of the other governance models, learn from your project or its context?

## ***SUMMING UP; LOOKING FORWARD***

### **Session #19 (Date TBD): Summing Up; Looking Forward**

**Guest Session Leader:** Daniel R. Porterfield, President, Franklin & Marshall College

#### **Discussion Questions:**

TBD

#### **Reading:**

1. [Daniel R. Porterfield, BIO](#)
2. Daniel R. Porterfield, [On College Signing Day](#), Four Goals We Should Set for America, Forbes, April 26, 2016
3. Peg Tyre, [Improving Economic Diversity at Better Colleges](#), N.Y. Times Opinionator, Feb. 5, 2014
4. *Optional*

- a. David L. Kirp, [Closing the Math Gap for Boys](#), NY Times, January 31, 2015
- b. Motoko Rich, [Fewer Top Graduates want to join TFA](#), *The New York Times*, Feb. 5, 2015
- c. Paul Tomer, [We Can't Just Say 'No': Teachers Unions Must Lead Change](#), Real Clear Education, March 12, 2014
- d. Teresa Watanabe and Stephen Ceasar, [Deasy's Exit Reflects other School Battles across the US](#), LA Times, Oct. 21, 2014.