Structural Change in Public Education

Spring 2024 Syllabus

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Course Information

Instructional Team

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With support from other CPRL staff, including *Meghan Snyder.*

Instructional team members are available for office hours via appointment. Please email them to request an appointment.

Important Links and Information

- The Seminar's purposes, content, norms, class modalities, assignments, and grading are introduced below. Please read this introduction carefully before the semester begins.
- Discussion Board assignments and readings for each Seminar session are also in the Coursework Modules tab. Please access them from there to be sure they are up to date.
- CPRL follows Columbia University health policies and guidelines. The University monitors public health and safety conditions related to COVID-19 and other health and safety concerns. You must regularly check and respond to your Columbia University email to remain current on University healthy policies and guidelines.

Introduction

A *first* and central task of the classroom portion of the CPRL program is to provide a conceptual framework for achieving fundamental change and improvement in how public school systems serve students and families. This framework, which we call Evolutionary Learning or Democratic Experimentalism, consists of three lenses on public education. The first, overarching lens is equity: how to achieve the fundamental changes needed to assure that school systems understand and meet the needs of each student, especially students of color, in poverty, or otherwise underserved. Our second lens is what we call governance: how public school systems and other organizations go about deciding what substantive policies to implement in

given circumstances and how to implement those policies and improve them over time. Our third lens is democracy: how and to what extent public systems enable their client populations, ground-level staff, and other stakeholders to participate meaningfully in making, carrying out, and evaluating substantive decisions.

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

This is not a traditional course in business, data sciences, education, law, policy, or any other discipline. Its interdisciplinary nature is one reason why it is different from traditional courses in those disciplines. More importantly, its treatment of educational, data-scientific, legal, management, operational, and policy issues is different from those you likely have encountered in most of your other courses. In particular, we focus less on particular educational policies—e.g., curriculum; teacher training, recruitment, professional development, and accountability; charter, career and technical education, and other types of schools; etc.—and more on systems and structures that countries, states, districts, schools, and classroom teachers use to develop, adopt, implement, and improve different combinations of different varieties of those policies.

We do this for two reasons. First, because our goal is to facilitate the fundamental systems change that achieving greater equity requires, it is important for us to focus on how school systems currently are designed and how those designs can change. Second, by its nature, equity is highly dependent on context; it demands different substantive strategies for different communities, schools, classrooms, families, and students. As such, it is only by improving systems' governance (i.e., how they identify, choose, and implement strategies) and democracy (i.e., how fully they enable affected populations to drive those choices) that we can assure that public institutions adopt policies that are aligned to the many contexts in which the institutions operate. We try, in particular, to understand how public systems and private organizations design and implement learning systems that use available data to guide and strengthen their operations and improvement, without getting into the nitty gritty of data analysis in class. Although, as in business schools, we at times consider case studies from private-sector learning organizations, our main focus is on the public sector. Although constitutions, statutes, regulations, and caselaw affect the systems and structures we examine, we focus less on them specifically and more on how they influence public education system design—how actors manipulate formal legal structures and less formal norms and standard operating procedures in choosing and implementing system designs. The course thus is more about constituting institutions—analogously to how the framers of the federal and fifty state constitutions have gone, and how the designers and leaders of new and ongoing private-sector organizations go, about constituting, adjusting, reforming, and at times recreating their systems—and less about defining or enforcing rights. In all these ways, the course tries to focus on what transformative public-sector leaders, managers, policymakers, and lawyers actually do every day.

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

Leading through Learning encompasses four leadership practices:

1. Treat every strategy—everything you do every day—as learning: Structure daily operations as continuous learning.
2. Foster democratic participation: Expand stakeholder participation in design, implementation, and improvement.
3. Measure process and results to drive equity and improvement: Use observation and information to turn doing into learning.
4. Build democratic knowledge-management cycles: Enable everyone to generate, spread, and apply knowledge.

Leading through Learning requires both the specialized knowledge and competencies associated with your professional training and degree and a set of cross-cutting competencies less commonly addressed in professional schools. These "Skilled Generalist" competencies include:

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

Because of its importance in our work, we ask that you **review the Leading through Learning Playbook and toolkit at the beginning of the semester and refer to them throughout the semester as different terms and skills become relevant.**

Both our Evolutionary Learning conceptual framework and the Leading through Learning approach to leadership are brought to life in your research and consulting projects, as you, your clients, and your clients' stakeholders pursue fundamental change to enhance education equity. Both our conceptual framework and our approach to leadership helps us understand our clients, their organizational contexts, the problems they have asked us to help solve, their aspirations and resources, and improvements that may be available. In turn, we encourage you to use your observations and experiences in the project work—as well as what you have learned in your other courses in college and graduate school—as a basis for critically assessing the Seminar framework and leadership approach as mechanisms for leading fundamental change and enhancing public education equity.

The Classroom Arc

The progression of classes laid out in this syllabus interweaves the conceptual framework and leadership skills just described. Discussion board questions posed in the run-up to each Seminar session invite you to link the conceptual framework and leadership skills to your project work. Here we describe the basic learning arc of our class sessions.

Part I (Sessions 1-8) orients us each other (Session 1, 6); reviews the course mechanics and expectations (Session 1); lays out the historical and current state of public education in the United States and elsewhere (Sessions 2, 5); and introduces our strategic focus on participatory learning (Sessions 4 and 7). A first objective of Part I is to get to know each other—and ourselves—better and to consider how who we are influences our work, our interactions with each other, and our interactions with our clients. A second objective is to introduce three lenses on public schooling that we will use throughout the semester: Equity, Governance, and Democracy. A third objective is to ground our discussions over the semester in (i) the current distribution of educational inputs and outcomes in the US; (ii) the nation's different stances and responses to the racial segregation of schools over the past 200+ years; and (iii) variations in student learning outcomes among different countries and US states and across different time periods. A fourth objective is to show both that intentional decisions teachers, schools, and school systems make have an important impact on children (hence, the variation among learning outcomes across systems that in other respects are fairly similar), and that governance and democratic structures (how choices among different policies are made, implemented, and improved) seem to have a much larger effect than any particular policy choices—largely as a result of the importance of local context in determining whether policies effective in one classroom or school are useful in others. A final objective is to introduce our strategic focus on participatory organizational learning as a strategy for fundamental systems change—work that often begins with a close study of the systems that surround us.

There is both good and bad news in this introduction. The good news is that kids' fate is not inexorably determined by their or their family's or nation's history, demography, culture, or economic conditions. How school systems address those background conditions makes a big difference in the degree of educational equity that is achieved. The bad news is that

advances in educational equity require far more than good intentions or "silver bullet" policy prescriptions that aim to suffice for all kids, times, and places at once, and that many U.S. school systems have not gotten beyond good intentions and a search for magic, one-best-for-all policy prescriptions, with the result that educational inequity remains the norm. Overall, the news is that fundamental, equitable change is possible but requires us to understand and to modify the deep structure of how school systems operate and to develop leaders with a robust set of learning skills and competencies. Part I ends with an interim exercise, described below, covering the preceding sessions (Session 8).

Part II (Sessions 9-15) develops the information base for our claim in Part I that different modes of governance and the tools different governance modes use to assess and improve results (along with the different forms of democratic engagement that we discuss in Part III) have a lot to do with whether school systems' intentional decisions do or do not systematically improve educational equity. We begin Part II by discussing the pros and cons of the most common form of governance of large public schools and other large public and private systems over the past century: bureaucracy. Finding that bureaucracy has largely failed school children since at least the 1990s, we consider several important governance alternatives to bureaucracy, including "managerialism," "professionalism," "craft," and "Evolutionary Learning/Democratic Experimentalism." Although Part II focuses on alternative forms of governance (i.e., on how organizations go about making and implementing choices about what to do), not on substantive policies (the actual choices organizations make), we use one or more policies that organizations we're examining have adopted to illustrate of how different governance models work. This enables us, in the context of discussing governance (the "how"), to introduce important policy debates about strategies such as teacher evaluation, high-stakes accountability, charter schools, mastery learning, individual education plans, and affirmative action and other higher-education admissions devices (the "what"). Part II hypothesizes that, among governance models, Evolutionary Learning holds out the most promise as a pathway to educational equity but that Evolutionary Learning cannot succeed without substantial organizational flexibility, learning, and discipline. Part II ends with Rounds and an interim exercise covering sessions 9-14 (Session 15), both described below.

Part III (Sessions 16-20) introduces tools and processes that school systems committed to Evolutionary Learning governance often use to achieve the necessary flexibility, learning, and discipline. These tools and processes turn everyday observations into data, information, and knowledge that can be applied and spread throughout the system. In particular, we will review measurement for improvement, qualitative review, inquiry, and knowledge management.

Part IV (Sessions 21-23) focuses directly on different forms of democracy and politics, their connections to governance forms, and the ways in which and the extent to which organizations utilizing different governance forms enable field staff and affected populations to participate and real "decisional capital" in making, implementing, improving, and holding organizations accountable for the quality and results of their decisions. This discussion will expand our consideration of equity as a feature (or not!) of both the process and the results of decision making. After offering a critique of existing forms of "interest group" and "tamped down" democracy and noting their connections to bureaucracy, managerialism, professionalism, and craft, we introduce an alternative form of politics—what we call "problem-solving democracy"—and link it to Evolutionary Learning governance. Problem-solving democracy aims to break down hierarchy, status distinctions, and racial and cultural barriers to the free flow of knowledge between leaders at the district and school levels and teachers, and between educators and the students, families, and communities they serve. Put the other way around, it aims to equalize and maximize participation in and influence over the process and its products across all of those actors. We end Part IV by considering how combinations of governance and political reforms can contribute to the effective application of an equity lens to all phases of public education reform, including CPRL's own client projects. As in Part III, Part IV uses a variety of policy debates (i.e., debates over <u>what</u> to do in order to achieve goals in particular contexts) to help illustrate the different forms of democracy under discussion (i.e., to illustrate different answers to the question of <u>how</u> to decide what to do to achieve success). Part IV ends with Rounds and an interim exercise covering the content of Parts III and IV (Session 23).

Part V (Sessions 24 and 25) tackles an important issue that we repeatedly encounter but leave unresolved in previous parts: transition. During most of the Seminar, we focus on "the desired end-state." That is, we imagine how, for example, fully up and going bureaucratic, managerialist, professional, craft, and Evolutionary Learning systems of governance, and how fully up and going systems of interest-group, tamped-down, and public-problem-solving politics, operate. This

perspective is less problematic when we examine or imagine entirely new systems. But when the context is an existing school system that has long operated under governance and political structures and attitudes towards equity that are different from those in the fundamentally different end-states we imagine, a difficult question arises: How can failed systems change? How can they motivate and install approaches to governance, democracy, and equity that deviate from prior assumptions and practices? Session 22 considers steps <u>organizations themselves</u> can adopt to (i) wean themselves off of preexisting assumptions, structures, and practices that are harmful to kids and resistant to change and (ii) foster and guide a transition to new ways of thinking and doing that permit a different and stable end state to come into being. Session 23 then returns to a transition question addressed but left open in Session4: whether and how to force transition <u>from outside change-resistant systems</u> through rights-based litigation or other approaches to the definition and enforcement of rights. Session 23 offers you the opportunity to consider the tradeoffs between transition forced from outside and transition accomplished from within organizations or systems that need to change.

In **Part VI (Sessions 26 and 27)**, we close out the session in two ways. Session 27 is a closing exercise giving you a chance to apply all that we've covered during the semester. More on that below. Then, in Final Class Session 28, we are joined by one or more outside guests to consider the question of the future of public education and your roles in it.

Rounds. The semester includes two Rounds sessions on February 16th and March 27th. As another way of integrating the Seminar's conceptual framework and leadership approach with your project work, Rounds give you an opportunity to engage in cross-project peer problem-solving using discussion protocols that model the organizational-learning structures and leadership competencies we discuss in Seminar in the process of enhancing your project know-how and results.

Class Preparation / Pre-Class Discussion Board

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

For many—but not all classes—we will ask you to respond to a discussion board question before class. When you are assigned to a question, please complete the following:
- By 5PM the afternoon before class, submit a response to the discussion board question that is no more 1200 words; and
- By the start of class, offer at least one comment or reply to someone else's comment to the same discussion board question

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

The quality and thoughtfulness of your discussion board posts contribute to roughly 30% of your Seminar grade. We will evaluate the responses to the discussion board questions by using the following criteria:
- Demonstrates understanding of and engagement with readings for the upcoming class session
- Thoughtfully extends, adds to, or reflects (critically or otherwise) on the concepts, debates, strategies, and/or tools discussed in readings or in other students' discussion board answers
- Thoughtfully draws on prior Seminar sessions' readings and discussions, on insights from your project work, and/or

on your own experiences or knowledge
- Thoughtfully reflects on how the readings and other students' comments do or do not relate to, inform, and/or improve your project work

Interim and Closing Exercises

1. **Interim Exercises (Sessions 8, 15, and 24 on January 29th, February 16th, March 27th):** On three occasions during the semester, you will have a 60- or 90-minute written exercise in which we will (i) give you a scenario or other context, or ask you to come up with a context of interest to you, and (ii) give you one or more prompts that will invite you to apply and reflect on learnings from the eight or so prior class sessions in that unit.
2. **Closing Exercise (Session 27 on April 15th):** In our next to last class session, you will have a 3-hour written exercise in which we will identify or you will choose a context and we will give you a prompt or prompts inviting you to apply and reflect upon learnings from all class sessions.
3. **Preparation for the Interim and Closing Exercises:** Your preparation for the Interim and Closing exercise answers will be to keep up with the readings, discussion board posts, class discussions, and in-class exercises for all class sessions covered by the Interim and Closing exercises. We will provide you with and post to Courseworks the rubric we will use in grading the exercises.
4. The quality and thoughtfulness of your Interim and Closing exercise responses will make up 70% of your Seminar grade.

Class Attendance and Participation

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

The University has directed faculty not to allow students to participate remotely for any reason other than ones associated with the academic program itself (e.g., if you are off campus and unavailable to attend class while performing required work on your assigned CPRL project).Subject to the results of COVID testing, if you have a cold but can attend class, we invite you to do so and to consider wearing a mask. Everyone should respect others' masking choices.

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

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

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

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

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

- **Try on:** Risk trying new ideas, other points of view, and new behaviors; keep only what you choose.
- **Think big:** Let your aspirations inspire you to think creatively and consider possibilities in the face of constraints.
- **Maintain confidentiality:** Keep confidential all information learned in class and projects, including what others share about themselves.
- **Engage in "both/and" thinking:** Break down false dichotomies that limit our thinking and our compassion.
- **Lean into discomfort:** Emotional discomfort expands our learning possibilities. Push yourself at this learning edge.
- **Tune into power dynamics:** Pay attention to power dynamics and disrupt historical patterns of behavior that place undue burden on people of certain identities and are not in the best interests of the team. Challenge faculty members when you disagree with or do not understand their views.
- **Expect and accept non-closure:** You may have thoughts and feelings that go unresolved today or even throughout the semester. We commit, however, and ask you to commit to being a part of each other's and the community's learning journey at all times

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

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

Seminar Grading

Grading for the semester is discussed in detail in the Course Expectations document. The <u>Seminar</u> portions of your grade is based on:

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

Seminar Sessions (including Reading and Pre-Class Discussion Board Questions)

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

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PART I. COURSE ORIENTATION; HISTORICAL AND CURRENT STATE OF EDUCATIONAL EQUITY IN THE U.S.

Session 1 (January 16, 9am-12pm): Course Orientation and Expectations

DISCUSSION BOARD - EVERYONE
1. Share 1-6 words describing your reasons for participating in CPRL this semester.

READINGS
1. Overview of U.S. Education System [NOTE: This reading is optional for students familiar with the US system of public education. Students new to that system should read this Overview]
2. 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 U.S. public education, we strongly recommend that you read this entire chapter, through p. 351.]
3. Seminar Syllabus
4. Skilled Generalist Self-Assessment

Session 2 (January 17, 9am-12pm): Current State of Education in U.S.

DISCUSSION BOARD - GROUP A
1. Identify one proposition, debate, strategy, condition, or tool addressed in the reading that might relate to your CPRL research and consulting project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project and how reflection on the proposition (etc.) may contribute to a more successful and equitable outcome to your project.

READINGS
1. Review O'Day & Smith reading from Session 1
2. Tom Kane & Sean Reardon, Parents Don't Understand How Far Behind Their Kids Are in School, New York Times, May 11, 2023
3. Bianca Vazquez Toness, Millions of Kids are Missing Weeks of School as Attendance Tanks Across the U.S., AP, Aug. 11, 2023
4. Daniel J. Losen & Paul Martinez, Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in Opportunities to Learn (October 2020), pp. iv-xii
5. David Labaree, Public Goods, Private Goods: The American Struggle of Educational Goals, 34 Am. Educ. Res. J. 39, (1997) (excerpts)
6. OECD, PISA 2018 Combined Executive summaries, p. 17-18

Session 3 (January 18, 9am-12pm): The Role of Systems in Producing Outcomes

DISCUSSION BOARD - EVERYONE
1. Identify one proposition, debate, strategy, condition, or tool addressed in the reading that might relate to your CPRL research and consulting project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project and how reflection on the proposition (etc.) may contribute to a more successful and equitable outcome to your project.

READINGS
1. Bryk, A.S., Gomez, L.M., Grunow, A., & LeMahieu, P.G. (2015). See the system that produces the current outcomes (Chapter 3). In Learning to improve: How America's schools can get better at getting better. Cambridge, MA: Harvard Education Press.

2. Jal Mehta & Sarah Fine, In Search of Deeper Learning : The Quest to Remake the American High School (2019) (Chapter 2 and pp. 362-378 of Chapter 8); Optional: pp. 12-16
3. OECD (2020), Back to the Future of Education: Four OECD Scenarios for Schooling, Educational Research and Innovation, OECD Publishing, Paris, https://doi.org/10.1787/178ef527-en.

Session 4 (January 19, 9am-3pm): Strategy as Learning

DISCUSSION BOARD – EVERYONE
1. Using the Skilled Generalist Self-Assessment, name your strengths as a Learning Leader and Skilled Generalist; suggest one way you might bring one or more of those strengths to bear in your project work; and note what and how you hope to improve or develop this semester.

READINGS
1. Leading through Learning Driver A: Strategy as Learning
2. Leading through Learning in Practice: Partners in School Innovation case study
3. Leading through Learning: Evolutionary Learning Toolkit, Stage 2
4. Cohen, J. (2022). Introduction, Are You a Change Agent? (Chapter 1), Assembling your crew (Chapter 2), Finding bright spots and building momentum (Chapter 3). In Change Agents: Transforming Schools from the Ground up.
5. Partners in School Innovation website

Session 5 (January 22, 9am-12:30pm): History and Current Reality of Educational Segregation

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

DISCUSSION BOARD - GROUP B
1. Why should we, or why should we not, have more racial integration of public schools in the US? Why don't we have more racial integration of public schools?

READINGS
1. Richard Rothstein, The Color of Law: The Forgotten History of How Our Government Segregated America (2017), Preface
2. Butler, Buksinski, Liebman, Mine the Gap (2020), Introduction and Part II.D pp. 2-5, 37-45 (text only, not footnotes)
3. Prepare one of the following–a. or b.:
   a. Nice White Parents, a 5-part podcast about efforts over decades to bring racial integration to a single school in New York City and others like it. [Note: we will assign portions of this podcast throughout the semester. If you have time, it is well worth listening to the entire series. You can read the transcript (where available) or listen to the video.]
      i. Introducing: Nice White Parents, audio (there is no published transcript for this segment)
      ii. Episode Two: 'I Still Believe in It,' audio or transcript
   b. Complaint for Declaratory and Injunctive Relief in Integrate NYC v. State of New York (2021) (starting at page 5, please read paragraphs 1-18 and 53-121)

Session 6 (January 24, 9am-1pm): Participatory Strategy Development and Implementation (Stakeholder Mapping, OPTA)

DISCUSSION BOARD - GROUP C
1. Identify one proposition, debate, strategy, condition, or tool addressed in the reading that relates to your client project in an interesting way. Briefly describe how that proposition, debate, strategy. condition, or tool relates to your project and how reflection on the proposition, debate, strategy, condition, or tool may contribute to a more successful and equitable outcome to your project.

READINGS
1. Leading through Learning Website homepage and overview
2. Leading through Learning: Evolutionary Toolkit, Introduction and Stage 1
3. Leading through Learning Driver B: Stakeholder Participation
4. Leading through Learning in Practice: Bank Street case study; Tracy Fray Oliver on Supporting Change Across Complex Systems
5. Bryk, A.S., Gomez, L.M., Grunow, A., & LeMahieu, P.G. (2015). Make the Work Problem-Specific and User Centered (Chapter 1). In *Learning to improve: How America's schools can get better at getting better*. Cambridge, MA: Harvard Education Press
6. Additional readings to be added.

Session 7 (January 26, 9am-12pm): Difference and Diversity

Guest Session Leaders: Richard Gray, Director of Community and School Development at Center for Collaborative Education; Susan Sturm, George M. Jaffin Professor of Law and Social Responsibility, Columbia Law School

There is no Discussion Board for this session.

EVERYONE
While viewing the video and doing the reading for the class, write down some notes on your reflections and questions about how to create and maintain working relationships that are sensitive and responsive to and are respectful and sustaining of racial, class, cultural, and other important identities of yourself and others in this class, in your project work, and in public education generally. Bring those notes with you to class.

READINGS
1. Parent Power (video)
2. Yolanda Sealey-Ruiz, Learning to Talk and Write about Race: Developing Racial Literacy in a College English Classroom *(2011)*
3. Ijeoma Oluo, So You Want to Talk About Race (2018), pp. 8-52

Session 8 (January 29, 9am-10:30am): Interim Exercise 1 (policy vs. governance; theory of action, operationalized theory of action)

PART II. Governance Models

Session 9 (January 31, 9am-12pm): Introduction to Governance Models; Bureaucracy

DISCUSSION BOARD - GROUP A
1. Identify one proposition, debate, strategy, condition, or tool addressed in the reading that relates to your client project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project and how reflection on the proposition, debate, strategy, condition, or tool may contribute to a more successful and equitable outcome to your project.

EVERYONE
Come to class prepared to describe the thesis of Chubb & Mo, or Sizer, or Youngblood, whichever you read.

READINGS

Governance Generally
1. Liebman, Cruikshank & Ma, Governance of Steel and Kryptonite Politics in Contemporary Public Education Reform, 69 Florida Law Review 365 (2017) (Excerpts, pp. 1-11)
2. Excerpts (short but important; **read them carefully**) from
   a. Ludger Woesmann, The Importance of School Systems: Evidence from International Differences in Student Achievement, 30 J. of Econ. Perspectives 3, 24, 27 (2016) and
   b. Brian J. Caldwell, School Autonomy and Student Achievement: Case Studies in Australia, Educational Transformations v-vii, 73, 76-77 (June 11, 2015)

Bureaucracy
1. Rudi R. Volti, An Introduction to the Sociology of Work and Occupations (2007), at 83 (1st full paragraph: "Modern bureaucracy . . .")-93
2. Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services (1979), at 13-25, 48-53

Bureaucracy in education
Each of these readings criticizes the operation of US school systems. As you read the critique assigned to you, consider these three questions: As described by the author(s), (i) what is the school system's strategy for assuring that all relevant actors pursue and achieve the organization's or system's goals? (ii) what measures does the system use to determine the success of that strategy? (iii) how does the system make meaning of and respond to the information those measures reveal?

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

Session 10 (February 2, 9-11am): Markets and Managerialism (High-Stakes Evaluation In Atlanta, DCPS; Charter Schools in New Orleans)

DISCUSSION BOARD - GROUP B
1. Identify one proposition, debate, strategy, condition, or tool addressed in the reading that relates to your client project in an interesting way. Briefly describe how that proposition, debate, strategy, condition, or tool relates to your project

and how reflection on the proposition, debate, strategy, condition, or tool may contribute to a more successful and equitable outcome to your project.

READINGS

This session discusses two forms of "Minimalist" governance—governance that aims to minimize the role of government actors and interest-group politics in social activity: (1) marketization (which leave decisions, as much as possible, to consumer choice) and (2) managerialism (which leave decisions, as much as possible, to managers (skilled managers, we hope) who strive to <u>meet or beat</u> government-imposed targets and be rewarded and strive not to <u>miss</u> targets and be punished).

Again, in considering the readings, ask three questions: (i) What is the strategy for assuring that all relevant actors pursue and achieve the stated public goals? (ii) What measures does the proposed system use to determine whether the strategy is or is not working? (iii) How are actors expected to make meaning of and respond to information about whether the strategy is or is not working?

Markets vs. Bureaucracy and Other Forms of Government Oversight: New Orleans (aka Charter School City)

[Only students with last names M-Z should read items 1]
1. Douglas N. Harris, Charter School City: What the End of Traditional Public Schools in New Orleans Means for American Education, Chapters 1, 2, 4, 6, 7, 9

Managerialism (AKA "Performance-based" Activity) vs. Bureaucracy and "Plan-based" Activity: School and Teacher Evaluation

[Only students with last names A-K should read items 2-5 below]
2. 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)
3. Rachel Aviv, Wrong Answer, The New Yorker, July 21, 2014
4. Eric Hanushek, Teacher Deselection, in Creating a New Teaching Profession 165-78 (D. Goldhaber & J. Hannaway eds. 2010)
5. DC IMPACT:
    a. This set of short readings include a self-study of the IMPACT system of teacher evaluation, support, and incentives in place in the District of Columbia Public Schools (DCPS) since 2009-10. IMPACT links measures of teacher performance based on student test scores and frequent professional observations to financial incentives for effective teachers and possible dismissal for ineffective teachers. IMPACT embeds these evaluations in a comprehensive system of teacher goal setting, review, feedback, and improvement steps.
    b. IMPACT: The DCPS Evaluation and Feedback System for School-Based Personnel, including links to Initial Set of Evolutions to IMPACT **and** Evolutions to IMPACT (DCPS's overview of the system)
    c. "Essential Findings" of the study in Equity Review memo (pp.1, 4, 9)
    d. Matthew Yglesias, D.C.'s Teacher Compensation Reform is Working, Slow Boring, Aug. 26, 2021

Session 11 (February 5, 9-11am): Professionalism and Craft

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

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READINGS

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

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

Session 12 (February 7, 9am-12:30pm): Evolutionary Learning (EL) (New Zealand and Post-COVID U.S.)

DISCUSSION BOARD - GROUP A
1. Based on your current understanding, what is one thing that excites you about Evolutionary Learning and the prospect of incorporating it into the process your project team uses to develop, and/or the solution it develops, to your client's objectives? What is one thing that worries you about EL and about how its use might affect your team's process of developing solutions for your client and/or about how its incorporation in the solution you develop for the client might affect your client's ability to achieve its objectives?

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

READINGS

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

Evolutionary Learning in School Systems

1. Helen F. Ladd, Education Inspectorate System in New Zealand: A Policy Note, 5 Ed. Fin. & Pol'y 378 (2010), at 378-83
2. Elizabeth Chu et al., RISE to Thrive: A Vision for a Transformed and Equitable Public Education System (March 2021), at 3-9
    a. In connection with this reading, consider ways in which bureaucracy stymied, and Evolutionary Learning approaches improved, school systems' response to the COVID-19 pandemic
3. Martha Minow, School Reform Outside Laboratory Conditions: A Response, 28 N.Y.U. Rev.L. & Soc. Change 333 (2003) (excerpts)

Session 13 (February 9, 9am-12:30pm): Classic Examples of Evolutionary Learning in Action (Alcoa, Nuclear Navy, Pratt & Whitney, Toyota)

DISCUSSION BOARD - GROUP B

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

READINGS
EVERYONE:

1. Steven J. Spear, The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition (2010), Excerpt 1: Pp. xx-xxi, 1-2
1. Steven J. Spear, The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition (2010), Excerpt 2: Pp. 13-28
2. Joseph Rees, Hostages of Each Other: The Transformation of Nuclear Power Safety After Three Mile Island (1998), at 1-7, 91-150
3. NOTE: you are expected to read all three case studies assigned in the page numbers above and you are expected to become expert on the one of the three case studies that is assigned to you above

1. Steven J. Spear, The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition (2010), Excerpt 2: Pp. 36-71, 83-91
2. This American Life Podcast on Toyota and GM
3. NOTE: you are assigned to read about Toyota Jidoka, Quality Circles, and Jishuken and about how GM attempted to adopt the Toyota model to its plants, and you are expected to become expert on either Jidoka or Quality Circles/Jishuken (whichever you are assigned above) and how translatable those techniques seem to have been to GM's Fremont and Van Nuys plants.

Session 14 (February 14, 9am-12:30pm): Evolutionary Learning in Five School Systems (NYC, Long Beach CA, Finland, Sobral Brazil, New Orleans)

DISCUSSION BOARD - GROUP C

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

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

EVERYONE - Come to class prepared to describe the case study/reforms you read for class, answering the usual three questions to the extent the case study permits:

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

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

New York City, 2003-2013- Groups 1 and 2 only:

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

Long Beach, CA - Groups 3 and 4 only:

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

Finland –Group 5 and 6 only:

1. Charles Sabel, AnnaLee Saxenian, Reijo Miettinen, Peer Hull Kristensen & Jarkko Hautamäki, Individualized Service Provision as the Key to the New Welfare State: Lessons from Special Education in Finland (Sitra Studies 62 Dec. 2011), at pp. 4-15, 30 ('The next national core curriculum')-53, 57-64

Sobral, Brazil –Group 7 and 8 only:

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

Session 15 (February 16, 9am-1pm): Rounds 1 / Interim Exercise 2 (Comparative Governance)

No discussion board for this class.

Session 16 (February 21, 9am-12pm): Measuring Process and Result to Drive Equity and Improvement

There is no Discussion Board for this session.

READINGS
1. Leading through Learning Driver C: Measurement
2. Leading through Learning: Evolutionary Toolkit, Stages 3-5
3. Bryk, A.S., Gomez, L.M., Grunow, A., & LeMahieu, P.G. (2015). We Cannot Improve at Scale What We Cannot Measure (Chapter 4). In *Learning to Improve: How America's Schools can get Better at Getting Better*. Cambridge, MA: Harvard Education Press.
4. Tulsa Public Schools. (2022). Pathways to Opportunity.
5. Carnegie Foundation for the Advancement of Teaching. (2021). Learning Cultures.
6. ERS. (2022). Bridging the Divide: How Tulsa Built Sustainable Improvement Systems to Connect Vision, Strategy, and Implementation

Session 17 (February 23, 9am-12pm): EL Improvement Tools—Quality Review (Assisted Living; Child Welfare Services)

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

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

1. John Braithwaite & Valerie Braithwaite, The Politics of Legalism: Rules versus Standards in Nursing-Home Regulation, 4 Soc. & Leg. Stud. 307 (1995)
2. Kathleen Noonan, et al., Legal Accountability in the Service-Based Welfare System: Lessons from Child Welfare Reform, 34 L. & Soc. Inq. 523 (2009)
3. Review Ladd, Education Inspectorate System in New Zealand (Session 12)

Session 18 (February 28, 9am-12pm): EL Improvement Tools—Inquiry, Inquiry Teams, Individual Education Plans

DISCUSSION BOARD - GROUP B
1. Assume that you are designing a framework for determining and improving how well schools (or, if you prefer, teachers) in your district are accelerating the learning of traditionally underserved students. What (if any) use could such a framework make of structured inquiry?

READINGS
1. Peg Tyre, The Writing Revolution, Atlantic Monthly, Oct. 2012
2. Jim Fredrickson, Are We Learning the Right Lessons From New Dorp High School?, Atlantic Blog (2012)
3. Leading Educators, Case Study: DC Public Schools (2018)
4. Learning Forward, The Path to Instructional Excellence and Equitable Outcomes (2019)

Session 19 (March 1, 9am-12pm): Higher Education Admissions and Evolutionary Learning

DISCUSSION BOARD - GROUP C

1. [Discussion Board]: Now that Students for Fair Admission is the law, how would you go about achieving "diversity" in a class of college/university students—or, if you prefer, in a class of professional school students (focusing if you wish on a particular kind of professional school)?

EVERYONE

In Students for Fair Admissions v. Harvard, the U.S. Supreme Court declared race-based affirmative action policies in admitting students to colleges and universities to be unconstitutional under the Fourteenth Amendment Equal Protection Clause, causing all selective colleges and universities to re-examine their admissions policies and re-imagine the future of admissions in a post-affirmative action world.

This session will engage that project from an Evolutionary Learning perspective. First, we will trace the history of affirmative action largely through the lens of the Supreme Court's affirmative action jurisprudence. We will seek to understand the majority opinion's rationale in Students for Fair Admissions for declaring affirmative action unconstitutional, the dissent's arguments in favor of affirmative action, and the potential future of "race neutral" policies that seek to increase racial and ethnic diversity on campus. We'll discuss the purposes of higher education. Much like K-12 schooling, we'll discuss the societal (public goods), as well as the personal (private goods) goals of higher education. We'll next break into groups that will represent one of six different types of selective higher education institutions (plus one selective high school) that is re-imagining admissions policies. Those groups will address these questions:

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

READINGS
1. Primer on the Equal Protection Clause and tiered analysis
2. Students for Fair Admissions v. Harvard, 143 S. Ct. 2141 (2023) (excerpts)
3. Stanford's Rick Banks on Race-Based College Admissions SCOTUS Decision, Stanford Law School Blogs/Legal Aggregate (June 29, 2023)

4. Michael D. Shear and Anemona Hartocollis, Education Dept. Opens Civil Rights Inquiry into Harvard's Legacy Admissions, N.Y. Times, June 25, 2023 (first 11 paragraphs only).
5. How to Fix College Admissions Now, Essay Collection, N.Y. Times (2023) (7 essays)
6. Coalition for TJ v. Fairfax County School Board, 68 F.4th 864 (4th Cir. 2023) (excerpts)

Session 20 (March 4, 9am-12pm): EL Improvement Tools—Knowledge Management (Baltimore)

READINGS
1. Leading through Learning Driver C: Knowledge Management
2. Leading through Learning: Evolutionary Toolkit, Stages 6
3. Becerra-Fernandez, I. and Sabherwal, R. (2010). Introducing knowledge management (Chapter 1), Knowledge management solutions: Processes and systems (Chapter 4), Organizational impacts of knowledge management (Chapter 5). In *Knowledge management: Systems and processes*. Armonk (N.Y.); London: M.E. Sharpe.
4. Baltimore City Schools' Blueprint for Success Resources
    a. Building a Generation: Baltimore City Schools' Blueprint for Success
    b. Video on BCS's Blueprint
    c. Interview with Dr. Sonja Santelises
    d. Leading Urgent Change in Baltimore podcast with Dr. Sonja Santelises
    e. Sonja Santelises has a shot at making real progress in city schools. Will she stay long enough to make it happen?
5. Baltimore City Schools — KM technical assistance final presentation deck

PART III. DEMOCRACY AND POLITICS

Sessions 21 and 22 (March 6, 9am-12pm; March 20, 9am-12pm): Interest Group vs. Problem-Solving Democracy 1 and 2 (School Politics, Habitat Conservation, Policing, Community Policing & Planning)

NOTE: **The Discussion Board and readings for this session apply to both Sessions. Please submit your Discussion Board response (Groups A and B) and prepare the readings prior to Session 21.**

DISCUSSION BOARD - GROUPS A and B
1. The readings present a number of examples of "new democracy or politics" in the environmental, policing, and school contexts, although with doubts raised about their sustainability and scalability. What are one or two design principles you draw from the examples that might support a sustainable, equitable version of participatory democracy for a large urban school district?

READINGS

Forms of school politics
1. Jeffrey Henig et al., Parent and Community Engagement in NYC and the Sustainability Challenge for Urban Education Reform, in O'Day et al., supra, at 33-38, 43-45 (ending with the first sentence of "The Three Groups" section), 46 (Figure 2-2), 48-54

Problematic interest group politics
2. Steve Farkas & Ann Duffett, Maze of Mistrust: How District Efforts and Cross Talk are Stalling Efforts to Improve Public Education(FDR Group 2014), at 6-18 (end of the first column), 22 ('A Genuine Attempt at Dialogue')

Problematic managerialist politics
3. [Newark - last names A-K only] Dale Russakoff, Schooled, The New Yorker, May 19, 2014
4. [NYC - last names M-Z only] Liebman, Cruikshank, Ma, Governance of Steel (Failed Democracy excerpts

Alternative forms of politics
5. Christopher K. Ansell, Pragmatist Democracy, at 134-40, 166-83
6. Archon Fung, Deliberation and Social Conflict, in Empowered Participation: Reinventing Urban Democracy (2004), entire excerpt
7. Jonathan Weisman, Divided Politics, a Colorado Town Mends its Broken Bones, N.Y. Times, Nov. 30, 2023
8. St. Paul Exercise #3 Prep. Slides
9. SPPS's Proposed New Governance Strategy (PPT slide)

Session 23 (March 22, 9am-1pm): Evolutionary Learning and Participatory Democracy with an Equity Lens (Baltimore)

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

READINGS
1. Review RE-Center Race and Equity in Education, 5 Shifts to Co-create Equity (2018) (from Session 6)
2. Council of Chief State School Officers, Leading for Equity: Opportunities for State Education Chiefs (2017), at pp. 16-20.
3. Ed Reports, Redefining Engagement: How Baltimore City Schools Transformed its Approach to Adopting Instructional Materials (Dec. 2, 2019)

Session 24 (March 27, 9am-1pm): Rounds 2 / Unit Exercise 3 (Measurement, Making Meaning, KM)

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PART IV: TRANSITION

Session 25 (March 29, 9am-12pm): Transition from Within (Aldine, Long Beach CA, NYC); St. Paul Exercise

DISCUSSION BOARD - GROUP C

1. In one way or another, your project work is designed to foster or support change in your client organization and/or in school systems, schools, or classrooms that are the focus of your client organization. Identify one transition strategy, process, or tool addressed in the reading that you think might help you or your client in motivating or enabling the relevant actors to undertake that change willingly and effectively.

EVERYONE: **Be prepared to summarize your Aldine, NYC, or Long Beach reading to students in your exercise group who read something else. This is important because you may be the only one in your group who did that reading.**

READINGS

1. [Everyone:] Charles Sabel & David Victor, Fixing the Climate: Strategies for an Uncertain World (2022), pages 1-14
2. [Everyone:] Ansell, supra, ch. 3, pp. 43-55, 61-62
3. [Last names A-J only:] Heather Zavadsky, Bringing School Reform to Scale (2009), Chapter 2
4. [Last names K-R only:] Eric Nadelstern, The Evolution of School Support Networks in New York City (Center on Reinventing Public Education 4-20 (2012)
5. [Last names S-Z only:]
   - Some of you may have read these two reports for Session 13. If so, please review them and focus heavily on the above "Everyone" readings.
   - Fullan: https://michaelfullan.ca/wp-content/uploads/2017/01/17_Jan_Long-Beach_Short.pdfMichael Fullan, Long Beach Unified School District (2016), pp.2-11
   - Desiree Carver-Thomas & Anne Podolsky, Long Beach Unified School District, Positive Outliers Case Study (2019), pp. 1-19
6. [Everyone:] Choice of Governance-style Slide
7. SPSS Prep Slides

Session 26 (April 3, 9am-12pm): Transition Through Litigation (San Antonio, Detroit)

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

U.S. courts have a mixed history at best when it comes to addressing underserved students' challenges to inequitable or ineffective state and local educational policies and practices. As we discussed in Session 5, the U.S. Supreme Court in *Brown v. Board of Education* (1954), ordered school systems that were intentionally segregating children into schools for Black and for white students to transition from "dual" to "unitary" (racially integrated) systems. As we also discussed in Session 5, however, the Court previously had endorsed racial segregation of school, and it wasn't until 15 years after deciding *Brown* that courts actually required sustained desegregation to occur, and, then, only in the non-urban South. A few years later, the Court refused to address challenges to racially segregated schools in cities throughout the US. because they did not explicitly require Black and White students to attend different schools and instead assigned children to "neighborhood" schools with attendance zones that mirrored segregated housing patterns.

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

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

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

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

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

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

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

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

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

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

After the three-judge panel ruled, the dissenting judge in the case prevailed upon other appellate judges in the same judicial "circuit" to agree to rehear the appeal "en banc," meaning in front of all 20 or so judges on that court, and not just a 3-judge panel, In doing so, the full court "vacated" the panel decision, leaving the district court decision in effect, pending the outcomes of the en banc appeal. Fearing that the full circuit court was about to issue a ruling approving the district court decision, the plaintiffs and Michigan Governor Whitmer agreed to settle the case and remove it from court.

READINGS

You may skip the footnotes in these readings, other than footnote 35 in Chu et al., *Family Moves* reading (item 2.d).

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

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

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PART V: SUMMING UP; LOOKING FORWARD

Session 27 (April 15, 9am-12pm): Closing Exercise

This exercise will draw your attention to the current state of public education in the U.S. as described over the course of the semester. You will have three hours to define (1) the contours of a new and different desired end state, and (2) a transition strategy—both viewed through the lenses of equity, governance, and democracy. We do not expect you—and we are not building into the overall CPRL schedule any time for you—to undertake any preparation for this exercise beyond the steps you have taken to prepare for and participate in all prior Seminar sessions, to respond to pre-class Discussion Boards and Assignments, and to complete other written assignments. Toward the end of the semester, we will say more about this exercise.

Session 28 (April 17, 9am-12pm): Summing Up; Looking Forward

There is no Discussion Board for this session.

READINGS TBA

GUEST SPEAKER(S) TBA