

# **B8547-001: PUBLIC SECTOR STRUCTURAL CHANGE IN K-12 EDUCATION (12 CREDITS)**

***Professor James Liebman***

*Tentative Syllabus*

***FOR BIDDING PURPOSES ONLY***

## ***Seminar Syllabus***

The central task of the first two weeks of seminar is to consider the pros and cons of and alternatives to the governance structure through which most activity in and outside the context of the P-12 education sector has for decades been internally organized: bureaucracy. Among the questions we will address in this part of the course are:

1. When does governance by bureaucracy succeed and fail in P-12 and other contexts?
2. What are the comparative merits and demerits of several prominent alternatives to bureaucracy, again, with a focus on public education?
3. In particular, how effective, how realistically useable by organizations in and outside of the P-12 education context, and how widely adopted by those organizations is the alternative governance mode on which we focus the most attention—structured, self-conscious institutional learning, or, as we variously refer to it, “evolutionary learning” or “democratic experimentalism”?
4. What lessons do your consulting projects and their organizational contexts teach about the value and uses of the different modes of governance we discuss?

The next portion of the course addresses solutions to three practical challenges to the development of effective learning organizations and their engagement with the public. We start with an examination of tools organizations can use to mine their own everyday experience for information about how to improve operations and outcomes. After familiarizing ourselves with the balanced-scorecard and other approaches to organizational goal-setting and evaluation, we turn to qualitative evaluation of organizations (including schools) and processes for accelerating learning from experience at the street level via inquiry teams and similar collaborative practices. We then address politics and “problem-solving” democracy, and examine how learning organizations can engage their various internal and especially external stakeholders and be held accountable by the public.

We begin the last third of the course with the question of how organizations transition from bureaucracy to institutional learning. 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. After examining case studies of these regimes in the private and public sectors, we discuss education regimes that bring together federal, state, and local governments; courts; and private entities, among other partners.

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, 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 structure?
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 P-12 education reform.

Classes are a combination of team-based exercises and debriefs, structured and free-form discussion, and context-setting or summative lectures. Each student is on call several times during the semester and is expected to participate often in class whether or not on call.

## **SEMESTER OVERVIEW**

### **BUREAUCRACY AND ALTERNATIVE FORMS OF GOVERNANCE**

Session 1 (January 19): Introduction to the Course and Course Expectations; the Current State of Public Education in the United States

Session 2 (January 20): When Bureaucracy Works and Fails in General and in P-12 Education

Session 3A (January 20) and 3B (January 22): Managerialism and Minimalism as Alternatives to Bureaucracy: the Vagaries of School and Teacher Evaluation

Session 4 (January 25): Professionalism/Craft as an Alternative to Bureaucracy—What Is Gained and What Is Lost by Making Tacit Knowledge Explicit?

Session 5 (January 26): Institutional Learning—i.e., Pragmatic, Structured Learning from Experience—as an Alternative to Bureaucracy, Professionalism, Managerialism, and Minimalism

### **ORGANIZATIONAL LEARNING IN ACTION**

Session 6 (January 27): Classic Private- and Public-Sector Learning Organizations in Action

Session 7 (January 29): Institutional Learning vs. Professionalism, Managerialism, and Minimalism in Three Model Public Education Systems—Finland, New York City (2003-13), Ontario

### **LEARNING TOOLS**

Session 8 (February 3): Tools Supporting Structured Institutional Learning—The Balanced Scorecard and Allied Approaches to Strategy and Accountability

Guest Session (February 4): Education Nonprofits, How they Work, What Makes them Unique

Session 9 (February 10): The Role of Qualitative Review in Institutional Learning—Using Leading Indicators to Build Expertise and Harness Street-Level Discretion

Session 10 (February 17): Using Adult Learning to Harness Street-Level Discretion and Increase Organizational Expertise—from Quality Circles to Inquiry Teams

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

Session 11 (February 24): Public Problem Solving and Democracy

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

Session 12 (March 2): Transitioning from Bureaucracy to the New Organization

## **LEARNING REGIMES**

Session 13 (March 9): Learning Regimes and the Elastic Boundaries of Private- and Public-Sector Learning Organizations—From Three Mile Island to “Equality Directives”

Session 14 (March 23): Either Education Regimes or Problem-Oriented Policing

## **TEAM PRESENTATIONS**

Sessions 15-17 (March 30, April 6 and 13): Team Presentations

## **CONCLUSION**

Session 18 (April 27): Summing Up; Looking Forward

## **SESSION ASSIGNMENTS AND DISCUSSION QUESTIONS**

### **BUREAUCRACY AND ALTERNATIVE FORMS OF GOVERNANCE**

#### **Session #1: 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?
  - a. What are the key criteria to be used in answering this question, and what do those criteria show as you evaluate them?
  - b. What information and what evaluative metrics do you use when you assess the state of U.S. education based on those criteria? What additional information or data would you like to have to enrich your view of the matter?
  - c. How close does the Council on Foreign Relations reading for this class come to capturing the relevant criteria, information, and metrics for assessing the current state of public education in the U.S.? How about the country-by-country data in the OECD reading, and the state-by-state NAEP data in the Chubb & Clark reading? Do any of these measures strike you, as they might strike Professor Kirp (see his reading for today), as treating education like a business? Is that a bad thing to do?
  - d. Are there particular categories of people—e.g., students, parents, teachers, employers, civil rights advocates, political leaders, voters, “reformers,” others—whose views on this question matter most to you? What *are* their views? What explains differences in how people in each of these categories might answer perceive the state of U.S. education today?
2. If you think there is a problem with U.S. public education today, what do you think is the main *cause* of that problem, or what are the main *causes*?

3. What are the most obvious solutions to the problem with U.S. public education as you perceive the situation—or how would you neutralize or mitigate the causes of the problem as you assess them? How realistic is that solution, given current political, financial, and constitutional realities? What is the likely timeline for the solution? Are there “second best” solutions you could imagine implementing in the short term?
4. What do you hope to learn or experience in this course that will enrich your thinking on the state of U.S. education and on the causes of and solutions for any problems you perceive?

Reading:

1. Council on Foreign Relations, U.S. Education Reform and National Security (Joel I. Klein & Condoleezza Rice, Chairs 2012), at 14-35
2. OECD, Country Comparison of 2012 Reading, Math and Science PISA Outcomes, at p. 5
3. John Chubb & Constance Clark, The New State Achievement Gap: How Federal Waivers Could Make It Worse—Or Better (Education Sector June 2013), at pp. 2-8
4. David Kirp, Teaching Is Not a Business, N.Y. Times, Aug. 16, 2014
5. James S. Liebman, Ending the Great School Wars, Ed. Week, Dec. 12, 2012

**Session #2: When Bureaucracy Works and Fails in General and in P-12 Education**

Discussion Questions:

1. What role should the federal, state, and local governments—and government officials at the central or field levels—play in determining public education policy as it applies in classrooms and schools around the nation?
  - a. Who is best placed to make what decisions affecting the content and quality of education that public students receive?
  - b. What is the best way to assure that whatever good are adopted are actually carried out effectively in schools and classrooms?
2. The excerpts fromSizer, Chubb & Moe, and Youngblood take strong views on the cause of failure in public education, but all were written decades ago. (Sizer’s book was first published in 1984 and has retained its original structure and basic content in subsequent editions.) Do these authors’ conclusions still hold? What do their critiques have in common? How do they differ?
3. What features define bureaucracy, understood as a form of organizing concerted activity?
  - a. What explains the attraction and broad use of bureaucracy as a mechanism for governing how work gets done in organizations?
  - b. How does bureaucracy manifest itself in public agencies devoted to delivering services? How about in government agencies devoted to regulating private behavior?
  - c. How might bureaucracy manifest itself in private sector organizations?
4. What are some examples of bureaucracy working well? What are some examples of bureaucracy working poorly? What accounts for the difference?
5. Under what circumstances would you expect bureaucracy to be a more, and a less, successful governance strategy for public education? Are the more, or the less, favorable circumstances for bureaucracy likely to be present in, say, large urban school districts?

6. In private- and public-sector organizations, why is shop-floor and street-level discretion problematic for bureaucracy (or for organizations generally)?
  - a. What specific problems does discretion pose for street-level employees in bureaucracies? For supervisors? For the organization as a whole?
  - b. How (if at all) are the problems of street-level discretion manifested in (pick one or two) police departments, welfare agencies, veterans administration hospitals, environmental regulatory agencies, criminal courts, universities, P-12 school systems?
  - c. What conditions make discretion more or less problematic in one context or another?
7. How do bureaucracies try to solve the problem of field-level discretion—in general and in particular contexts such as order-maintenance policing and P-12 schooling? Are there circumstances under which you would expect those solutions to be more or less effective? How clearly or directly do the problems Wilson identifies in the order-maintenance policing context translate to the P-12 context?

Reading:

1. 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. Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (1979), at 13-25, 48-53
3. James Q. Wilson, *Varieties of Police Behavior* (1968), at Chapter 1 and the following portions of Chapters 2 and 3—pp. 16-22 (runover para. only), 30 (single full para.), 34 (new section)-36 (runover para. only), 44 (first full para.)-45 (runover para. only), 48 (new section)-49 (end of full para.), 52 (first para.)-54 (end of full para.), 57-58 (runover para. only), 60 (first full para.)-68 (runover para. only), 70 (last para.)-75 (end of page); *optional*: Chapter 9: Conclusions and Policy Implications.
4. Theodore R.Sizer, *Horace’s Compromise: The Dilemma of the American High School* (2004), 205-13.
5. 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)
6. Johnny Ray Youngblood, *Draining the School Swamp*, N.Y. Daily News (1992)

**Session #3A and 3B: 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 proposed, described, advocated, implied, or criticized by each of the readings for this session? How do those solutions differ from the solution used by bureaucracies?
2. What are the attributes of “performance management” or “managerialism” that cut across (i) the regulatory approach that Coglianese & Lazer use that label to describe and (ii) the strategies advocated or illustrated by Hanushek, Brown, Aviv, and Shear? Can you think of any other organizations (e.g., ones in which you have worked in the past or are planning to work in the future or that you have studied or come across in the newspapers) that operative in a similarly “managerialist” fashion? What knowledge or expertise do “managerialist” organizations expect

- successful managers to have? How is that knowledge defined, acquired, manifested, and spread?
3. Sabel & Simon describe an approach to public-sector governance called “minimalism” (which other sometimes describe as a type of “marketization”). What are the common attributes of minimalism that cut across 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 and to what extent does it differ from “performance management” or “managerialism” as you understand that latter concept?
    - c. How is knowledge defined, acquired, and disseminated in minimalist regimes?
  4. Overall, how effectively do managerialism and minimalism deal with the problems bureaucracy and of street-level discretion that we identified in Session 1? What advantages and disadvantages do these two strategies have in general, compared to bureaucracy, and compared to each other?

Reading:

1. Managerialism generally (*read for Session 3A, September 9*)
  - 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 (*read for Session 3B, September 11*)
  - a. Eric Hanushek, Teacher Deselection, in Creating a New Teaching Profession 165-78 (D. Goldhaber & J. Hannaway eds. 2010)
  - b. Emma Brown, 98 D.C. Teachers Fired for Poor Performance, Washington Post, Aug. 1, 2012
  - c. *Read one of the following:*
    - 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. 14-26
3. Managerialism in School Evaluation (*read for Session 3B, September 11*)
  - a. Rachel Aviv, Wrong Answer, The New Yorker, July 21, 2014
  - b. Michael D. Shear, Colleges Rattled as Obama Seeks Rating System, N.Y. Times, May 25, 2014
4. *Optional readings:*
  - a. Alan Judd, Beverly Hall Dies; Criminal Case—and Her Legacy— Unresolved, The Atlanta Journal-Constitution, March 2, 2015
  - b. NY Times Room for Debate, Making the Grade in NYC (Oct. 9, 2012)
  - c. Editorial, Getting an Accurate Fix on Schools, N.Y. Times, January 26, 2014
  - d. Chancellor Carmen Fariña's Remarks on Her Vision for NYC Schools, Oct., 1, 2014
  - e. Kate Taylor, New School Evaluations Will Lower Test Scores' Influence, NY Times, September 30, 2014.
  - f. David Kirp, Teaching Is Not a Business, N.Y. Times, Aug. 16, 2014

## Session #4 (September 14): Professionalism/Craft as an Alternative to Bureaucracy

### Discussion Questions:

1. What solutions to the problem of street-level discretion are proposed, advocated, described, implied, or compared by each of the readings for this session? How do those solutions differ from the solution used by bureaucracies? How do they differ from managerialism and minimalism?
  - a. In regard to New York City's Community School District 2 (described in Liebman & Sabel), are the answers to the above questions the same or different from the first and second phase of Anthony Alvarado's reforms?
  - b. In regard to the Wise & Usdan piece, how do the answers to the above questions differ in regard to the two approaches to teacher evaluation that the authors contrast.
2. Roughly speaking, one can group the approaches illustrated by Ravitch, Phase 1 of Alvarado, Clifford, and the alternative that Wise & Usdan appear to favor under the heading of craft or professionalism. Likewise, one can roughly group the approach that Wise & Usdan describe but disfavor, as well as the ones that—in the last session's readings—Hanushek advocates and Brown and Shear illustrate under the heading of managerialism. Finally, the Sabel & Simon reading from last class describes a third approach call minimalism (aka marketization). All three forms of governance may be thought of as alternative solutions to the problems of discretion and bureaucracy. Consider these questions about these three competing approaches to governance:
  - a. What are the common attributes of professionalism or craft that cut across the approaches illustrated or advocated by Ravitch; Phase 1 of the Alvarado reforms; Clifford; and Wise & Usdan (their favored alternative)? You may also add into the mix here your own conception of the ways organizations of professionals in which you may be preparing to work (e.g., law firms, higher education institutions, social services agencies) govern themselves. Is there a common conception shared by all these examples of the knowledge or expertise that defines a professional or the "craft" that is being exercised? How is that knowledge defined, acquired, manifested, and spread from one person to another?
  - b. Do you see any differences in the professionalism that Ravitch, Alvarado (Phase 1), Clifford, and Wise/Usdan illustrate or advocate? How do those views of professionalism coincide or contrast with your view of the profession that you are preparing to enter?
  - c. Mehta also advocates a form of professionalism. In what way does his professionalism track that of Ravitch, Alvarado (Phase I), Clifford, and Wise/Usdan? Are there any ways in which the professionalism Mehta advocates different from the other version?
  - d. How effectively does professionalism in each or all of these forms deal with the problems of bureaucracy and street-level discretion that we surfaced in the first class session? What advantages and disadvantages do you see?
3. Rick Hess is a well-known conservative policy analyst who is sympathetic to managerialism. Linda Darling-Hammond is a well-known progressive education professor who has been a leading theorist of the professional or craft view of teaching. In the op-ed in the readings, they joined forces to oppose Obama Administration proposals for public education. Are there any similarities or

- affinities between professionalism and managerialism that might unite their advocates despite their ideological differences? What is it about the Obama Administration strategies that might offend adherents of both professionalism and managerialism?
4. Does Phase 2 of the Alvarado reforms in New York City's District 2 strike you as a form of professionalism? Managerialism? Minimalism? Bureaucracy? Something else, and, if so, how is it different from each of the other options? How did Alvarado attack the problems of bureaucracy and street-level discretion in Phase 2? What advantages and disadvantages do you see?
  5. Which of the approaches illustrated by the readings for this week and the preceding two weeks—Bureaucracy, Managerialism, Minimalism, Craft/Professionalism, Alvarado Phase 2, Mehta—seems most or least appealing to you? 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. David Osborne, *To Improve Schools, Let Teachers Run Them*, *The Washington Post*, January 16, 2015
3. Liebman & Sabel, *A Laboratory Dewey Barely Imagined*, at 213-31 (excerpt #3)
4. Tim Clifford, *Raising the Bar on Teachers? I'll Pass.*, *WNYC/SchoolBook*, March 21, 2013
5. Arthur E. Wise & Michael D. Usdan, *The Political Future of the Teaching Profession*, *Ed. Week*, March 13, 2013
6. Jal Mehta, *From Bureaucracy to Profession: Remaking the Educational Sector for the Twenty-First Century*, 83 *Harv. Ed. Rev.* 453 (2013)
7. Rick Hess & Linda Darling-Hammond, *How to Rescue Education Reform*, *N.Y. Times*, Dec. 5, 2011

**Session #5: Institutional Learning—i.e., Pragmatic, Structured Learning from Experience—as an Alternative to Bureaucracy, Professionalism, Managerialism, and Minimalism**

Discussion Questions:

1. Democratic experimentalism (Sabel-Simon's terminology in this session's readings) or evolutionary learning (Ansell's terminology) is another entry on the list of governance models. What are the key features of this governance strategy?
  - a. How does this governance model respond to the problems of Bureaucracy?
  - b. How does this model respond to the problem of the exercise of discretion by street-level public officials?
  - c. What are some examples of this model in action?
2. What similarities and differences are there between evolutionary learning and Bureaucracy, Managerialism, Minimalism, and Professionalism/Craft?
  - a. How is knowledge defined, acquired, and disseminated in evolutionary-learning regimes?
  - b. We will spend a lot of time examining this governance approach, but at first blush, how likely do you think it is to succeed under the relevant range of circumstances?
3. Thus far, we have focused on the problems of bureaucratic governance and different alternatives to it. Ansell identifies another potential culprit in the failure of



government to serve public needs, namely, partisan politics. In Ansell's view, how do bureaucracy and partisan politics interact to undermine the capacity of public agencies to solve public problems? How does Ansell move from the conclusion that this interaction is responsible for the failure of "governance" to the solution of expanding the role of administrative agencies and the breadth of public participation in them? How convincing is Ansell's solution?

4. Ansell's Chapter 5, footnote 30 describes 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 pragmatist philosophers call the approach to inquiry "abduction," to distinguish it from drawing inferences by "deduction" and by "induction" or "intuition."

- a. How does the form of inquiry Dewey describes compare to deductive logic?
- b. How does it compare to inductive thinking or intuition?
- c. How often, and under what circumstances can public officials, realistically solve public problems through (i) deductive logic; (ii) the sort of inquiry Dewey describes; (iii) intuition? Which forms of inference should public actors strive to use, under what circumstance's?

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

Preparation for Class Exercise:

Imagine a public agency with which you have some familiarity that strikes you as relatively unsuccessful in carrying out its mission. Before class jot down some notes, identifying:

1. Features of the operation or outcomes of that agency that strike you as harmful to the agency's effectiveness or as evidence of its ineffectiveness
2. Steps, consistent with evolutionary learning that might be taken to improve or transform the agenda
3. Difficulties you imagine those steps and that transformation would encounter within the agency as currently organized
4. Alternative steps you might take to transform the agency via either some form of minimalism or some form of professionalism/craft
5. If you have trouble imagining a public agency or activity for this purpose, consider the public high schools that Sizer describes in the reading for Session #1 or a public high school with which you are familiar.

## ORGANIZATIONAL LEARNING IN ACTION

### Session #6: Classic Private- and Public -Sector Learning Organizations in Action

#### Discussion Questions:

1. What is the “secret sauce” of each of the four organizations described in the readings from Spear? How are their strategies similar? How do they differ?
2. In what ways are the strategies used by the four organizations Spear describes consistent or inconsistent with evolutionary learning, or democratic experimentalism, as described by Ansell and Sabel-Simon?
  - a. Do Spear’s examples reinforce your sense of the value, or the weakness, of evolutionary-learning as an alternative to bureaucracy, especially in the public sector?
  - b. Do Spear’s examples allay your concerns about difficulties organizations may encounter in attempting to experiment and learn? Do they highlight new concerns or reinforce ones you already have identified?
3. In each example Spear gives, who or what part of the relevant organization does the experimenting and learning?
  - a. Who is doing what?
  - b. Which way does information flow?
  - c. Who generates knowledge and how?
  - d. How does that knowledge compare to knowledge as conceived by Bureaucracies, and by Managerialist, Minimalist, and Professional/Craft organizations and structures?
4. What other affinities and differences do you see between the strategies Spear describes and Bureaucracy, Managerialism, Minimalism, and Professionalism/Craft?
5. 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?
6. 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?
  - b. In what ways is the arrangement similar to, and how does it differ, from Bureaucracy, Managerialism, Minimalism, Professionalism/Craft, and Evolutionary Learning? Is your answer to this question different if you take the perspective of (i) the reformers leading the change versus field level employees, (ii) the “clients” or “customers” of the relevant agencies, (iii) the public? If you expect different constituencies to perceive the arrangements differently, do those differences have any implications for the success of the arrangement?
  - c. How would you define the “organization(s)” that are said to have emerged from each of the arrangements?
    - i. Who are the key actors?
    - ii. To what extent are those actors public or private?
    - iii. In what sense, if any, do those actors together constitute a real “organization,” as opposed to a fleeting confederation of people who happen to be focusing on the same problem at the same time and place?
  - d. What do you like about each arrangement described? What do you dislike or worry about—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?

How would you modify, in order to improve, them? Would those modifications move in the direction of, away, from Bureaucracy, Managerialism, Minimalism, Professionalism/Craft or Evolutionary Learning?

Reading:

*All students:*

1. Steven J. Spear, *The High Velocity Edge: How Market Leaders Leverage Operational Excellence to Beat the Competition* (2010), at pp. 1-32, 36-71, 83-91 (Alcoa, Nuclear Navy, Pratt-Whitney, Toyota)
2. Martha Minow, *School Reform Outside Laboratory Conditions: A Response*, 28 N.Y.U. Rev. L. & Soc. Change 333 (2003) (excerpts)
3. 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”).

*Only students with last names beginning with A-M—Environmental Regulation:*

1. Charles Sabel, Archon Fung & Bradley Karkkainen, *Beyond Backyard Experimentalism*, *Boston Rev.* Oct. 1999 (excerpts)
2. Theodore Lowi, *Frontyard Propaganda*, A Response to Fung et al., *Boston Rev.* Oct. 1999 (included in link above)
3. Matt Wilson & Eric Weltman, *Government’s Job*, A Response to Fung et al., *Boston Rev.* Oct. 1999 (included in link above)

*Only students with last names beginning with N-Z—CitiStat and StateStat a la Martin O’Malley (Baltimore/Maryland):*

1. Haley Sweetland Edwards, *Should Martin O’Malley Be President?*, *Washington Monthly* (May-June 2013)
2. Mark Newgent & Jim Pettit, *Martin O’Malley’s Empty Data*, *National Review*, May 13, 2013
3. Editorial, *Better Governing Through Data*, *N.Y. Times*, Aug. 19, 2014

**Session #7: Organizational Learning vs. Professionalism, Managerialism, and Minimalism in the Three Model Public Education Systems—Finland, New York City (2003-2013), Ontario**

Discussion Questions:

1. According to each of the readings, what is Finland’s, New York City’s, and Ontario’s secret sauce vis-à-vis elementary and secondary education? How does that strategy overlap or differ from Bureaucracy, Managerialism, Minimalism, Professionalism/Craft, and/or Evolutionary Learning?
2. How do each “model” jurisdiction’s strategies for public education bear on the problem of street-level discretion? On the definition of knowledge, how it is created and disseminated, and how organizational knowledge and expertise are built?
3. How transferrable are Finland’s, New York City’s, and Ontario’s success mechanisms to (other places in) the U.S.? What are the main challenges to such a transfer? What are the relevant differences between Finland, New York City, and Ontario on the one hand and (other places in) the U.S. on the other hand in terms of size, social homogeneity, how much the population values public education, the commitment to “equality,” the extent to which responsibility for public education resides at the

- national or a more local level of government, the disposition to develop policy in this area top-down vs. bottom-up?
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?

Reading:

*All students:*

1. OECD, Country Comparison of 2012 Reading, Math and Science PISA Outcomes, p.5

New York City School System under Bloomberg/Klein

2. 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
3. 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)
4. James Kemple, Children First and Student Outcomes: 2003-2010, in O’Day, et al., *supra*
5. Michael Fullan & Alan Boyle, Big-City School Reforms: Lessons from New York, Toronto & London 35-46, 58 (2014)
6. *Optional:* Priscilla Wohlstetter & David M. Houston, Rage Against the Regime: The Reform of Education Policy in New York City, Teachers College Record, January 30, 2015

*Only students with last names beginning with A-L:*

The Finland Rorschach

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
2. *Read one of the following:*
  - a. Diane Ravitch: Why Finland’s Schools Are Great (by Doing What We Don’t), Washington Post, Oct. 13, 2011
  - b. Anu Partanen, What Americans Keep Ignoring About Finland’s School Success, The Atlantic, Dec. 29, 2011.
  - c. Amanda Ripley, Higher Calling: To Improve Our Schools, We Need to Make it Harder to Become a Teacher, Slate, June 17, 2014

*Only students with last names beginning with M-Z:*

Ontario, Canada

1. Ontario, Canada Ministry of Education, System on the Move: Story of the Ontario Education Strategy (2010), at pp. 1-18
2. OECD, Strong Performers and Successful Reformers in Education: Lessons from PISA for the United States (2011), at pp. 71-77

## LEARNING TOOLS

### Session #8: Tools Supporting Structured Institutional Learning—The Balanced Scorecard and Allied Approaches to Strategy and Accountability

#### Discussion Questions:

1. What is the objective of the Balanced Score Card (“BSC”) and of allied measurement strategies? What roles do measurement and accountability play? What role do leading and lagging indicators play?
2. How are the Kaplan & Norton and Kuzek & Rist approaches to using measurement to improve success similar and different? Do you see any basis for preferring 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 institutional learning. Do you agree? In what ways are BSC and allied tools supportive of institutional learning? In what ways are those tools better aligned to or supportive of Managerialist or Minimalist (Market-mimicking) approaches? In what ways are those tools better aligned to or supportive of Bureaucratic oversight?
4. What critique of these tools might adherents of Craft or Professionalism make?
5. Imagine an institution with which you are familiar and how it might go about designing a BSC to advance its objectives—an exercise you will soon be asked to undertake for a state or local school system or other education-sector organization. What value do you see to the exercise? What difficulties? How would your answers differ if the institution in question had only recently been created or reorganized versus one that has been in existence and relatively unchanged for a long time?
6. To what extent does *Moneyball* increase or decrease your sense of confidence in the value of tools like the BSC and results-based monitoring and evaluation? How seamlessly would you expect insights from the baseball context to transfer to other contexts?

#### 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. CPRL Design for Cleveland Metropolitan School Performance & Planning Framework
4. Michael Lewis, *Moneyball: The Art of Winning an Unfair Game* (2004), at chapter 6
5. *Optional:*
  - a. 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. 7 (“Implementing Systems ...”) - 15 (reprise from Session 5)
  - b. Center for Education Policy, *What Impact Will NCLB Waivers Have on the Consistency, Complexity and Transparency of State Accountability Systems?* (2012), at 1-13, 20-21, 24-27
  - c. The Pew Forum on Education Reform, Excerpts from “A Tribute to Al Shanker” (reprinted from *Ed Week*, May 14, 1997), pp. 35-37

#### 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 Monday, October 12 at 5:00 p.m.**

To prepare for that exercise, please **come to this class, on September 23, 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, by October 12, is to develop a detailed framework for a BSC or other similar evaluative tool for use by a state education department, school district, school, 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:

- To what organization does your balanced scored card apply?
- What are that organization's goals and overarching strategy for achieving the goals?
- What conditions is your tool intend to measure?
- How do you intend to measure (e.g., what tools you intend to use to measure) those conditions or, at least, reasonable proxies for the conditions? What is the appropriate mix of quantitative and qualitative measures, if any, and of leading and lagging indicators, if any?
- How will you know that the measures tell you what you want to know, and that the tools you use to achieve those measures will lead to reasonable consistent results?
- How, if at all, will you weight the different measures?
- How will you know whether any measure or reading your tool generates in regard to a particular condition is reflective of success, failure, or something in between?
- How do you expect the organization to use the information generated by the tool? Will any or all outcomes be publicly disclosed or will other stakes or consequences be attached to particular outcomes? More generally, what more or less explicit and structured processes will the organization use to transform the information generated by the tool into improved operations and outcomes?

Note: Not only this class session but the next two class sessions are designed to help you address many of these issues. We expect, therefore, that the design of your evaluative tool will evolve substantially over the next three weeks in response to the readings and class discussion.

#### **Session #9: The Role of Qualitative Review in Institutional Learning—Using Leading Indicators to Build Expertise and Harness Street-Level Discretion**

##### Discussion Questions:

1. What similarities and differences are there in the qualitative review procedures described in the readings that are used to support (i) nursing home regulation in

- Australia and the US; (iii) child welfare services in Alabama and Utah; (iv) school inspection in the Netherlands, New York, and New Zealand; (v) teacher observation in the U.S.; (vi) the evaluation of doctors in New York City (an optional reading)?
2. To what extent do any differences map to differences in the governance model being implemented in each case—be it, for example, a model driven by Bureaucracy, Managerialism, or Evolutionary Learning? To what extent do any differences map to the dichotomy between “rules” and “standards” that is discussed in the Braithwaite and Noonan pieces? What preferences would you expect the different governance forms—Bureaucracy, Managerialism, Minimalism, Craft/Professionalism, and Evolutionary Learning—to exhibit as between rules and standards?
  3. In what ways do the different approaches to qualitative review and inspection serve or disserve the values and objectives promoted by Balanced Score Cards and allied measurement schemes?
    - a. Are the outcomes of these various kinds of inspections and reviews being used as lagging or leading indicators—or something else entirely?
    - b. Do the authors make any assumptions about which type of indicator each category of review or inspection should be under the circumstances?
  4. Imagine an institution with which you are familiar and for which you have been asked to design a BSC. What problems affecting that institution might qualitative review help to solve? What model of qualitative review, if any, might you adopt for purposes of evaluating and improving that institution?
  5. “Validity” of an evaluative measure refers to whether the measure accurately reflects or reveals the conditions or outcomes that are actually of interest. (E.g., thermometers provide a valid reflection of body temperature, but do not provide as valid a reflection of health; in regard to health, thermometer readings provide only an imperfect proxy; and the thermometer is an invalid measure of whether the patient has one particular disease as opposed to another.) In your view, how “valid” are the measures used in the various qualitative review rubrics discussed or reflected in the reading? What measures would be more valid?
  6. “Reliability” refers to how consistently a measurement scheme determines whether a particular condition (which condition may or may not be “valid” in the sense used above) is present. (E.g., thermometers may, in theory, provide a valid reflection of body temperature, but differences in the manufacture and use of thermometers may lead to unreliability—i.e., to different readings of the body temperature of the same person at the same time.) How “reliable” are the various methods of qualitative review described in the reading?
  7. As your answer to the preceding question may reflect, a major challenge for qualitative review is the achievement of “inter-rater reliability”—i.e., assuring that different human observers reach consistent conclusions when applying the same standards or rubric to the same condition being observed.
    - a. Are difficulties in achieving inter-rater unreliability the death knell of qualitative review?
    - b. What solutions to the problem of inter-rater reliability are described in the reading?
    - c. At first blush, would you expect rules or standards to be a better way to achieve inter-rater reliability? Which do the readings suggest are more useful for that purpose?
    - d. How might tackling the problem of inter-rater reliability improve not only the reliability of qualitative observations but also the validity of the standards being used in the review process and thus the likelihood that qualitative observations

will improve the operations and results being achieved by the organizations under review?

8. Review the eight bulleted questions describing the BSC writing assignment, which are set out after the readings for Session 8 above. In regard to each of those eight issues, how do the readings—and, after class, consider how the discussion—for this session affect or enrich your conception of the BSC or other evaluative tool that you are building (due on October 12)?

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. Qualitative Evaluation of Schools:
  - a. Helen F. Ladd, *Education Inspectorate Systems in New Zealand and Netherlands: A Policy Note*, 5 Ed. Fin. & Pol'y 378 (2010), at 378-92
  - b. Quality Review Rubric 1: NYC Quality Review Rubric (2007-2010 composite)
  - c. Quality Review Rubric 2: NYC Quality Review Rubric (2012-13)
4. Qualitative Evaluation of Teachers:
  - a. Charlotte Danielson, *Evaluations that Help Teachers Learn*, 68 The Effective Educator 35 (Dec. 2010/Jan. 2011), at 35-39
  - b. NYC Abbreviated Danielson Rubric
5. *Optional*:
  - a. Robert C. Pianta & Bridget K. Hamre, *Conceptualization, Measurement, and Improvement of Classroom Processes: Standardized Observation Can Leverage Capacity*, 38 Educational Researcher 109 (2009), at pp. 109 to very top of 111; very bottom of 113 to very top of 116
  - b. Full Danielson Rubric, [http://usny.nysed.gov/rttt/teachers-leaders/practicerrubrics/Docs/Teachscape\\_Rubric.pdf](http://usny.nysed.gov/rttt/teachers-leaders/practicerrubrics/Docs/Teachscape_Rubric.pdf)
  - 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

**Session #10: Using Adult Learning to Harness Street-Level Discretion and Increase Organizational Expertise—from Quality Circles to Inquiry Teams**

Discussion Questions:

1. A key feature of bureaucratic organizations is the concentration of knowledge and expertise at the center of the organization, using the central imposition of and local adherence to rules to diffuse that expertise to sites where it is applied to solve problems.
  - a. What is the problem with this approach to the amassing and use of expertise?
  - b. As described in the readings, 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? What similarities and differences do you see in these various approaches to the problem of



- knowledge? How do they differ from Bureaucratic, Managerial, Minimalist, and Craft/Professionalism approaches to expertise and knowledge?
- c. How likely are these new approaches to avoid the problems of knowledge and expertise encountered in bureaucracies?
  - d. To what extent do these new approaches to the generation of knowledge and expertise help solve, or exacerbate, the problem of enabling while controlling the discretion of “street-level bureaucrats?”
2. In particular, how does the New Dorp High School example bear on the question of the most likely sources of expertise within (and outside) organizations? What is Tyre’s answer to question b.? In what way does Frederickson disagree with Tyre on that point?
  3. What is the difference between “getting small in order to go big” (as described in Talbert’s discussion of New York City Inquiry Teams prior to 2010) and “Getting Big to Go Small” (as described in Chu et al.’s discussion of those teams since 2010)? How important is that difference? What accounts for it?
  4. What is the relationship between the various forms of collaborative problem solving described in the readings and “professionalism”? Do they make street-level actors more or less professional—a question addressed in a previous session’s reading about Community School District 2 in New York City in the 1990s? Do the new approaches change the meaning of professionalism in some way?
  5. What would you expect to be the biggest challenges to the success of these new approaches to generating and getting the benefit of field-level expertise and knowledge, and how might organizations respond to those challenges? How do the new approaches affect the usual routines and allocation of time at the sites where they occur? How do they keep team-based activities from degenerating into diffuse “bull sessions?” How do they assure that learning that occurs at one site is usefully diffused to other sites—and how straightforward do you imagine that diffusion process to be?
  6. Again, review the eight bulleted questions describing the BSC writing assignment, which are set out after the readings for Session 8 above. In regard to each of those eight issues, how do the readings—and, after class, consider how the discussion—for this session affect or enrich your conception of the BSC or other evaluative tool that you are building (due on October 12)?

Reading:

1. Quality Circles at Toyota: review Spear, *High Velocity Edge*, supra, at 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, Figure 2.1 (p. 32), pp. 38-45 (“Changing school culture”), Figure 6.2 (p. 129), 152 (bullet-point 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
  - c. *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
3. *Collaborative Rounds in Hospitals: Multidisciplinary Rounds How-to Guide* (Institute for Healthcare Improvement 2010)

4. David Yeager et al., Practical Measurement (Carnegie Foundation for the Advancement of Teaching 2013), at 1-21, 29-36
5. *Optional*:
  - a. 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
    - ii. Jennifer Morrison, Why Teachers Must be Data Experts, 66 Ed. Leadership No. 4 (2008-2009)
    - iii. Roxanna Elden, Data-Driven and Off Course, Ed. Next (Winter 2011)
  - b. More on Collaboration in Medicine and Public Health:
    - i. 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)
    - ii. Atul Gawande, The Hot Spotters, The New Yorker, Jan. 24, 2011
    - iii. Robert Wachter, Average Time of Discharge: Why a Hospital is Not a Hilton, The Health Care Blog, March 26, 2008

## INTEREST-GROUP POLITICS AND ALTERNATIVE FORMS OF DEMOCRACY

### Session #11: Public Problem Solving and Democracy

1. What forms of politics and democracy do you see being implemented—
  - a. In the Newark example in the Russakoff article?
  - b. In the "Traxton" example in Professor Fung's article on community policing?
  - c. In the challenge issued by Washington, D.C. Schools Chancellor Kaya Henderson to parents opposing the closure of their schools?
2. How are these approaches to politics and democracy similar or different?
3. How promising are these approaches (and how effective were they in the particular contexts described)? What challenges and obstacles do the approaches face?
4. What do these examples suggest about the possibility of overcoming the obstacles Whitman discusses to authentic stakeholder participation and problem-solving?
5. 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) Thus far, we have spent a lot of time talking about organizational transformation of public regimes, but not so much on how those regimes interact with their "democratic publics." What kinds of changes in politics and democracy does Ansell have in mind? 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?
6. Ansell's point suggests that, for every governance model of how public agencies should be organized and administered *internally*, there is a corresponding approach to the politics and democratic interactions that *externally* influence and regulate the agency. Taking that claim at face value for a moment, what form of politics and democracy would seem to fit best with Bureaucracies? With Managerialism (what Ansell refers to as New Public Management)? With Minimalism? With Craft/Professionalism? With Evolutionary Learning? In each case, what is the role of representation? Direct democracy? Interest or intermediary groups? Experts versus non-experts? Elections versus other forms of participation and deliberation?
7. A competing view is that, given the interplay of unevenly distributed resources, other economic realities, and divergent individual preferences, "interest-group

politics” is the only stable or “natural” form of democratic interaction between the public and public actors and agencies, regardless of the internal governance mechanisms being used.

- a. What are the key attributes of interest group politics?
  - b. How prevalent is this form of politics at the local, state, and federal level?
  - c. If this alternative view is correct—i.e., if “fundamental change in the relationship between agencies and democratic publics” is not possible because one (the prevalent) form naturally predominates—would that mean that “organizational transformation of public agencies” of the sort Ansell contemplates is unlikely or impossible?
  - d. Are interest-group politics “natural” and immutable?
8. What form of politics and democracy do Professor Henig and colleagues and what forms do Fullan & Boyle suggest were necessary or best suited to the period during which the Bloomberg/Klein education reforms were taking in New York City (2003 to 2010)? What form of politics and democracy did Mayor Bloomberg and Chancellor Klein instead prefer? Do you agree with Henig et al., Fullan & Boyle, or Bloomberg-Klein about the best approach to engaging the public? Are there alternatives to the approaches those authors promote?

#### Reading:

1. Christopher K. Ansell, *Pragmatist Democracy*, *supra* at 134-40, 166-83
2. New York City School Politics:
  - a. 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
  - b. Michael Fullan & Alan Boyle, *Big-City School Reforms: Lessons from New York, Toronto & London* 44-46 (2014)
3. Newark, New Jersey 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*, *The Washington Post*, March 3, 2015
3. Washington, D.C. School Politics:
  - a. Emma Brown, *D.C. Parents Develop Alternatives to Chancellor’s School-Closure Plan*, *Wash. Post*, Jan. 1, 2013
  - b. Emma Brown, *Chancellor Kaya Henderson names 15 D.C. Schools on Closure List*, *Wash. Post*, Jan. 17, 2013
4. Other Views of School Politics:
  - a. Gordon Whitman, *Making Accountability Work*, 28 *N.Y.U. Rev. L. & Soc. Change* 361 (2003), at 361-67
  - Steve Farkas & Ann Duffett, *Maze of Mistrust: How District Efforts and Cross Talk are Stalling Efforts to Improve Public Education* (FDR Group 2014), at 6-26
5. Chicago Policing Politics: Archon Fung, *Deliberation and Social Conflict*, in *Empowered Participation: Reinventing Urban Democracy* (2004), at pp. 173-97

#### 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 26 at 5:00 p.m.** that uses *any* of the case studies discussed in the readings (New York City, Newark, Washington, D.C.,

Philadelphia as described in Whitman, Chicago/ Traxton, 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 (are) the best alternative(s) to interest-group politics for achieving that goal?

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

### **Session #12: Transitioning from Bureaucracy to the New Age Organization**

#### **Discussion Questions:**

1. How should a large bureaucracy (e.g., a large urban school district) transform itself into a learning organization? What difficulties would you anticipate that transformation would encounter?
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, and New York City examples in the other readings 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. In carrying out this kind of transformation in a large bureaucracy, would you:
  - a. Work from the bottom up, the top down, or some combination? Why would you choose that progression of steps, and how would you bring about change through those steps?
  - b. Move quickly or slowly? Over what period of time would you undertake that transformation? What are the pros and cons of a relatively quicker or slower pace of change?
4. Should the approach to transformation match the governance model toward that 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)? What are the pros and cons of either approach?
5. What governance approach—a better Bureaucracy, Managerialism, Craft/Professionalism, or Evolutionary Learning—was the desired end state in the transformations in the Aldine, Norfolk, and New York school districts that are described in the reading? Or is the desired end state a mixture of different governance approaches?
6. What choices did the architects of change in the Aldine, Norfolk, and New York examples make in regard to the alternative transition strategies laid out in Questions 1-4 above?
7. How crucial is it to have a charismatic leader driving the transformation from Bureaucracy to Evolutionary Learning?
8. 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. Examples:
  - a. Aldine, Texas: Heather Zavadsky, *Bringing School Reform to Scale* (2009), at chapter 2
  - b. Norfolk, Virginia: Zavadsky, *supra*, at chapter 6
  - c. New York City: Eric Nadelstern, *The Evolution of School Support Networks in New York City* (Center on Reinventing Public Education Working Paper #2012-2)
3. *Optional*: Brenda Iavesoli, *Why Did the Los Angeles Superintendent Resign?* *Atlantic Monthly*, Oct. 17, 2014

## LEARNING REGIMES

### Session #13: Learning Regimes and the Elastic Boundaries of Private- and Public-Sector Learning Organizations: From Three Mile Island to Equality Directives

**Guest Faculty: 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 reading blur or cross the boundaries between—
  - a. Different discrete organizations?
  - b. Public and private spheres of activity?
  - c. Different forms of governance?
2. How would you define a "regime" of the sort(s) described in the reading? What is the value of thinking about organizational and governance arrangements as "regimes" of this sort?
3. One way of understanding some of the "regimes" described in the readings is as mechanisms through which organizations or groups of them regulate themselves to avoid public harms. In your experience and based on prior readings, how do standard markets and the simulated markets that some Managerialist and Minimalist approaches use attempt to engage regulated entities in regulating themselves? How do "learning" regimes try to do the same? Which works better when and why?
4. In the INPO example offered 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. What role in the arrangement is played by the Nuclear Regulatory Agency?
  - c. What role is played by secrecy in regard to INPO's evaluative results of its member organizations?
  - d. What role is played by organizational or industry "culture" and what accounts for changes in that culture?

- e. What other features of the INPO arrangement may account for its success—assuming you see evidence of success?
  - f. How promising is the INPO model for regulating other kinds of environmental harm, e.g., from deep-water oil drilling? Would Bureaucratic (technology-based) regulation or Managerialist (performance-based or market-simulating) regulation work better?
5. In the examples in Gilson, et al.:
    - a. Why did the companies involved vertically disintegrate? What did they gain and lose by taking that step?
    - b. What's are the benefits for (and what's are the disadvantages) of the regimes described for the satellite organizations that operate within the larger organization's orbit?
    - c. To what extent does "cooperation" as opposed to "cooptation" or "subjugation" describe the interaction between the larger and satellite organizations?
  6. As a consumer of leafy greens, meat, and other foodstuffs, do the changes in regulation in those contexts described by Sabel & Simon give you more or less confidence that what you eat is safe? What aspects of the old and new forms of regulation account for your answer?
  7. What difficulties has enforcement of civil rights norms encountered over the last several decades? In what ways, if any, do the "equality directives," Evolutionary Learning approaches, and solutions described or proposed in the Sabel & Simon, Johnson, and Ford readings change and improve those dynamics? How, if at all, do the different authors' accounts of these new approaches overlap or differ?

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. 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 1274-97
3. Olatunde Johnson, Beyond the Private Attorney General: Equality Directives in American Law (2012) (excerpts)
4. Richard Thompson Ford, Moving Beyond Civil Rights, N.Y. Times, Oct. 27, 2011
5. 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)
6. *Optional*:
  - a. National 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, National Affairs (Fall 2011)
  - d. Charles Sabel & William Simon, Due Process of Administration: The Problem of Police Accountability, 33 Yale J. Reg., Issue 1 (2015)

## Session #14: Option 1: Education Regimes

### Discussion Questions:

1. Tucker dismisses both traditional local control of education and what he sees as the expanding federal role in dictating education policy under the Obama Administration. He instead advocates for state governments to assume the largest role in education policy. This view is likely to prevail in whatever legislation (if any) emerges from Congress in regard to the reauthorization of the Elementary and Secondary School Act that has been held up in Congress for years. What are the advantages and drawbacks to such an approach? Does Tucker's position correspond to one (or more) of the governance models we've discussed?
2. Contra Tucker, Kurzweil contends that the Obama Administration's education reforms—especially the ESEA waivers—do not dictate policy, but instead require states and localities to work within a structured process to develop and refine their own policies. Based on Kurzweil's evidence, or perhaps Education Secretary Arne Duncan's description of the ESEA waivers, are you convinced? Why or why not?
3. Is the system that Kurzweil describes an example of Evolutionary Learning? Or is it something else?
4. Based on all this, does it make sense to view—or would it make sense to redesign—the federal system of education management (national, state, *and* local control) as a “learning regime”? What conditions would have to be present in order for that kind of regime to be in place and effective?
5. The description of political fights over federal education policy serve as an example of what Kurzweil refers to as “systemic risks” to the structure of federal-state-local interaction that he hypothesizes. Is the “structure” no more than a temporary political alignment at the federal and state levels? Is any effort to coordinate independently empowered political actors—whether Congress and the President, or states and the federal government—inherently unstable? Or, thinking back to our sessions on the politics of Evolutionary Learning, is there a politics that can sustain this type of governance?
6. What federal roles in public education do Darling-Hammond & Hill contemplate in their proposals? What governance models do they appear to have in mind? How well do you think their proposals would work?
7. In what sense do (a) the portfolio districts described by Hill and Campbell, (b) the all-charter districts Kingsland, (c) Cincinnati's services-based approach to school improvement, and (d) the PARCC and Smarter Balanced assessment consortia function as learning regimes? What do you see as the potential pitfalls of these approaches?

### Reading:

1. Marc Tucker, *Governing American Education*, Center for American Progress (May 2013), at pp. 1-5, 11-17 (from heading “How the U.S. system of education governance...” through partial paragraph at top of 17), 22-24 (stop before heading “Unions as part...”), 29-30, 32-39.
2. Martin A. Kurzweil, *Disciplined Devolution and the New Education Federalism*, 103 *Cal. L. Rev.* (2015), at pp. 2-7, 23-57
3. Linda Darling-Hammond & Paul Hill, *Accountability and the Federal Role: A Third Way on ESEA* (Center for Reinventing Public Education and Stanford Center for Opportunity Policy in Education, March 2015)
4. ***Read one of the four case studies/applications below, as indicated:***

- a. **Students with last names beginning with A-F:** Paul Hill & Christine Campbell, Growing Number of Districts Seek Bold Change with Portfolio Strategy (Center on Reinventing Public Education June 2011), at 1-3
- b. **Students with last names beginning with G-L:** Neerav Kingsland, An Open Letter to Urban Superintendents in the United States of America, on Rick Hess Straight Up, Educ. Week, Jan. 23-27, 2012, at pp. 1-6, 12-14
- c. **Students with last names beginning with M-R:** Maisie McAdoo, Cincinnati Community Schools: A Model for New York? (UFT Spring Education Conference May 24, 2014); Greg Amrig, How to Turn an Urban School District Around – Without Cheating, The Atlantic, May 9, 2013
- d. **Students with last names beginning with S-Z:** TBA

#### **Session #14: Option 2: Problem-Oriented Policing**

##### Discussion Questions:

1. What is Problem Oriented Policing (POP)? How does it differ from ordinary forms of policing?
2. Based on the readings and studies, what practices associated with POP appear to account for its success reducing crime?]
3. How is POP related to, or different from, the Community Policing we encountered in the Chicago/Traxton example?
4. How does problem-solving in the POP context compare to problem-solving in the many other contexts we have discussed this semester, e.g., in Toyota plants, school-based inquiry teams, community policing in Traxton, the practice model in child-welfare services, drug courts, habitat conservation plans, and the like?
5. To what extent does POP risk—and how might it be used to minimize—abusive and racially disparate--police practices? Are there lessons from for POP experience for communities like Ferguson, Missouri, experiencing systematic police abuse and discrimination?
6. What similarities and differences are there between the approaches to policing used in Cincinnati, New York City (ca. 2000-2013), and Lowell, MA? Which is the preferable approach to crime? Which is the preferable approach to avoiding abusive police practices?
7. What implications, if any, does POP have for changing the way school systems, schools, and educators respond to the uneven distribution of academic and other challenges among children, classrooms, schools and school districts?

##### Reading:

1. Cincinnati POPs: John E. Eck, The Status of Collaborative Problem solving and Community Problem-Oriented Policing in Cincinnati (April 2014), at 1-38

##### **Read the material in either item 2 or 3 below:**

2. Lowell, MA POPs:
  - a. Anthony A. Braga & Brenda Bond, Policing Crime and Disorder Hot Spots, A Randomized Controlled Trial, 46 Criminology 577 (2008), at 578-86 (thru first paragraph of "Impact Evaluation Data"), 592-600
  - b. Brenda Bond et al., Lowell, MA Smart Policing Initiative (Bur. of Justice Assistance 2014), at 1-12



3. Cincinnati style reforms applied to education: Rebecca Yergin, Rethinking Public Education Litigation Strategy: A Duty-Based Approach to Reform, at 1563-66, 1572-75, 1587-1604
4. Optional:
  - a. Charles Sabel & William Simon, Due Process of Administration: The Problem of Police Accountability, 33 Yale J. Reg. (forthcoming 2015), at 1-5, 13-15 (run-over paragraph only), 23-45, 50-51 (through second full paragraph)
  - b. Jay Rothman, Identity and Conflict: Collaboratively Addressing Police-Community Conflict in Cincinnati, Ohio, 22 Ohio St. J. on Disp. Resol. 105 (2006)
  - c. Order Approving Decree, In re Cincinnati Policing (S. D. Ohio Aug. 5, 2002)
  - d. Collaborative Agreement, In re Cincinnati Policing (S. D. Ohio April 11, 2002)
  - e. Order Establishing Collaborative Procedure (S. D. Ohio May 3, 2001)
  - f. Cincinnati Problem Solving Project Process (May 3, 2011)
  - g. Video of Lowell, MA Police Chief Describing his Smart Policing Initiative (2012)

## **TEAM PRESENTATIONS**

### **Sessions #15-17: Team Presentations**

Project Presentation Instructions: Your presentations should address the following questions—

1. Describe the project, including its institutional context and 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. More generally, what could the proponents of Evolutionary Learning or of any of the other governance models, learn from your project or its context?

Discussion Questions: to be assigned by each team

Reading: to be assigned by each team

## **SUMMING UP; LOOKING FORWARD**

### **Session #18: Summing Up; Looking Forward**

#### **Guest Speaker, Discussion Questions, and Alternative or Additional Readings TBA**

Reading:

1. David L. Kirp, Closing the Math Gap for Boys, NY Times, January 31, 2015.
2. Andrew Rotherham & Richard Whitmire, De Blasio vs. Everyone Else: New York's Mayor Takes on Charter Schools and the National Education Debate Hangs in the Balance, Slate, March 12, 2014
3. Motoko Rich, Fewer Top Graduates want to join TFA, *The New York Times*, Feb. 5, 2015
4. Paul Tomer, We Can't Just Say 'No': Teachers Unions Must Lead Change, Real Clear Education, March 12, 2014
5. Teresa Watanabe and Stephen Ceasar, Deasy's Exit Reflects other School Battles across the US, LA Times, Oct. 21, 2014