



***Adequacy Lawsuits:
Their Growing Impact on American Education
October 13-14, 2005***

Taubman Building, 5th Floor Conference Rooms
J. F. Kennedy School of Government
Harvard University

Sponsored by: Program on Education Policy and Governance, Taubman Center for State and Local Government with support from the John M. Olin Foundation, Inc, the Lynde and Harry Bradley Foundation, the Rappaport Institute for Greater Boston, and an anonymous foundation.

Thursday, October 13

8:00-8:45 Registration and Continental Breakfast

8:45-9:00 Welcome and Opening Remarks
Martin R. West, Harvard University
Paul E. Peterson, Harvard University

9:00-10:30 Panel I. The Origins of Adequacy Litigation

Chair: Paul E. Peterson, Harvard University

Papers: “The Inadequacy of Adequacy Guarantees: A Historical Perspective”
Joseph P. Viteritti, Hunter College – City University of New York

“When Did Education Become a Civil Right? The 20th Century’s
Modifications to State Constitutional Provisions for Public Education”
John C. Eastman, Chapman University School of Law

Discussants: Morton Keller, Brandeis University
John Dinan, Wake Forest University

10:30-10:45 Break

10:45-11:45 Panel II. The Legal Theory of Adequacy: A Current Overview

Chair: Rocco Testani, Sutherland Asbill & Brennan LLP

Paper: “Educational Adequacy as Legal Theory: Implications from Equal Educational
Opportunity Doctrine”
Michael Heise, Cornell Law School

Discussants: Peter Schrag, *Sacramento Bee*
Clint Bolick, Alliance for School Choice

11:45-12:45 Panel III. The Politics of Adequacy Litigation

- Chair: Chester E. Finn, Jr., Thomas B. Fordham Foundation
- Paper: “Accountability, Adequacy, and the Impact of No Child Left Behind”
Andrew Rudalevige, Dickinson College
- Discussant: Andrew Rotherham, Education Sector and Progressive Policy Institute

12:45-2:30 Lunch

2:30-3:45 Panel IV. Defining Adequacy

- Chair: James Peyser, New Schools Venture Fund
- Paper: “The Alchemy of ‘Costing Out’ an Adequate Education”
Eric Hanushek, Hoover Institution – Stanford University
- Discussants: James Guthrie, Vanderbilt University
Paul Gazzo, Standard & Poors School Evaluation Services

3:45-4:00 Break

4:00-5:30 Panel V. The Politics of Adequacy Implementation

- Chair: Kenneth Wong, Urban Education Policy Program – Brown University
- Papers: “Stimulant or Salve? The Politics of Adequacy Implementation”
Frederick Hess, American Enterprise Institute
- “The Politics of Not Implementing an Adequacy Judgment: The Case of New York”
Joe Williams, *New York Daily News*.
- Discussants: Terry Moe, Hoover Institution – Stanford University
Molly Hunter, Campaign for Fiscal Equity

Friday, October 14

8:00-9:00 Registration and Continental Breakfast

9:00-10:15 Panel VI. Responding to Adequacy Judgments

Chair: David Ellwood, Kennedy of School of Government

Paper: “School Finance Judgments and Spending on Education: A Review of the Evidence”
Christopher Berry, Harris School of Public Policy, University of Chicago.

Discussant: Edward Glaeser, Harvard University

10:15-10:30 Coffee Break

10:30-12:00 Panel VII. The Adequacy of Teacher Pay

Chair: Ronald Ferguson, Kennedy School of Government

Paper: “Is Teacher Pay ‘Adequate?’”
Michael Podgursky, University of Missouri – Columbia

Discussants: Rajashri Chakrabarti, Harvard University
Caroline Hoxby, Harvard University

12:00-1:15 Lunch

1:15-3:00 Panel VIII. The Relationship between Adequacy and Equity

Chair: S. Paul Reville, Rennie Center for Education Research and Policy - Harvard Graduate School of Education

Papers: “The Relationship between Adequacy and Equity”
Richard Briffault, Columbia University School of Law.

“Massachusetts’ *Hancock* Case and the Adequacy Doctrine”
Robert Costrell, Commonwealth of Massachusetts

Discussants: David Danning, Massachusetts Teachers Association
Rob Reich, Stanford University
Deirdre Roney, Massachusetts Attorney General’s Office



3:00-3:15 **Break**

3:15-5:00 **Panel IX. The Role of the Courts: Opportunities and Limitations**

Chair: John E. Coons, School of Law – University of California, Berkeley

Papers: “Who Should Govern? Adequacy Litigation and the Separation of Powers”
Martha Derthick, University of Virginia
Josh Dunn, University of Colorado at Colorado Springs

“The Judiciary and the Uncertain Future of Adequacy Remedies: A Look to
the Past”
Kenneth Starr, Pepperdine University School of Law

Discussants: R. Shep Melnick, Boston College
Michael Rebell, Campaign for Educational Equity – Teachers College,
Columbia University
Al Lindseth, Sutherland Asbill & Brennan LLP