Insight Strengths – Legal Opinion

Insight is a valuable tool in identifying a teacher whose weak performance necessitates administrator intervention, particularly compared to looking solely at failure rates. It significantly reduces or eliminates the need for the administration to look extensively at individual student backgrounds to determine whether factors beyond the teacher's control may be contributing to the poor performance.

Insight's growth model is different from other models that use complex formulas to compare actual gains of a group of students with predicted gains based on a variety of assumptions and factors pertaining to the students. Insight makes no predictive calculations, but instead compares only real data.

The likelihood of a legal challenge may well be reduced to the extent the methodology is readily understood by educators and lay leaders such as local Boards of Education. In the event any growth model must be defended in court, the presence of complex predictions and calculations has the potential to complicate litigation, requiring expert witnesses, challenges to the opinions of the witnesses and their expertise and issues about whether teachers have been provided sufficient notice and whether the procedure is fair. In the same way, the absence of these characteristics can simplify and strengthen legal arguments.

Harben, Hartley & Hawkins, LLP,
Opinion Regarding Legal Implications of Insight,
April 13, 2011, Gainesville, GA.