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Experience and Success

As its mission, the Center for Law and Education (CLE) strives to make the right of all students to quality education a reality throughout the nation and to enable communities to address their own public education problems effectively, with an emphasis on assistance to low-income communities.

For almost forty years, as a national support center and an advocacy organization, CLE has provided daily assistance to educators, parents, students, and advocates experiencing difficulty in the implementation of key education programs and initiatives at local and state levels that are linked to reform of the core education program of schools. Just this past year:

- The American Bar Association voted to adopt a detailed set of policies we proposed calling on Congress, state legislatures, education agencies, and all members of the bar to undertake a variety of steps to ensure every student's right to a quality education, including rights to a high-quality academic program, to remain in school, and, for those who have left, to resume their education. The three ABA Resolutions are posted at www.cleweb.org.
- CLE published its Educational Quality Bill of Rights (EQBR), a tool that we developed to use collaboratively with parents and educators at school sites to promote effective school level change. The EQBR links law, policy and research-based practices, to empower policy-makers to articulate core elements of quality education that every child should receive and every family should be able to count on. The EQBR is posted at www.cleweb.org.
- Through its Pro Bono Education project recently established in collaboration with the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School and Choate, Hall & Stewart of Boston, CLE and private counsel scored an unprecedented victory in federal court successfully challenging a school district's "zero tolerance" policy as unconstitutional. The federal judge underscored the impact of loss of instruction. (*LB v. O'Connell, et al.*, Civ. No. 09-CV-40124 (D. Mass. 08/06/09; posted at www.cleweb.org).

We can now work to ensure that such policies, tools, and victories translate into real improvements in children's education across the country, while continuing to work on new and continuing challenges that involve both internal school capacity-building and outside advocacy. In this work, CLE has developed enormous expertise in connecting the rights and responsibilities of students and school personnel to actual school practice, and we have participated consistently in shaping the formulation of governing legislation and policies at the national level. Moreover, we have successfully established, in law and policy, key principles nation-wide on behalf of students — for example, that:

- Disadvantaged students must get a high-quality, enriched academic program aimed at the same basic and advanced skills expected for all students, not a remedial program with lower expectations (Title I of the Elementary and Secondary Education Act 1988, fully realized in 1994 and expanded in 2001);

- Before denying students promotion or graduation on the basis of tests, school systems must first ensure that the students have been adequately taught the skills and knowledge being tested and that the tests are valid and accurate measures of them (*Debra P. v. Turlington*, 474 F. Supp. 244 (M.D. Fla. 1979), aff'd 654 F.2d 1074 (5th Cir. 1981));
- High school students in vocational education must be taught the same challenging academic skills as all students and learn all aspects of an industry (planning, finance, management, principles of technology, etc.), not just be trained for a single job (Perkins Act, 1984, fully realized in 1990 and expanded in 1998);
- Parents must be provided with the forums, information, and assistance to be full partners in shaping the educational programs that serve their children (Title I of ESEA 1994);
- African American public school children are entitled to enroll in public schools free of racial discrimination in assigning students, hiring teachers, and distributing resources and instructional materials. *Morgan v. Hennigan*, 379 F. Supp. 410 (D. Mass. 1974), aff'd 509 F.2d 580 (1st Cir. 1974);
- Students are entitled to due process protection before they can be excluded from school (*Goss v. Lopez*, 419 U.S. 565 (1975));
- Settlement results in \$133 million for school construction to benefit Native children in remote Alaskan villages who previously could obtain secondary education only by leaving their families to attend schools in the lower U.S. (*Hootch v. Alaska State-Operated Sch. Sys.*, 536 P.2d 793 (Alaska 1975));
- Limited goal of four months' progress per year in reading and mathematics was inadequate for a high school student with a disability, allowing her to continue to fall behind her classmates at an alarming rate (*Florence County Sch. Dist. Four v. Carter*, 510 U.S. 7 (1993));
- Youth with disabilities in state correctional and detention facilities are entitled to a free appropriate public education and transition services to prepare them to be re-integrated into their public schools (*Smith v. Wheaton*, No. H-87-190 (D. Conn. 1998)(consent decree); (*James O. v. Marston*, No. 86-6-S (D.N.H. Aug. 23, 1991) (consent decree));
- The principles of racial equity in providing public education apply to state college systems as well as elementary and secondary schools (*United States v. Fordice*, 505 U.S. 717 (1992); \$503 mil settlement 2001).

CLE has worked on a wide range of interconnected issues, including:

■ Title I and standards-based reform

CLE has taken a leading role in reshaping Title I to become the largest single source of assistance in the country for reforming schools to enable all children to achieve at high levels — addressing everything from development of standards and assessments to implementation of an accelerated curriculum, intensive staff development, assistance to individual students, funding allocations, program improvement for schools making inadequate progress, and joint planning between schools and parents to make all this work. Throughout CLE's entire history, it has been extensively involved in Title I implementation work. It has published extensive materials, such as a comprehensive manual in 1972, Guidelines for Parent Involvement in Chapter 1 Programs in 1986, Chapter 1 Advocacy Handbook in 1993, and Planning for Title I Programs in 1995, and pieces since passage of NCLB in 2001 on school accountability, student mobility, and other Title I implementation issues. It has trained thousands of educators, parents, and advocates on Title I implementation, and has been involved in direct, local implementation efforts around the country.

Since opening its Washington office in 1980, CLE has also been a leading voice on federal Title I policy. CLE was the first policy advocacy organization to successfully attempt to focus the legislation on program quality issues, resulting in the 1988 language — e.g., requiring local programs to orient their Chapter 1 programs to reach “desired outcomes stated in terms of the basic and more advanced skills that all children are expected to master” — that was the precursor to the far more extensive quality-oriented provisions of the 1994 Act, for which CLE was on the steering committee of the group whose recommendations largely created the Act's blueprint. (And during the final passage of the most recent revision of the Act, CLE was one of just three organizations to be recognized in Congress for its efforts to ensure that the Act worked for the educational benefit of low-income children.) It also took the lead in formulating and obtaining improved parent involvement provisions in the 1983, 1988, and 1994 revisions of the Act, culminating in the most far-reaching provisions ever for real parent involvement in the school improvement process. Similarly, CLE has played a leading role over the last 20 years in detailed work to improve the Department of Education's regulations and policy guidance, particularly in the areas of program quality for all students (including racial and ethnic minority students, English language learners, migrants, and those with disabilities), and parent involvement.

Building on its prior success in policy formulation, CLE's Title I and School Reform project worked on the difficult task of actual implementation, helping groups use Title I and other federal and state standards-based reforms as tools for community-based school change. In this arena, our long-standing, extensive work on equity issues, such as those involved in student testing (where our civil rights litigation established the core protections for addressing high-stakes tests), was tapped to make equity principles not a counterweight to reform but a catalyst for making the reforms real — for example in rigorously ensuring that assessments are well designed to capture and describe, and programs are well designed to teach, the desired student skills and knowledge.

■ High school restructuring (including vocational reform)

In the 1980s, CLE began advocating for vocational reforms which would help end, rather than exacerbate, tracking of some students into programs with lower academic content and limited career potential — culminating in a completely redirected Perkins Vocational Education Act in 1990 (and the extension of those reforms in 1998) and the School-to-Work Opportunities Act in 1994. At the same time, our Vocational Opportunity for Community and Educational Development project worked in communities across the country to help create programs that are high quality, equitably serve all students, engage the community in program development, and engage students and teachers in community development. As the primary subcontractor for the Department of Education's New Urban High School initiative, CLE also worked with several urban schools uniting school-to-career principles with schoolwide high school reform — for example, through the creation of thematically different, but academically equivalent smaller sub-schools. A key part of our various high-school detracking efforts is to replace an outmoded industrial model of narrow job training with deep, active, and critical exploration of all aspects of a broad field of human endeavor (such as health care, media, or transportation).

■ Implementation of high quality education for students with disabilities

Throughout its history, CLE has been a recognized leader in advancing the education of students with disabilities — again from federal policy through state and local implementation. As one of the few national organizations that is firmly rooted in both disability issues and school reform, CLE has focused increasingly on bringing the two together, in order to help ensure that all aspects of special

education — for example, specialized instruction and support services provided through individualized education programs, assessment practices, placement decisions, etc. — are aimed at ensuring that students with disabilities meet high standards, rather than being vehicles for lower expectations. Whether testifying before the Health, Education, Labor & Pensions Committee of the United States Senate and the U.S. Commission on Civil Rights or arguing before federal and state courts, CLE has been a consistent and often lonely voice speaking to the rights of students with disabilities, in particular those who are students of color and from low-income families without legal counsel and other expertise (e.g., psychologists, psychiatrists), who are disproportionately excluded from school, inappropriately referred to juvenile courts, and provided less than the quality education to which they are entitled under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. As a core partner of the Families and Advocates Partners in Education (FAPE Project), under a 5 year grant from the U.S. Department of Education to the PACER Center in Minneapolis, the national technical assistance center for parent training and information centers throughout the nation, CLE engaged in extensive collaborative activities with parents and educators to help ensure that students with disabilities receive the high quality public education so that they too may meet the standards set for all students. CLE's *Educational Rights of Students with Disabilities: A Primer for Advocates* and numerous publications addressing the rights of students with disabilities are relied upon by courts, by colleges and universities in preparing teachers, administrators and law students, by public defenders representing court-involved youth, by public interest and private pro bono counsel representing school age children with disabilities, by legislators and policymakers, and by parent advocates at Parent Centers responsible for reaching underrepresented families throughout the nation.

■ Parent and community engagement

CLE has consistently taken the lead in pushing federal policy to strengthen parent and community involvement in Title I, school-to-work, and other major programs and in training parents and schools across the country to use those tools. This work is focused on helping parents and community members understand and improve key elements of the school that most directly affect the quality of the education their children receive and on helping schools systems strengthen their work with parents. In 1994, CLE augmented its capacity to do so by absorbing the former National Committee on Citizens in Education, a major resource on parent involvement issues. CLE has also provided substantial technical

assistance about ensuring all students a quality education through rights based standards-based education reform, to both the Parent Centers under Title I of the ESEA and under IDEA. At school sites, for example, in Boston, CLE with assistance from AmeriCorps fellows and community-based organizations has worked to effectuate school level changes critical to improved educational outcomes for students through implementation and enforcement of the parent and student participation provisions of Title I/NCLB.

■ Other

CLE has worked extensively in a number of other areas, such as test validity and assessments, early intervention and early childhood education, due process and school discipline, education of court-involved youth, programs for English language learners, education of homeless children, and access to higher education. Across *all* the substantive themes above, racial discrimination remains a key focus.

CLE has developed expertise and carried out programmatic activities regarding these topics in a number of ways, including:

- training of educators, parents, students, and community members;
- school program development and staff development to shape and implement local school reform;
- policy analysis and policy drafting (combining our legal and educational expertise);
- assistance in dealing with state and federal policy makers;
- administrative, legislative, and judicial advocacy and support;
- access to, and assistance in using, our extensive publications on program implementation in these areas (such as our implementation and advocacy guides on Title I, IDEA, the School-to-Work Opportunities Act, and other programs); and
- access to other resources around the country, including schools, exemplary programs, researchers, and advocates.

While these activities are sometimes distinct, at other times, they are also frequently integrated into sustained efforts in specific collaborations (e.g., ongoing intensive site support for reform work in a particular locality or state) and projects (e.g., in our VOED, Title I and School Reform, and FAPE projects).

A feature about CLE in *Teacher* magazine concluded:

“Quietly but effectively, the Center for Law and Education is using the [various strategies discussed in the feature] to bring justice to the nation’s schools ... [O]ne organization — the Center for Law and Education — has carved out a unique leadership position in legal advocacy in education. Where [other] groups ... tend to concentrate their energies on a handful of big cases in areas such as desegregation, civil rights, and school finance, the CLE has had an impact on dozens of educational issues by taking on a dizzying variety of cases. And for more than a decade, lawyers at the center have been actively involved in shaping the federal laws that govern school programs. ... Through their leadership in the field of education, Boundy, Weckstein, and their colleagues at the CLE are helping keep Thurgood Marshall’s legacy alive.”