

CENTER FOR LAW AND EDUCATION

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Center for Law and Education Seeks to Expand *Pro Bono* Partnerships To Secure the Right to High-Quality Education for ALL Students

Last August, the American Bar Association (ABA) adopted far-reaching policies to secure the rights of all children to a high-quality educational program, to remain in school, and, for those who are out of school, to resume their education in high-quality programs. The ABA called upon the organized bar across the country to foster these rights through policy work, representation of children and families, and community legal education for educators, parents, students, and community organizations.

The Center for Law and Education (CLE)—the primary author of these right-to-education policies—is seeking collaborative partnerships with the private bar to implement them. For example, CLE presently is engaged in a collaborative *pro bono* project with both the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School and the Boston law firm, Choate Hall & Stewart, to provide critical representation to students from low-income families: CLE makes referrals and provides substantive legal support and technical assistance to these private counsel partners who represent students at administrative or judicial hearings, and challenge their disciplinary exclusion and/or deprivation of a public education consistent with state standards. A significant number of these children receive special education; many are at risk of being deprived of their education through push-out policies that emanate from their schools' ongoing failure to provide them with effective instruction and interventions and their heretofore accepted practices to punish them for non-harmful, non-serious behavior.

As co-counsel, CLE and Choate recently scored a major victory in federal court by striking down a school district's application of a zero tolerance policy as unconstitutional. The court held that a student's exclusion was grossly disproportionate to the violation of school rules, as well as in violation of procedural due process. The court ordered the district to reinstate the student, expunge his record, provide a tutor to make up for lost instruction, and to amend its written policies. Choate's *pro bono* representation of individual student-clients also informs and helps to guide CLE's systemic advocacy that targets violations of key federal program requirements (Title I, special education) and discrimination based on Title VI (race, national origin) and Section 504 (disability).

CLE, which works nationally on rights-based approaches to school reform, is seeking to expand this model in Massachusetts and other geographic areas where members of the bar are committed to representing low-income youth. We encourage firms to contact us to replicate this model and to explore CLE's other collaborative approaches to partnering on the right to high-quality education.