

SUPREME COURT OF NORTH CAROLINA

VIKTORIA KING, a minor, by and)
 through her parent, REVONDIA)
 HARVEY-BARROW,)
 Plaintiff-Appellant,)
)
 v.)
)
 BEAUFORT COUNTY BOARD OF)
 EDUCATION; JEFFREY MOSS,)
 Superintendent, Beaufort County)
 Schools, in his official)
 capacity,)
 Defendants-Appellees.)

FROM BEAUFORT COUNTY
 No. 08CVS240
 No. COA08-1038

BRIEF OF AMICUS CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT

INDEX

Table of Authorities ii

Statement of Interest iv

Argument 1

 I. Exclusionary School Discipline Jeopardizes
 Students' Fundamental Right to an
 Education 2

 A. Exclusionary Discipline Practices
 Disproportionately Burden Students
 of Color 5

 B. Most Incidents that Result In the
 Use of Exclusionary School
 Discipline do not Threaten School
 Safety 6

 II. The Court of Appeals Erred by
 Considering Exclusionary School
 Discipline Separately From the
 "Qualitative" Aspects of Education 9

Conclusion 16

Certificate of Service 17

Appendix: Identity of *Amici* and Statements
of Interest 18

Table of Authorities

CASES

<i>Cathe A. v. Doddridge County Bd. of Educ.</i> , 200 W.Va. 521(1997) . . . . .	.13
<i>Goss v. Lopez</i> , 419 U.S. 565(1975)	3
<i>Heart of Atlanta Motel, Inc. v. United States</i> , 379 U.S. 241 (1964) . . . . .	.14
<i>In Re Jackson</i> , 84 N.C. App. 167(1987)	7
<i>Katzenbach v. McClung</i> , 379 U.S. 294(1964) . . . . .	.14
<i>King v. Beaufort Co. Bd of Educ.</i> , 683 S.E.2d 767(2009) . . . . .	.3, 7, 9
<i>Leandro v. State</i> , 346 N.C. 336 (1997) . . . . .	.passim
<i>Milliken v. Bradley</i> , 418 U.S. 717 (1974)	14
<i>RM v. Washakie County Sch. Dist. No. One</i> , 102 P.3d 868 (2004) . . . . .	.13
<i>Sneed v. Greensboro City Bd. of Educ.</i> , 299 N.C. 609 (1980) . . . . .	.10

REPORTS, ARTICLES, AND OTHER AUTHORITIES

Advancement Project, <i>Education on Lockdown: The Schoolhouse-to Jailhouse Track</i> (2005) . . . . .	.8
American Psychological Association, Zero Tolerance Task Force, <i>Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations</i> (2006) . . . . .	.passim
Beaufort County Public Schools, <i>2009-10 Student Code of Conduct</i>	7
Center for Social and Emotional Education, <i>School Climate Research Summary</i> . . . . .	.12
Craven County Schools, <i>Policy 1013</i> . . . . .	.7
Duplin County Bd. of Educ., <i>Policy JCDA</i>	8

Henry Levin & Clive Belfield, <i>The Costs and Benefits of An Excellent Education for All of America's Children</i> (January 2007), Columbia University.	5
Joan Gaustad, <i>School Discipline, in ERIC Clearinghouse on Educational Management</i> (1992).	11
Linda M. Raffaele Mendez & Howard M. Knoff, <i>Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large School District</i> , 26 <i>Educ. & Treatment Child.</i> 30 (2003).	8
National Center for Education Statistics, <i>The conditions of education 2006, Table 27-2.</i>	5
NC Dep't of Public Instruction, <i>Annual Studies of Suspensions and Expulsions.</i>	3, 6
Robert W. Blum, et al., <i>Reducing the Risk: Connections that Make a Difference in the Lives of Youth.</i>	5
Russell J. Skiba & M. Karega Rausch, <i>Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness, in Handbook for Classroom Management: Research, Practice, and Contemporary Issues 1063</i> , (C. M. Evertson, & C. S. Weinstein eds., 2006).	11
Russell J. Skiba, et al., <i>The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment, Urban Review</i> , 34, 317-342 (2002).	6
United Nations Convention on the Rights of the Child, <i>Article 29(1), Appendix ¶10.</i>	10
Tary Tobin, et al., <i>Patterns in Middle School Discipline Records, J. of Emotional and Behavioral Disorders</i> , 4 (1996).12	
U.S. Dep't of Educ., Office of Civil Rights, <i>2006 Civil Rights Data Collection.</i>	4

Statement of Interest

Amici respectfully submit this brief in support of Appellant, and simultaneously file the attached Motion for Leave to File Brief as *Amici Curiae*. *Amici* are: advocates with a wealth of experience working with, and on behalf of, youth whose educational opportunities are jeopardized by the use of exclusionary disciplinary practices; and researchers who have conducted extensive empirical research on the impact of such practices. *Amici* share a common concern that the widespread use of exclusionary practices has resulted in significant infringement of the educational rights of students around the country, and in North Carolina. *Amici* are listed in the Appendix, with individual statements of interest.

Argument

Article I, Section 15 of the North Carolina Constitution provides every child with a fundamental right to a "sound basic education" that prepares her to "participate fully in society." *Leandro v. State*, 346 N.C. 336, 348 (1997). This right protects each student's access to an education that allows her to fulfill her potential and become an engaged democratic citizen *Id.* at 347 (right to education includes being able to "successfully engage in post-secondary education or vocational training" and "make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation"). However, the widespread use of exclusionary discipline measures, such as long-term out-of-school suspensions, strips many thousands of North Carolina's youth of those rights and protections every year.

All students deserve to attend a school that is safe and orderly. But this principle need not conflict with a school's responsibility to protect children's opportunities to learn. Yet there is ample evidence that schools across North Carolina over-rely upon exclusionary discipline practices that undermine students' educational opportunities, put them at greater risk for involvement with the juvenile or criminal justice systems, and yet fail to demonstrate improvements in school safety or the quality of the learning environment. Moreover, these harsh

punishments are often meted out for relatively minor misbehaviors that do not threaten the safety of the school community.

The decision below, *King v. Beaufort Co. Bd of Educ.*, 683 S.E.2d 767(2009), sanctioned the use of blunt-force disciplinary practices by creating a "school discipline exception" to the fundamental right to education. *Id.* at 771. By refusing to apply strict scrutiny in this context, the Court of Appeals granted school officials largely-unfettered discretion to exclude students from the learning environment, even when such an infringement on students' rights is unwarranted, excessive, and injurious. This constitutes a misguided limitation on the scope of legitimate judicial inquiry into the deprivation of a fundamental constitutional right. More importantly, though, it threatens to render *Leandro's* promise of a fundamental right to education meaningless for the many thousands of students being left outside the schoolhouse walls each year by exclusionary school discipline.

I. Exclusionary School Discipline Jeopardizes Students' Fundamental Right to an Education.

Over thirty years ago, the United States Supreme Court acknowledged that "total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child." *Goss v. Lopez*, 419 U.S. 565, 576 (1975). Yet in North

Carolina, the 5,225 long-term out-of-school suspensions issued in 2007-08 resulted in an average period of 41 days (over 20% of the school year) in which the excluded students received no educational services. NC Dep't of Public Instruction, *Annual Studies of Suspensions and Expulsions*. The use of these severe sanctions is also rising sharply, as the number of suspensions lasting over 10 days increased by 135% from 1999-00 to 2007-08. *Id.*

These practices have a dramatic effect on students' learning opportunities. In the 2007-08 school year alone, students in the State lost 216,287 instruction days due to long-term out-of-school suspensions. *Id.* Including short-term out-of-school suspensions, North Carolina students lost over 1.1 million instructional days due to out-of-school suspensions that year. *Id.* Indeed, North Carolina has the unflattering distinction of being the State with the 4th highest suspension rate in the country. U.S. Dep't of Educ., Office of Civil Rights, *2006 Civil Rights Data Collection*, at <http://ocrdata.ed.gov/>.

Appellees contend that the harm caused by exclusionary discipline lasts only for the duration of the exclusion. (Def's/Appellees Br. to Ct. of Appeals, at 19-20). On the contrary, out-of-school suspensions, especially those lasting for long periods of time, can significantly hinder the

educational progress of affected students. As extensive empirical research has made clear, educational outcomes are compromised when opportunities to learn are limited.

For example, suspension and expulsion are associated with poorer academic outcomes and higher likelihood of school dropout and failure to graduate on time. American Psychological Association, Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in Schools? An Evidentiary Review and Recommendations* (2006), at 45-49. In fact, students suspended three or more times by the end of their sophomore year of high school are five times more likely to drop out or graduate late than students who have never been suspended. National Center for Education Statistics, *The conditions of education 2006*, Table 27-2.

Exclusionary school discipline is also associated with students feeling less "connected" to school, a characteristic linked to increased likelihood of engaging in risky behaviors, violence, and alcohol or substance abuse. Robert W. Blum, et al., *Reducing the Risk: Connections that Make a Difference in the Lives of Youth* (2001). Additionally, suspension and expulsion increase the likelihood that affected youth will become involved with the juvenile or criminal justice systems. APA, *supra* at 20.

Thus, exclusionary discipline is not merely a temporary delay in a student's education. The consequences of such actions can be, and often are, wide-ranging and long-lasting, negatively affecting not only individual students but also entire families and communities.¹ As a result, the ability of thousands of North Carolina students to obtain an education that allows them to "participate fully in society" is jeopardized every year. 346 N.C. at 347.

A. Exclusionary Disciplinary Practices Disproportionately Burden Students of Color.

Exclusionary discipline also appears to exacerbate racial inequalities in educational achievement. Statewide, Black, Latino, and American Indian students are all more likely to have their education interrupted by exclusionary school discipline than White students. NC DPI, *supra* & *Annual Statistical Profiles*. In fact, in 2006-07, Black students were over 3.3 times more likely to be given long-term suspensions than their White peers. *Id.* It is especially concerning that these disparities have grown over the last decade; for example, Black students were 2.4 times more likely to be suspended for more than 10 days in 1999-00. *Id.*

¹ For example, with regard to the evidence linking exclusionary discipline to dropping out, one economic study estimated that each new high school graduate would yield a public benefit of \$209,000 in higher government revenues and reduced expenditures. Henry Levin & Clive Belfield, *The Costs and Benefits of An Excellent Education for All of America's Children* (January 2007), Columbia University.

However, investigations of student behavior, race, and discipline around the country have yielded no evidence that the over-representation of students of color among suspended students is due to higher rates of misbehavior. Russell J. Skiba, et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, *Urban Review*, 34, 317-342 (2002). On the contrary, studies show that students of color are punished more severely for less serious or more subjective infractions. The experience of *Amici* is also that schools with large populations of students of color frequently rely more on exclusionary discipline than predominantly White schools. Thus, the same behavior that triggers little-to-no response in many predominantly White communities frequently results in severe consequences in communities of color.

As a result, while *Leandro* sought to promote education that allows young people "to compete on an equal basis" for colleges and careers, 346 N.C. at 347, these exclusionary discipline practices appear to have contributed to this "competition" being substantially unequal. In other words, students of color are placed at greater risk than their peers of being unable to realize the promise of *Leandro*.

B. Most Incidents that Result in the Use of Exclusionary School Discipline Do Not Threaten School Safety.

The decision below reasoned that exclusionary practices do not "deny the right to an education but rather . . . the right

to engage in the prohibited behavior." *King*, 683 S.E.2d at 770 (quoting *In Re Jackson*, 84 N.C. App. 167, 176 (1987)). However, the court failed to recognize that the category of "prohibited behavior" has expanded to the point of being dramatically over-inclusive.

For example, under the current district policy used by the Defendants/Appellees in this case, common behavior such as name-calling, making "put-downs" of other students, using "disruptive" or insulting language, and engaging in public displays of affection all can result in long-term out-of-school suspension. Beaufort County Public Schools, *2009-10 Student Code of Conduct*. A review of other policies in use throughout the State reveals that the Defendants/Appellees are not alone in their approach.² This reflects a nationwide trend, in which exclusionary discipline is being used in response to a variety of low-level incidents. Advancement Project, *Education on Lockdown: The Schoolhouse-to-Jailhouse Track* (2005), at 15. In fact, only a small percentage of suspensions occur in response to behavior that threatens the safety or security of schools. Linda M. Raffaele Mendez & Howard M. Knoff, *Who Gets Suspended from School and Why: A Demographic Analysis of Schools and*

² Additional examples include Craven County Schools, where use of profanity, making "obscene" gestures, or using "insulting" language can result in long-term out-of-school suspension, and use of a cell phone can result in referral to law enforcement. Craven County Schools, *Policy 1013*. In Duplin County Public Schools, use of profanity can also trigger a long-term suspension, and being "defiant" can result in long-term suspension and referral to law enforcement. Duplin County Bd. of Educ., *Policy JCDA*.

Disciplinary Infractions in a Large School District, 26 *Educ. & Treatment Child.* 30, 30-51 (2003).

While disruptive behavior of students must be addressed by teachers or administrators to maintain school and classroom discipline, it need not result in a denial of educational services to them. For as long as there have been schools, there have been classroom disruptions, defiant behavior, and scuffles between students. Indeed, it is developmentally normative for adolescents to question authority, to be overly influenced by their peers and to fail to consider the consequences of their actions. APA, *supra* at 7. Under policies like Beaufort's, which subjects name-calling, insulting language, and disruptive behavior to possible suspension, it is fair to say that many if not most students will, at some point in their school careers, engage in some behavior that would subject her to exclusionary punishment under an interpretation of the code. These behaviors may warrant some form of discipline or intervention, but they can be effectively addressed by school officials without removing students from the learning environment. In fact, teachers and administrators have a wealth of promising and proven disciplinary and behavioral strategies to draw upon that actually improve school safety and school climate by helping students learn from their mistakes and develop alternative

behaviors, rather than by excluding them from school. APA, *supra* at 11.

Yet by refusing to apply strict scrutiny in this case, the decision below offers almost no protection to North Carolina's students from having their fundamental right to a "sound basic education" unnecessarily denied by the over-zealous use of exclusionary discipline measures. *Amici* thus request that this Court take note of this trend toward increasingly severe disciplinary practices and the dramatic impact they have on students' educational opportunities. Otherwise, *Leandro's* well-placed attention on the quality of education going on inside North Carolina's schools will continue to be undermined by the methods being used to keep many thousands of the State's youth outside those schools.

II. The Court of Appeals Erred by Considering Exclusionary School Discipline Separately From the "Qualitative" Aspects of Education.

The Court of Appeals held that school discipline (which it categorized as an "access" issue) was separate and distinct from the "qualitative" issues raised in *Leandro*, such as school funding and how it relates to the provision of high-quality educational materials and students' access to high-quality teachers. *King*, 683 S.E.2d at 771. Putting aside the question of how the Court of Appeals' decision can be doctrinally-reconciled with *Leandro* and other precedents establishing access to a

"sound basic education" as a fundamental right, *Sneed v. Greensboro City Bd. of Educ.*, 299 N.C. 609 (1980),³ this position reflects a profound misunderstanding of the importance of discipline in school success.

School discipline is a core element of the educational system, and is indistinguishable from the so-called "qualitative" aspects referred to by the Court of Appeals. Discipline is not something that happens separate and apart from the day-to-day operations of a school; it is deeply embedded in everything that schools do. See, e.g., United Nations Convention on the Rights of the Child, Article 29(1), Appendix ¶10. School discipline and the "qualitative" aspects referred to by the Court of Appeals collectively determine the quality of a school system. When one of those elements falls short and fails to protect students' opportunities to learn - when schools are not adequately funded, when students do not have textbooks, when there are not high-quality teachers in every classroom - then the system fails. Likewise, just as effective and fair school discipline is a necessary component of high-quality schools, the inverse is also true: Ineffective or overly-punitive school discipline makes the attainment of high-quality schools impossible. In other words, school discipline can, like the other core elements of education, either promote high-quality

³ This question is well-addressed in the other briefs submitted in this case.

learning or serve as a barrier to it, depending on how it is implemented.

Indeed, empirical research on the impact of exclusionary practices indicates that they have significant, and adverse, bearing on the ability of schools to create safe and effective learning environments where students can thrive and succeed. For example, exclusionary measures appear to affect not only the academic performance of the students being excluded from school, but also the academic performance of the entire school. Research shows that schools with higher rates of school suspension and expulsion have poorer achievement outcomes on standardized achievement tests, regardless of the economic level or demographics of the school. Russell J. Skiba & M. Karega Rausch, *Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness*, in *Handbook for Classroom Management: Research, Practice, and Contemporary Issues* 1063, 1063-89 (C. M. Evertson, & C. S. Weinstein eds., 2006).

Additionally, while the primary purposes of school discipline are to ensure school safety and create productive learning environments, Joan Gaustad, *School Discipline*, in *ERIC Clearinghouse on Educational Management* (1992), research suggests that exclusionary measures fail on both accounts. For example, while it is commonly assumed that out-of-school suspension and expulsion deter future misbehavior, there are no

data showing that the use of these practices reduces the likelihood of future student disruption. APA, *supra*, at 5. Indeed, disciplinary removal appears to produce negative effects on future student behavior. Tary Tobin, et al., *Patterns in Middle School Discipline Records, J. of Emotional and Behavioral Disorders*, 4, 82-94 (1996).

Exclusionary school discipline has also not been shown to foster an environment conducive to teaching and learning, an important predictor of individual and school success. Center for Social and Emotional Education, *School Climate Research Summary*. Once again the opposite appears to be true, in that schools with higher rates of school suspension have been found to have lower ratings on school climate and the quality of school governance. APA, *supra*, at 44-48.

Thus, the widespread use of exclusionary discipline in North Carolina appears to be working at cross-purposes with this Court's holding in *Leandro*, which was intended to ensure that every child in the State has access to an education that meets certain qualitative standards. 346 N.C. at 347. Moreover, by bifurcating the fundamental right to education into "access" issues and "qualitative" issues, the Court of Appeal's decision artificially limited this Court's ability to address the totality of vital constitutional questions about the quality of education being provided by the State's schools.

Additionally, carving out a doctrinal exception in which school discipline is treated differently than "qualitative" aspects of education also has the effect of making school officials gatekeepers for students' constitutional rights. In effect, each student's fundamental right to an education would be conditional and subject to revocation provided a school official could offer a rational disciplinary basis for doing so.⁴ While some level of infringement on a student's educational rights would likely be unobjectionable in the case of serious offenses, because minor or trivial behavior frequently results in disciplinary measures that put students at significant risk for a variety of negative outcomes, the granting of *carte blanche* to school officials in this context raises constitutional concerns.

Amici do not suggest that school officials have ill intent when they make these difficult decisions, rather that they have to balance a number of competing considerations, some of which may substantially outweigh any concern (or knowledge) they might have about a student's fundamental right to an education. This Court need not ask that school officials ignore those considerations. However, it is necessary to shift the balancing

⁴ Note that this approach creates a nonsensical distinction between discipline and other exclusionary measures. For example, under this doctrinal framework, if a school district were to exclude students for some non-disciplinary reason, strict scrutiny would be applied because "access" is a fundamental right. *Id.* at 346. However, if that district were able to provide a disciplinary reason for that exclusion, rational basis review would apply.

calculus in favor of protecting that fundamental right from unnecessary infringement.⁵ See, e.g., *RM v. Washakie County Sch. Dist. No. One*, 102 P.3d 868, 873 (2004); *Cathe A. v. Doddridge County Bd. of Educ*, 200 W.Va. 521, 528 (1997). Otherwise, the fundamental right vested in each child by the North Carolina Constitution would essentially be rendered a nullity for those students being needlessly deprived of their opportunities to learn by exclusionary discipline.

Finally, by not reviewing exclusionary measures using a strict scrutiny analysis, the Court of Appeals essentially prioritized what it termed "qualitative" questions over issues of "access"/discipline under the North Carolina Constitution. We know of no precedent for the proposition that deprivations of the qualitative aspects of a fundamental right are subject to more searching judicial review than deprivations of access to that right. Moreover, from an institutional competence perspective, that arrangement is precisely backwards. As this Court has recognized, even where there are qualitative standards at issue, there are limitations to courts' abilities to assess the particularities of the educational process. See 346 N.C. at 354 (" [J]udges are not experts in education and are not

⁵ Note that such a step would not compromise school safety, as school officials would still retain discretion to exclude students if immediately necessary to preserve safety and order. But heightened scrutiny would offer protection from the widespread use of over-broad exclusionary measures that needlessly remove students from the learning environment for long periods of time.

particularly able to identify in detail those curricula best designed to ensure that a child receives a sound basic education."). However, unlike school officials, courts are experts in constitutional questions of access.⁶ Thus, even if this Court disagrees with the premise that disciplinary matters are inseparable from the issues addressed in *Leandro*, the Court's oversight role with respect to questions of discipline should be at least as robust as it is with the so-called qualitative aspects of education.

If education in North Carolina is to be a protected right, and not a privilege that can be taken away as easily as it often is, then the use of disciplinary practices that place so many students at heightened risk of educational failure and personal hardship must be subjected to searching judicial review. Otherwise, the fundamental right to education of each North Carolina student would belong not to the student, but would rest precariously in the hands of others.

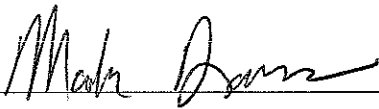
⁶ For example, compare the breadth and completeness of the United States Supreme Court's jurisprudence integrating public accommodations (which involved only questions of access) (see, e.g. *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241, 261 (1964) (dealing with discrimination in motels, hotels, etc.), *Katzenbach v. McClung*, 379 U.S. 294, 305 (1964) (dealing with discrimination in restaurants and similar establishments)) with the court's ultimate reluctance to allow federal courts to oversee the workings of local school districts. See, e.g. *Milliken v. Bradley*, 418 U.S. 717, 743-44 (1974) (holding that education should be under local control and that the busing at issue essentially set up the federal courts as de facto legislatures).

Conclusion

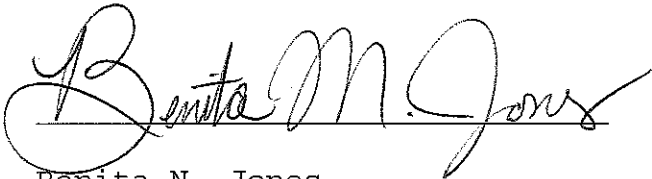
For the above reasons, *Amici* urge the Court to reverse and remand this case to the trial court with orders to apply strict scrutiny review.

Respectfully submitted this 23 day of December, 2009.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW
CENTER FOR CIVIL RIGHTS



Mark Dorosin
N.C. State Bar No. 20935



Benita N. Jones
N.C. State Bar No. 40263

Mark Dorosin
Benita N. Jones
Attorneys for *Amici*
School of Law Annex
CB # 3382, 101 East Weaver Street
Chapel Hill, N.C. 27599-3382
(919) 962-1044
dorosin@email.unc.edu
benitajn@email.unc.edu

CERTIFICATE OF SERVICE

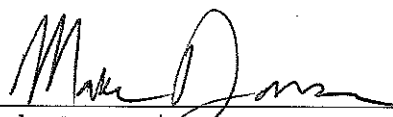
On behalf of *Amici* I have, this day, filed a copy of this Motion for Leave to File a Brief as *Amici* in Support of the Plaintiff-Appellant upon all parties' counsel in accordance with said rules by depositing the same in the U.S. Mail, with adequate postage affixed thereto and properly addressed to:

Jane Wettach, Attorney at Law
Children's Law Clinic
Duke University School of Law
Box 90360
Durham, NC 27708-0360
(919)613-7169
WETTACH@law.duke.edu
Attorney for Plaintiff/Appellant

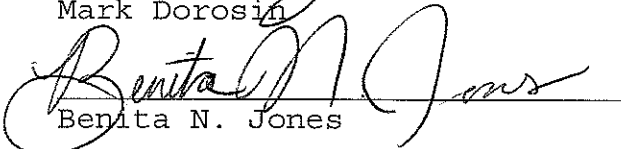
Erwin Byrd, Attorney at Law
Lewis Pitts, Attorney at Law
Advocates for Children's Services
Legal Aid of North Carolina, Inc.
P.O. Box 2101
Durham, NC 27702
(919)226-0052
erwinb@legalaidnc.org
lewisp@legalaidnc.org
Attorneys for Plaintiff/Appellant

Curtis ("Trey") Allen III
Tharrington Smith, L.L.P.
209 Fayetteville Street Mall
Post Office Box 1151
Raleigh, North Carolina 27602-1151
Attorneys for School Defendants/Appellees

This the 23rd day of December, 2009.



Mark Dorosin



Benita N. Jones

APPENDIX

IDENTITY OF AMICI AND STATEMENTS OF INTERESTS

Organizations

Advancement Project is an innovative civil rights law, policy, and communications "action tank" that advances universal opportunity and a just democracy for those left behind in America. We believe that sustainable progress can be made when multiple tools—law, policy analysis, strategic communications, technology, and research— are coordinated with grassroots movements. Advancement Project was founded in 1999 in Los Angeles and Washington DC by veteran civil rights lawyers who were looking for new ways to dismantle structural barriers to inclusion, secure racial equity, and expand opportunity for all.

Since our founding, we have been working to end the unnecessary exclusion and criminalization of youth in school. We have published a number of nationally-acclaimed reports documenting the over-use (and racially disparate use) of exclusionary school discipline across the country. We have also worked with community organizations, local advocates, school officials, and law enforcement officials to make schools safer and discipline less punitive in Denver, Chicago, Baltimore, Florida, and elsewhere around the country.

Advocates for Basic Legal Equality, Inc. (ABLE) and Legal Aid of Western Ohio, Inc. (LAWO) are regional nonprofit law firms that provide a full range of free, high quality legal assistance to low-income groups and individuals to help them achieve self-reliance, economic opportunity, and equal justice. ABLE and LAWO are the only law firms that provide comprehensive civil legal services to low-income people in 32 counties of northwest and west central Ohio as well as migrant farm workers and immigrant workers statewide. Combined we have offices located in Dayton, Defiance, Fremont, Lima, Mansfield, Sandusky, Springfield, and Toledo, Ohio. As part of our work, LAWO and ABLE advocate for children's access to an education, fair treatment in disciplinary proceedings, and accommodations and sufficient supportive services for children with disabilities in schools. LAWO and ABLE are concerned about the harshness of school disciplinary policies, the lack of meaningful due process rights afforded children, and the severe consequences school removals have on the ability of children and young people to grow, learn, and develop into adults who can live up to their full potential.

Advocates for Children of New York (AFC) is dedicated to ensuring access to the best education New York City can provide for all students. For over 37 years, AFC has been working with

low-income families in New York City to secure quality and equal public education services for their children. AFC provides a range of direct services, including free individual case advocacy, technical assistance, and trainings, and also works on institutional reform of educational policies and practices through advocacy and litigation. AFC represents hundreds of students each year in connection with suspensions, including representation at suspension hearings. In addition, through its Juvenile Justice Education Advocacy Project, AFC provides case advocacy and legal representation to court-involved youth to help resolve education-related issues and keep them in school. AFC has served as class counsel in numerous litigations addressing discipline of students, including *D.S. v. New York City Department of Education* ("DOE"), No. 05 Civ. 4787 (E.D.N.Y.), *J.G. v. Mills*, No. 04-5415 (E.D.N.Y.), and *E.B. v. DOE*, No. 02 Civ. 5118 (E.D.N.Y.).

The Alabama Disabilities Advocacy Program (ADAP) is the federally funded "Protection and Advocacy" agency for persons with disabilities in the State of Alabama. ADAP's mission is to provide quality, legally-based advocacy services to persons with disabilities. Much of our work is focused on protecting the rights of persons with disabilities to education and related services.

The American Civil Liberties Union (ACLU) is a nationwide, nonprofit, nonpartisan organization with more than 550,000 members dedicated to the principals of liberty and equality embodied in the United States Constitution and the constitutions of the various states and the nation's civil rights laws. In support of these principles, the ACLU has appeared in numerous federal and state court cases throughout the United States including ones involving education issues including school desegregation, educational adequacy, funding equity and discrimination in discipline.

The Barton Child Law & Policy Clinic is a program of Emory Law School dedicated to ensuring safety, well-being and permanency for abused and court-involved children in Georgia. These outcomes are best achieved when systems only intervene in families when absolutely necessary, treat children and families fairly, provide the services and protections they are charged to provide, and are accountable to the public and the children they serve. The mission of the clinic is to promote and protect the well-being of neglected, abused and court-involved children in the state of Georgia, to inspire excellence among the adults responsible for protecting and nurturing these children, and to prepare child advocacy professionals.

The Barton Clinic was founded in March 2000. The Barton Clinic has been involved in representation of juveniles in delinquency cases since the summer of 2001. Initially, such representation occurred in collaboration with the Southern Juvenile Defender Center, which was housed in the Barton Clinic until 2005. The Barton Clinic currently houses the Barton Juvenile Defender Clinic (JDC), which was founded in 2006.

The JDC provides a clinical experience for third year law students in the juvenile court arena. The focus of the clinical experience is to provide quality representation to children by ensuring fairness and due process in their court proceedings and by ensuring courts make decisions informed by the child's educational, mental health and family systems objectives. As part of their clinical experience, student attorneys represent child clients in juvenile court and provide legal advocacy in the areas of school discipline, special education, mental health and public benefits, when such advocacy is derivative of a client's juvenile court case. Students also engage in research and participate in the development of public policy related to juvenile justice issues.

Legal services provided by the Barton Clinic are provided at no cost to our clients.

The Center for Civil Rights at UNC School of Law is committed to the advancement of civil rights and social justice, especially in the American South, through litigation, research and advocacy. The Center's initiatives focus on education, housing and community development, economic justice and voting rights. The Center's *Educational Advancement and Fair Opportunities Program* focuses on improving the lives of children, families and communities by defending civil rights desegregation laws, advocating for pro-integration policies, and pursuing fair and equitable resources for all students in K-12 public schools. This work is premised on a steadfast belief that racial and economic isolation pose insurmountable barriers to academic achievement and civic engagement for all students.

The Charles Hamilton Houston Institute for Race and Justice at Harvard Law School (CHHIRJ) was launched in September 2005 by Charles J. Ogletree, Jr., Jesse Climenko Professor of Law. The Institute honors and continues the unfinished work of Charles Hamilton Houston, one of the 20th century's most important legal scholars and litigators. Houston engineered the multi-year legal strategy that led to the unanimous 1954 Supreme Court

decision, *Brown vs. Board of Education*, repudiating the doctrine of "separate but equal" schools for black and white children. By facilitating a continuous dialogue between practitioners and scholars, he ensured that legal scholarship would resonate outside the academy, and that new legal strategies would be immediately incorporated into the training of lawyers.

CHHIRJ uses this model to address contemporary civil rights challenges in our increasingly multi-racial society. Its long-term goal is to ensure that every member of our society enjoys equal access to the opportunities, responsibilities and privileges of membership in the United States. Since its founding, it has conducted and commissioned legal and policy analyses related to students' rights and opportunities to remain in school, and to research-based alternatives to zero tolerance and other exclusionary school disciplinary policies.

The Children and Family Justice Center (CFJC) is a comprehensive children's law center representing young people on matters of delinquency and crime, family violence, school discipline, immigration and asylum. The CFJC also collaborates with communities and with child welfare, educational, mental health and juvenile justice systems in Illinois and across the

country to develop fair and effective policies and solutions for reform.

The Children's Law Center of Massachusetts (CLCM), which was founded in 1977, is a private, non-profit legal services agency that provides direct representation and appellate advocacy for indigent children in juvenile justice, child welfare and education matters. CLCM attorneys regularly participate as faculty in continuing legal education seminars and have filed *amicus curiae* briefs in matters that effect children's rights in the past. The CLCM has a vital interest in ensuring that the rights and interests of children in the Commonwealth and throughout the nation are protected. This case presents questions of significance both to the children and to the attorneys who represent them. The *amici* hope their views will add to the Court's consideration of the issues raised in this appeal.

Connecticut Legal Services, Inc. (CLS) is a private nonprofit law firm which has been providing free legal services in civil matters to low-income residents since 1977. CLS is committed to improving the lives of low-income people by providing access to justice through individual advice and representation, outreach and education and systemic advocacy.

The low-income population eligible for the services of CLS consists of approximately 180,000 persons, which CLS represents from 6 local and 5 satellite offices throughout the state. CLS provides legal representation in the following specialized areas: Family, Housing, Elderly, Disability, Government Benefits and Children at Risk. The Children at Risk unit focuses on assisting low-income families with children to access appropriate educational and behavioral health services through individual and systemic advocacy. Through its work, the Children at Risk unit seeks to reduce exclusionary disciplinary practices and to help ensure that schools are using more effective interventions to improve school climate and to foster positive educational experiences for all children.

The Council of Parent Attorneys and Advocates (COPAA) is an independent, nonprofit organization attorneys, advocates, and parents in 43 states and the District of Columbia who are routinely involved in disciplinary proceedings on behalf of students with disabilities and special education due process hearings throughout the country. This case is of particular interest to COPAA because COPAA is concerned about the use of exclusionary practices and the denial of education for students.

The principle of continued services applies to all students, not just those with disabilities. Continued educational

services during a period of expulsion or lengthy suspension are of utmost importance for all children.

COPAA brings to this Court a unique perspective of parents for children with disabilities in legal disputes with schools on the implementation of the initial due process hearing and its first-hand experience to share with this Court about the challenges faced by such children and their parents, whose educational success depends on the right to secure an appropriate education. One of the keys to securing an appropriate education, as seen by COPAA, as also seen by Congress and the Supreme Court, is a fair dispute resolution process.

COPAA attorneys and advocates have participated in hundreds of due process hearings and *de novo* reviews in the courts. COPAA has been amicus curiae in United States Supreme Court in *Schaffer v. Weast*, 546 U.S. 49 (2005); *Arlington Central School District Board of Education v. Murphy et al.*, 548 U.S. 291 (2006); *Board of Education of New York v. Tom F.*, 552 U.S. 1, 128 S.Ct. 1 (2007); *Winkelman v. Parma City School District*, 550 U.S. 516 , 127 S.Ct. 1994 (2006). In the United State Circuit Courts of Appeal, some of the cases COPAA has participated in are: *Alegria ex rel Alegria v. District of Columbia*, 391 F.3d 262 (D.D.C. 2004); *Mr. and Mrs. I v. Maine*

School Administrative District No. 55 480 F.3d 1 (1st Cir. 2007); and *Board of Educ. of Montgomery County Sch. Bd. v. S.G. et al.*, 230 F.App'x 330 (4th Cir. 2007).

Education Law Center (ELC), founded in 1973 as a non-profit organization, advocates on behalf of public school children for access to an equal and adequate education under state and federal laws. ELC's work is based on a core value: if given the opportunity, all children can achieve high academic standards to prepare them for citizenship and to compete in the economy.

As a Court-approved legal services organization and a participant in New Jersey's protection and advocacy system, ELC provides free representation to disadvantaged students, including students with disabilities and other special needs, to enforce their educational rights. ELC represents over 300,000 plaintiff school children in poor urban public school districts in New Jersey's landmark *Abbott v. Burke* school finance litigation and continues to advocate on their behalf to ensure effective and timely implementation of educational programs and reforms ordered by the New Jersey Supreme Court. Because of its expertise in school finance, preschool, facilities, and other areas of education law and policy, ELC's Education Justice program works to advance equal educational opportunity and

outcomes in states across the nation, through policy initiatives, research, public education, and legal action.

State disciplinary practices and policies have been a critical focus of ELC's work, in an effort to counter the exclusion of students from the public school system and reduce the state's drop-out rate. ELC's advocacy and casework contributed to the New Jersey Department of Education's promulgation of statewide discipline regulations in 2005, emphasizing positive behavioral supports and due process protections. ELC represented the plaintiff in *P.H. v. Bergenfield Board of Education*, in which the New Jersey State Board of Education established the constitutional right to alternative education for students expelled from school. Ensuring that all students, including those with challenging behaviors, are educated effectively is a priority for ELC and its client community.

Juvenile Justice Project of Louisiana (JJPL) is the only statewide, non-profit advocacy organization focused on reform of the juvenile justice system in Louisiana. Founded in 1997 to challenge the way the state handles court involved youth, JJPL pays particular attention to the high rate of suspensions and expulsions that lead to juvenile incarceration in Louisiana and the conditions under which children are incarcerated. Through

direct advocacy, research and cooperation with state run agencies, JJPL works to reduce the number of suspensions and expulsions, as well as the number of school based arrests, and to indentify sensible alternatives to incarceration. JJPL also works to ensure that children's rights are protected at all stages of school disciplinary proceedings, to advocate for reform of disciplinary codes that are not in compliance with best practices, and that all systems that work with youth take into account the unique developmental differences between youth and adults in enforcing these rights. JJPL continues to work to build the capacity of Louisiana's juvenile public defenders by providing support, consultation and training, as well as pushing for system-wide reform and increased resources for juvenile public defenders, including resources for education advocacy.

The Legal Aid Society of Birmingham is a non-profit corporation that has been providing legal services to the indigent in Birmingham, Alabama, since 1952. Legal Aid is the *de facto* public defender for juveniles in Jefferson County, Alabama, and also provides guardians *ad litem* for children in child welfare proceedings. In those capacities, Legal Aid attorneys commonly see children's education disrupted, sometimes irreparably, by misguided "zero tolerance" policies. By substituting harsh, one-size-fits-all treatment for a case-by-

case consideration of a child's conduct, educational needs, and other circumstances, these policies harm children, unnecessarily exposing at-risk and low-risk kids alike to peer influences that can permanently alter their perception of themselves and their potential and stunt their development.

The Legal Assistance Foundation of Metropolitan Chicago (LAF) is the largest provider of free civil legal services to low income individuals and families in Cook County, Illinois. LAF has represented parents, foster parents, children, and adolescents in cases involving access to education, special education, and school discipline, for over 30 years. In our work we have encountered many of the same issues outlined in the underlying facts in this case. We have repeatedly seen the positive impact that alternative schools provide for indigent children and adolescents facing expulsion or suspension. We see that when these students are not able to attend alternative schools, they are left without a productive learning environment during the period of expulsion or suspension. When they are kept out of school, many of these students give up and drop out. Illinois has a statutory scheme regarding alternative schools that is similar to the one in North Carolina. Therefore, we and the clients we represent have a strong interest in the outcome of this case.

The NAACP Legal Defense & Educational Fund, Inc. (LDF) is a non-profit legal organization that assists African Americans and other people of color to secure their civil and constitutional rights. For more than six decades, LDF has worked to dismantle barriers in public education and ensure equal educational opportunity for all students, and has litigated numerous landmark education cases, including *Brown v. Board of Education*, 347 U.S. 483 (1954). Through nationwide advocacy efforts, LDF has long fought to reduce reliance upon exclusionary discipline practices, and to promote learning environments that are free from discrimination and support the success of all children.

The National Association of Counsel for Children (NACC), founded in 1977, is a 501(c)(3) non-profit child advocacy and professional membership association dedicated to enhancing the well being of America's children. The NACC works to strengthen the delivery of legal services to children, enhance the quality of legal services affecting children, improve courts and agencies serving children, and advance the rights and interests of children. NACC programs which serve these goals include training and technical assistance, the national children's law resource center, the attorney specialty certification program, the model children's law office program, policy advocacy, and

the *amicus curiae* program. Through the *amicus curiae* program, the NACC has filed numerous briefs involving the legal interests of children in state and federal appellate courts and the Supreme Court of the United States. The NACC uses a highly selective process to determine participation as *amicus curiae*. *Amicus* cases must past staff and Board of Directors review using the following criteria: the request must promote and be consistent with the mission of the NACC; the case must have widespread impact in the field of children's law and not merely serve the interests of the particular litigants; the argument to be presented must be supported by existing law or good faith extension the law; there must generally be a reasonable prospect of prevailing. The NACC is a multidisciplinary organization with approximately 2000 members representing all 50 states and the District of Columbia. NACC membership is comprised primarily of attorneys and judges, although the fields of medicine, social work, mental health, education, and law enforcement are also represented.

The National Association of Social Workers ("NASW"), with 145,000 members, is the largest organization of professional social workers in the world. The North Carolina Chapter of NASW represents 4,175 members. Created in 1955 by the merger of seven predecessor social work organizations, the purposes of

NASW include improving the quality and effectiveness of social work practice in the United States and developing and disseminating high standards of social work practice, concomitant with the strengthening and unification of the social work profession as a whole.

In furtherance of these purposes, NASW provides continuing education, enforces the *NASW Code of Ethics*, conducts research, publishes books and studies, promulgates professional standards and criteria, and develops policy statements on issues of importance to the social work profession. Among these are the *NASW Standards for the Practice of Social Work with Adolescents*, adopted in June, 2003, and NASW policy statements, *Education of Children and Youths* and *School Truancy and Dropout Prevention* (in *SOCIAL WORK SPEAKS*, 8th ed., 2009). NASW supports "student assistance programs to systematically identify and support students with risk factors for truancy and dropout as early as possible...[s]upportive services provided in a way that avoids stigmatization..." and "access to alternative education programs for at-risk students..." NASW also offers a credentialing program to enhance the professional standing of social workers including the Certified School Social Work Specialist.

The National Children's Law Network is a consortium of eight independent children's law centers dedicated to improve the quality of legal representation to children and to advocate that all court-involved children be is "in school, in the right school, and finishing school." Together we represent thousands of children in both child protection and delinquency proceedings who fail in devastating numbers to develop, learn and succeed despite their tenacity and resilience, their potential brilliance, their evident strengths and capacity.

The National Economic and Social Rights Initiative (NESRI) is a non-profit national human rights organization founded in 2004 to help build a movement in the United States for economic and social rights, such as health, housing, education, and work with dignity. NESRI's Education Program works to combat the "school to prison pipeline" by advocating for the reversal of zero-tolerance discipline policies that excessively punish and exclude children from school, and promoting positive alternatives, such as positive behavior support and restorative justice models, that respect children's rights to education and dignity.

The New York Law School Racial Justice Project is a legal advocacy organization dedicated to protecting the constitutional

and civil rights of people of color. The Racial Justice Project also seeks to increase public awareness of racism, racial injustice, and structural racial inequality in the areas of education, the school-to-prison pipeline, economic justice, political participation, and criminal justice. To accomplish its mission, the Racial Justice Project engages in impact litigation, public education, and other forms of advocacy that seek to ensure equal access and opportunity.

Public Counsel, is the public interest law office of the Los Angeles County and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. Established in 1970, Public Counsel is dedicated to advancing equal justice under law by delivering free legal and social services to indigent and underrepresented children, adults, and families throughout Los Angeles County, ensuring that other community-based organizations serving this population have legal support, and mobilizing the *pro bono* resources of attorneys, law students, and other professionals. In 2007, with the help of over 3,400 volunteers, Public Counsel helped nearly 27,000 people, including thousands of low-income children, youth, adults, and families, as well as eligible community organizations – ultimately providing over \$72 million in free services.

Public Counsel's Children's Rights Project provides education rights representation and advocacy for the most vulnerable children in Los Angeles, including children with special needs, foster and Probation youth, and homeless children. Because these children face exclusionary discipline practices at disproportionate rates and their families lack the resources to ensure that they are receiving the educational benefits guaranteed under law, Public Counsel has a direct interest in ensuring that the educational rights of students are not violated or infringed upon.

The Southern Poverty Law Center (SPLC) engages in both educational and juvenile justice reform efforts through its offices and projects in Alabama, Florida, Louisiana, and Mississippi. SPLC has filed a series of class administrative complaints against school districts in Louisiana and Mississippi detailing educational and disciplinary practices that violated students' right to a free and appropriate public education under the Individuals with Disabilities Education Act. SPLC has also provided support to organizations in Kentucky, Florida, South Carolina, and California filing similar complaints. SPLC represents students in expulsion hearings and in school-related juvenile court cases. Its attorneys have written widely on a

range of education and juvenile justice issues, including evidence-based approaches to improving school discipline.

These cases, challenging the long-term suspensions without services of two students in North Carolina, fit squarely with SPLC's long-term interest and expertise.

TeamChild is a nationally recognized, non-profit civil legal advocacy program for children involved or at risk of involvement with the juvenile justice system in Washington State. TeamChild lawyers advocate for low-income youth across the state to help them access their basic rights to education, health care, and other social services. TeamChild collaborates with communities and child welfare, educational, mental health and juvenile justice systems, both locally and nationally to develop fair and effective policies and solutions for reform. TeamChild provides a significant amount of educational advocacy for low-income children in Washington. Exclusionary discipline practices have a dramatic impact on TeamChild clients, many of whom are referred to TeamChild because they have been suspended or expelled from school. TeamChild believes that a child's right to an education is paramount and that a strong education is critical for the success of our children in society. Our

advocates work to zealously protect this right, with the goal of keeping children in effective schools.

The University of Tennessee College of Law Education Law Practicum is a public interest lawyering clinic in which law students and faculty represent children and parents in education-related matters. These cases include truancy, special education, suspension and expulsion hearings, and alternative education. The focus of the Practicum's legal work is to prevent school exclusion and push-out and to ensure a high quality education for each child. The course is taught by Dean Hill Rivkin, College of Law Distinguished Professor, Attorney Barbara Dyer, Johnson City, Tennessee, and attorney Brenda McGee, Knoxville, Tennessee. All have extensive experience in education cases. Professor Rivkin and attorney McGee litigated a successful alternative education class action case in *Knox County, Tennessee, C.S.C. v. Knox County Board of Education*, 2007 WL 1519593 (Tenn. Ct. App. 2007) (final opinion on attorney's fees). Professor Rivkin's article, *Legal Advocacy and Education Reform: Litigating School Exclusion*, __ *Tenn. L. Rev.* ____ (2008), details the legal challenges in school exclusion cases. Professor Rivkin has served as Visiting Professor at Harvard Law School and American University, Washington College of Law.

Individuals

Sharon A. Bourne-Clarke is the Associate General Counsel in the Office of General Counsel at New York State Division of Human Rights, which includes the Legislation and Legal Opinions Unit, the Litigation and Appeals Unit, the Compliance Unit and the Legal Records Management Unit. In this capacity, she assists the General Counsel on legal matters affecting these units and the Division.

Prior to joining the Division, Ms. Bourne-Clarke was Associate General Counsel for Hasler, Inc. She also served as Counsel at the Office of Corporation Counsel for the City of New York, was a partner in the law firm of Clarke & Bourne and an Associate at Walker & Bailey where she handled employment and FMLA matters representing such entities as NYCHA, New Jersey Transit and Conrail and State Farm Insurance Company.

Ms. Bourne-Clarke has been a member of numerous community based organizations and legal organizations. She is currently a member of Association of Corporate Counsel - WESFACCA chapter, Corporate Counsel Women of Color, New York City Bar Association - Civil Rights Committee and The American Constitution Society, New York City Chapter. She is a trained and certified

Mediator and Arbitrator, and until she joined the Division, was a volunteer arbitrator in NYC Civil Court and in New Rochelle.

Ms. Bourne-Clarke earned a B.A. in Sociology from Brooklyn College and a J.D. from CUNY Law School at Queens College and a Professional Certificate in Management and Marketing from New York University.

Melissa Kenney Ngaruri, Esq. a recent graduate of Catholic University, Columbus School of Law and 2009 admittee to the Maryland Bar, practices as a member of HooverLaw, LLC, a Maryland-based boutique law firm concentrating in education law, special education law, and juvenile law.

Prior to graduating from law school, Ms. Ngaruri worked as a therapist for youth and adults in education and mental health treatment programs. She also taught at an alternative high school program for shelter youth, taught at Portland State University in the University Studies Program, and taught high school and college abroad during her Peace Corps service.

As member of the Education Law Section of the Montgomery County Bar Association, Ms. Ngaruri developed and led six sessions presenting education and special education law topics for other area attorneys, and will lead the Bar Association January 2010 CLE on Education and Internet Law. In March 2009, Ms. Ngaruri facilitated a presentation discussing the intersection between juvenile and education law in juvenile waiver hearings for the National Council of Juvenile and Family Court Justices Conference in Orlando Florida. Ms. Ngaruri is also a member of and active in several special education advocacy organizations in Maryland, including Maryland Special Education Lawyers, Montgomery County Needs, and Autism Society of America, Montgomery and Frederick County Maryland chapters.

Heather E. Price, MA is a Ph.D. student at the University of Notre Dame. She earned her M.A. in Sociology from the University of Wisconsin at Milwaukee. Her research interests focus on education at the school and neighborhood level, urban education and educational stratification. Past work includes investigating the effects of NCLB labels on housing values and charter schools as social movements. She was twice awarded a "Who's Who Among America's Teachers" recognition during her teaching career.

Russell Skiba, Ph.D. is Professor in Counseling and Educational Psychology at Indiana University. He has worked with schools across the country in the areas of the management of disruptive behavior, school discipline, and school violence. Skiba is currently Director of the Equity Project, a consortium of research projects offering evidence-based information to educators and policymakers on equity in special education and school discipline, and served as co-chair of the Education Subcommittee of the Indiana Commission on Disproportionality in Youth Services. He has published extensively on school discipline and disproportionality, and was a member and the lead author of the American Psychological Association's Task Force on Zero Tolerance. Skiba has testified before the United States Civil Rights Commission and both Houses of Congress on issues of school discipline and school violence, and was awarded the Push for Excellence Award by the Rainbow Coalition/Operation PUSH for his work on African American disproportionality in school suspension. In 2002, the Bush Administration requested that he prepare a white paper on disproportionality in special education as part of its review of special education programs, and in 2008, he acted as a special consultant to the U.S. Department of Education Office of Special Education Programs on issues of disproportionality and equity in special education.

Anita Wadhwa is an advanced doctoral student at the Harvard Graduate School of Education whose research interests include the school-to-prison pipeline, the use of restorative justice, and school desegregation. A former high school teacher, she currently researches restorative justice at two urban high schools in Boston that are transitioning from away from punitive disciplinary practices to using peacemaking circles. She also conducted a case study on discipline reform in Denver, where the district worked with the community to craft a discipline code which provides alternatives to suspension and expulsion. She has an M.F.A. from Sarah Lawrence College and a B.A. in English from the University of Houston.

Julie Waterstone, Associate Clinical Professor of Law and Director of the Children's Rights Clinic at Southwestern Law School.

Julie joined the faculty of Southwestern Law School in July 2007 as an Associate Clinical Professor Law and Director of the Children's Rights Clinic. In that capacity, she created and developed the curriculum for the Children's Rights Clinic. Her Clinic provides representation to children in school discipline proceedings and children with disabilities in special education

proceedings who have discipline or behavioral issues. In addition to her practice, Julie is a core group member of the Los Angeles Chapter of the Dignity in Schools Campaign where she is focused on reforming zero tolerance policies that lead to the current pushout phenomenon.

Prior to working at Southwestern, Julie was a staff attorney at Public Counsel Law Center, where she provided legal assistance to parents in obtaining special education and related services for children with disabilities and represented children in school discipline proceedings. Before that, Julie was a clinical professor at the University of Mississippi Law School, where she supervised law students in the Child Advocacy Clinic. Her practice in Mississippi focused on teaching law students how to represent children in issues relating to abuse and neglect, delinquency, and school discipline. In addition, she focused on juvenile justice reform and advocacy. Julie began her legal career with the law firm of Milbank, Tweed, Hadley & McCloy, LLP, in Los Angeles, as a litigation associate in the area of business litigation. While at Milbank, she focused her pro-bono practice in the areas of Child Advocacy and First Amendment issues.

Julie earned her J.D. from Northwestern Law School and her B.A. in Law and Society from the University of California, Santa Barbara.