



EDUCATION LAW CENTER

June 2020

Call to Action Against Systemic Racism and Police Brutality

Our nation is in crisis. We at the Education Law Center stand in solidarity with Black communities and other communities of color in challenging systemic racism and police brutality.

We are sickened by the recent murders of George Floyd, Breonna Taylor, Tony McDade, Ahmaud Arbery – and the persistent, heartless killings of Black people. The dehumanization of people of color in this country is not new but underscored both by recent events of police brutality and by the overwhelmingly disparate racial impact of the pandemic. The callous indifference of many in the power structure has never been more glaring. We know these are longstanding and profound racial injustices, deeply ingrained in U.S. society – injustices that have persisted in our communities and our public institutions, including our schools.

ELC rededicates itself to naming and challenging these inequities, using legal and advocacy tools as effectively as we can to dismantle racial injustice and advance educational equity. The inequities in our schools are deeply entrenched and are core elements of systemic racism. We reaffirm our commitment to work with organizations and communities of color to eliminate racism and amplify their voices. We are determined to finally make our schools places where children of color are not only safe, but respected, supported, and able to thrive.

Working for Police-Free Schools

With outrage mounting over police brutality, one demand that has accelerated in [some school districts](#) in recent days is a call to get police out of schools. ELC has long worked with both [local](#) and [national organizations](#) that are committed to the goal of police-free schools.

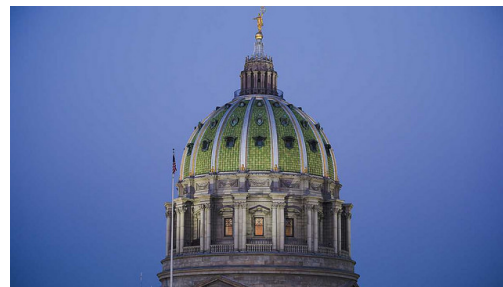
Punitive school cultures and policing practices are both the underpinning and the fuel of a [school-to-prison pipeline](#) that criminalizes Black and Brown students and students with disabilities.

We have seen that it is possible to achieve real safety and security in schools without the violence and racism inherent in a policed environment. There are [valuable informational resources](#) on how to accomplish this. In both school and municipal budgets, policing often consumes funds that would be far more effectively spent on mental health and social supports.

As early as this month, Pittsburgh Public Schools may be entering a new agreement on how to work with city police. When schools reopen, children should be welcomed back with patience and supports, not law enforcement. Working to eliminate the police presence in schools should be a priority for all of us. Stay tuned for opportunities to join us and stand with students, parents, and partners to decriminalize learning environments and create safe and supportive schools for all students.

No Cuts to State Funding for Basic and Special Ed

In the last week of May, Pennsylvania's General Assembly passed [a 2020-21 state budget](#) that included partial-year funding for many line items but full-year funding at 2019-20 levels for key early childhood and K-12 programs, including basic education, special education, pre-K, and Head Start.



Several other education line items, including early intervention, are funded only through November, when the legislature will have to budget for the next seven months.

The budget action shows that legislators and the governor recognize that education funding is critical and should not be cut, particularly as COVID-19 has increased community needs and highlighted the essential role of public schools. [In our statement on the budget](#), ELC is urging continued advocacy with our Congressional representatives for additional federal education funding. This would also help counteract declining local revenues and ensure that the communities with the greatest resource needs can better support their students. Learn more from [PA Schools Work](#).

Court Updates Schedule in Landmark School Funding Case

Trial is now tentatively scheduled for late 2020 or early 2021 in our school funding lawsuit *William Penn School*



District et al. v. Pennsylvania Department of Education et al, under a new [scheduling order](#) issued May 28 by Commonwealth Court.

[The lawsuit](#) was filed in 2014 by ELC and the Public Interest Law Center on behalf of parents, school

districts, and statewide organizations. It alleges that the state’s school funding system violates Pennsylvania’s constitution, due to significant underfunding and gross disparities in resources that penalize students in low-wealth districts.

The court extended the deadline for fact discovery by 45 days to July 16 to allow for resolution of some pending discovery disputes. Expert reports will be due August 13. However, the court rejected an attempt to further delay trial: a request by PA Sen. Scarnati for a longer, 90-day extension. Discovery and depositions in the case have been proceeding by videoconference despite the coronavirus pandemic.

Little Progress on Funding Facilities Needs

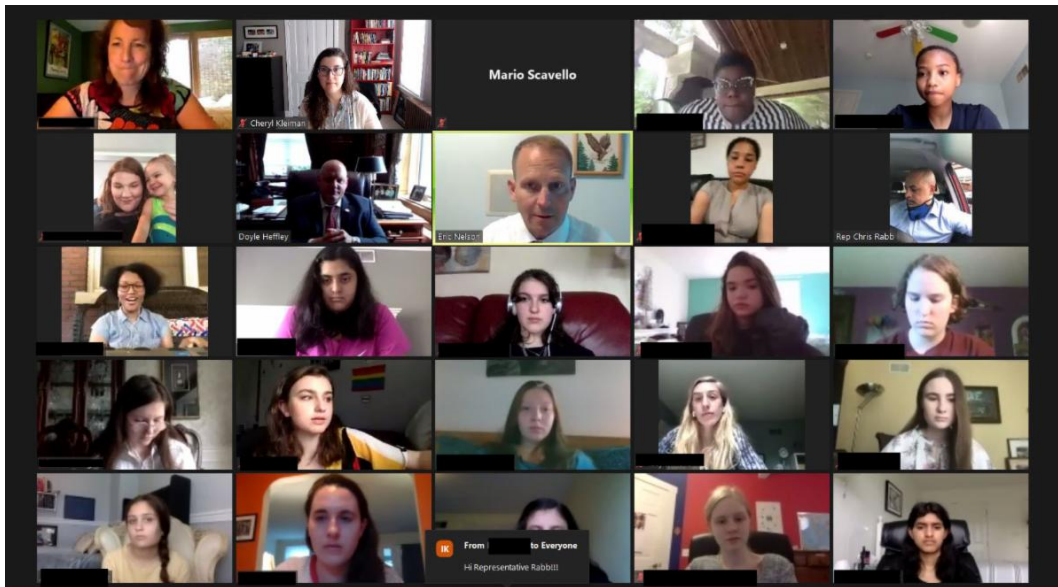
A serious issue that the state budget left largely unaddressed is the prevalence of toxins like lead and asbestos in many schools in Philadelphia and other underfunded school districts. Gov. Wolf’s important proposal for a \$1 billion fund to remediate these problems was a casualty of the budget process.



[Legislators are proposing](#) to direct to schools statewide nearly \$200 million in federal grant dollars that were earmarked for COVID-19, to be used for “emergency school health and safety grants.” The main purpose of these grant awards is for school health and safety measures, like cleaning and protective equipment, needed to address the coronavirus emergency. But [toxic conditions](#) in [many schools](#) predate the pandemic and disproportionately impact students of color. Students will not be able to return to school safely until these are addressed. ELC will continue to advocate for additional state and federal funding so that dangerous facility conditions in underfunded schools can be rectified.

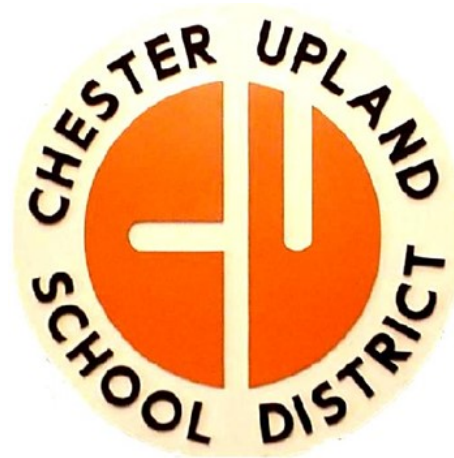
ELC Partners with GirlGov on Virtual Lobbying Day

ELC was honored to serve as the education justice community partner for the Women & Girls Foundation's GirlGov program this school year. When schools closed due to the pandemic, ELC worked with GirlGov to transform their advocacy for mental health supports in schools into a digital campaign, including meeting virtually with state legislators. Be sure to check out [GirlGov's Instagram](#) to follow the GirlGov campaigns, and join us in congratulating the graduating seniors.



Court Moves on Unprecedented Outsourcing Plan for Chester Upland

The Court of Common Pleas of Delaware County issued an alarming decision on May 14, approving a revised financial recovery plan for Chester Upland School District that permits the district to pursue charter conversion and/or outsourcing of operations of the entire Chester Upland School District. This plan – which is unprecedented in Pennsylvania – sets into motion an RFP process whereby schoolchildren may return to schools under private management as early as this fall.



ELC, along with Public Interest Law Center, [successfully petitioned to intervene](#) in February on behalf of parents of the school district and the Delaware County Advocacy and Resource Organization (DECARO). We opposed approval of the recovery plan.

The court's recent order fails to adequately address educational quality or to ensure the independence of key strategic advisors in the evaluation of proposals. However, the ruling does mandate a more detailed public process, as we urged; for example, options for outsourcing management of schools must be subject to a process of public meetings where community

members can question potential educational providers.

Chester's dominant charter operator has a track record of failing to deliver high-quality education to many students and failing to meet the needs of students with significant disabilities. ELC will continue its vigilant advocacy on behalf of Chester Upland parents and DECARO to ensure that public review is fully implemented and that the provision of a quality education to all students is prioritized.

ELC Produces Resources to Help PA Families Navigate COVID-19

ELC [continues to support and advocate](#) for students and their families through the COVID-19 pandemic. Check out our recent [e-blast](#), which contains links to our "5 Things to Know" series of flyers, or find them on our [COVID-19 response page](#), along with other helpful resources for families and child-serving professionals.

Thank You for Supporting ELC's Work



Thank you to those who contributed to ELC's [spring appeal](#) and #GivingTuesdayNow campaign! Your generosity enabled ELC to raise significant funds to support our work advocating for Pennsylvania's public school students. It's not too late to [contribute](#)!

Now more than ever, students' rights must be safeguarded. Your donation can make a difference in children's lives.

ELC Welcomes Summer Interns

ELC is pleased to welcome four new interns to our team in Philadelphia and Pittsburgh! They will work remotely alongside our staff and bring a wide array of talents and interests to our team.

Jasmin Randolph-Taylor is a rising third-year student at University of Pittsburgh School of Law and second-year graduate student in the Graduate School of Public and International Affairs. She is pursuing a JD & MPA joint degree and a career in education law and policy. She is also a substitute teacher with Pittsburgh Public Schools.

Natheena Tyler is a rising third-year law student at Duquesne University. She participated in Duquesne Law's Civil Rights Clinic and is receiving a concentration in civil litigation.

Zoe Masters is a rising second-year student at Yale Law School. Previously,

she was a high school physics teacher for six years in Boston. While teaching, Zoe co-founded a group for educators from different backgrounds and school contexts to build deep relationships through dialogue about racial identity and equity in education.

Emily Kastenberg is a rising senior at Emory University, double-majoring in psychology and women's, gender, and sexuality studies and is planning on attending law school after graduation. She worked last summer as a telephone counselor at Women's Law Project in Philadelphia. While studying abroad in Copenhagen last fall, she volunteered at a nonprofit that supported refugees and asylum seekers living in Danish asylum camps.

Seeking Postgraduate Legal Fellows

Are you a law student graduating next year and in search of an impactful postgraduate fellowship? ELC is accepting applicants for legal fellows to begin in fall of 2021. Ideal candidates will have a demonstrated commitment to public interest law. Preference will be given to fellowship applicants who submit their applications by July 17. Learn how to apply [here](#).

What We're Reading...

- [Anti-Racism Resources](#), by Sarah Sophie Flicker and Alyssa Klein
- [COVID-19 Highlights the Harsh Reality Facing Black Girls, Girls of Color](#), by Monique Morris in Essence
- [In Philly, Amid the Coronavirus, a Step Forward for Transgender Students](#), by Kristen Graham in The Inquirer
- [Opinion: Three Steps that States and Jurisdictions Can Take to Improve Education in Short-Term Juvenile Detention](#), by Hailly Korman and Max Marchitello in The Hechinger Report
- [Survey Shows Big Remote Learning Gaps for Low-Income and Special Needs Children](#), by Anya Kamenetz in NPR.



The logo for the Education Law Center features the words "EDUCATION" and "LAW CENTER" in white, bold, uppercase letters. "EDUCATION" is positioned above "LAW CENTER". The text is centered within a dark blue rectangular box. This box is flanked by two horizontal yellow bars, one above and one below, creating a stylized, layered effect.

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Education Law Center | 215-238-6970 (Philadelphia) | 412-258-2120 (Pittsburgh) |

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