

8/31/2009

Mr. Dan Ruben
Executive Director
Equal Justice America
Building II – Suite 204
13540 East Boundary Road
Midlothian, VA 23112

RE: Equal Justice America Fellowship Summer 2009

Dear Mr. Ruben:

My summer position involved working with the Community Justice Project (CJP), a non-profit public interest law firm comprised of eight staff attorneys with law offices in Harrisburg and Pittsburg, Pennsylvania. When the CJP was initially formed in 1997, the practice focused on housing and public benefits litigation. However, the CJP has expanded to representing poor families and low-wage workers in class action lawsuits involving housing, employment, education, immigration, and other areas of the law.

My particular assignment with the CJP involved working on the *C.G. v. Pennsylvania Department of Education (PDE)* case, which challenges Pennsylvania's flat funding formula used to support special education in public schools. Specifically, the challenge focuses on inequities in special education funding in a class of school districts, including the Lancaster, York, and Reading School Districts, resulting from the distribution of funding based on average daily membership (ADM) instead of special education needs or its ability to provide a free and public education (FAPE).

The CJP initiated the suit in 2006 to challenge the formula that distributes special education funding to Pennsylvania school districts. The school districts comprising the class are schools that have a high proportion of special needs students, but a low tax base. Because the funding formula provides a flat amount of money to all school districts regardless of need, the class districts are less able to provide adequate resources to their students.

Many of the communities in the class district have both high percentages of students with special education needs and high percentages of English language learners. While this combination puts an even greater strain on the available resources in the represented class of districts, it is in the case of individual students who have both special education and English language acquisition needs that the lack of resources is felt most severely. A great deal of my summer research

involved examining the law and policy related to this particular subgroup of students that we are representing.

Although most of my summer work did not involve working directly with our clients, the experience has been very rewarding and enriching nonetheless. For a significant portion of the summer, I have been assisting with the preparation of the summary judgment motion that will be filed at the end of the summer. Through this experience, I have had an opportunity to delve into specific areas of education law including special education law and laws that protect equal access to educational opportunities. This has given me insight into the difficulties and complexities involved in statewide litigation—including insight into why such cases may take years to even get to trial. Because I have been able to work closely with the lead attorney on this case, I have been able to observe the litigation tactics and strategies used by both parties. This opportunity has allowed for me to more clearly see the life of a litigator in public interest law and to get a firsthand look at how commitment to the cause of public advocacy in education is translated into the practice of public interest litigation.

Even though there has yet to be a definitive outcome to the case, the case has brought greater attention to the underfunding of particular districts throughout the Commonwealth. Special education funding has received much greater attention since the lawsuit, and will probably continue to receive attention during the ongoing state budget negotiations.

No other law school experience has paralleled working with the CJP insofar as exposure to the area of law in which I plan to specialize. I am thrilled to report that I will continue working with the CJP on the case throughout the fall semester. After filing the summary judgment motions, we will prepare for trial. I am looking forward to joining the CJP attorneys to attend interviews and depositions of our clients to prepare for pre-trial motions and for trial. The CJP has allowed incredible access into working with this case so that I would be able to have a better understanding of public interest work in the field of education law.

Working with the Community Justice Project, which has been a wonderful experience, would not have been possible without the Equal Justice America Fellowship. Thank you very much for contributing to this project.

Sincerely,

Caroline M. Watral

Penn State

J.D. Expected May 2010