

Equal Justice America
Post-Graduate Fellowship Report
June 19, 2011

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II. Summary and Achievements

Through my Equal Justice America fellowship, I am working at the JustChildren program of the Legal Aid Justice Center in the Petersburg office. The Legal Aid Justice Center provides legal services to low-income individuals in Virginia. JustChildren works to improve Virginia's public education, juvenile justice, and foster care systems through a variety of means, including community organizing, individual representation, and state-level advocacy. As the only JustChildren attorney in the Petersburg office, I concentrate on representing individual clients, but also participate in several state-level policy projects and assist our community organizer in local activities.

In Petersburg, the need for free legal services for children is high. Seventy-six percent of students in Petersburg qualified for free or reduced lunch for the 2010-11 school year, compared to 38% statewide. Out of the seven schools in the long-struggling Petersburg City Public Schools (PCPS), none made adequately yearly progress under No Child Left Behind last year. With a juvenile population of around 3000, there were almost 600 complaints to the juvenile court in Petersburg in 2010.

My project focuses on advocating for at-risk youth who are encountering problems with the education system, with the majority of my time spent representing individual clients. My typical client is a student who receives special education services and has been encountering disciplinary issues at school. Most of these students have been suspended or expelled, with some referred to the juvenile court. Other clients do not have severe disciplinary issues, but their special education services are severely lacking. I represent clients at suspension and expulsion hearings, advocate on their behalf at meetings of their special education teams, and request that school districts provide them with necessary education services.

As described in more detail below, I have experienced some significant successes in the first six months of my fellowship. I have helped several students reenroll on school, one after a lengthy period of truancy. I have helped several other students who were not being served properly at their current

educational placement transfer to one better suited to meet their individual needs. I have helped several other students secure more appropriate services at their current placements. Since beginning my fellowship in the fall, I have helped twenty youth improve their educational opportunities.

Other clients have not reached success so quickly. With some cases, the school districts resist providing my clients with the educational services they need to be successful. In those cases, I am working with the clients to obtain independent special education evaluations, seek expert help, and develop a legal case against the school district's faulty decisions.

In addition to providing individual advocacy, I have been able to assist with some of JustChildren's statewide policy projects. In one, we are working with the Department of Juvenile Justice and the Department of Corrections to ensure that juvenile offenders are properly credited for time served pre-detention. In another, we are working with the State Department of Education to make sure that parents are provided with a full opportunity to file a state complaint against a school district that is not providing their children with appropriate special education services.

Through my work with our community organizer, I have also been able to interact more directly with a large number of community members. I have provided trainings to members of the local preschool's PTA, where meetings are attended by up to 200 parents. I have advised fathers who reside in local public housing about their children's education rights. I have attended a number of school board and city council meetings, following a number of issues related to Petersburg City Public Schools. This information gathering has allowed me to identify issues that affect groups of Petersburg students, such as inadequate tracking of student attendance and performance at the alternative education program, that I plan on addressing in upcoming months.

In the process of helping my clients, I have been able to hone my oral and written advocacy skills. The Legal Aid Justice Center has provided me with the training and support I need to become an

effective attorney and advocate. Overall, I am making substantial progress toward my goal of improving educational outcomes for at-risk youth.

III. Case Examples

All of the children that I have represented face significant challenges in receiving a quality education. They face health issues, family issues, and school issues that greatly affect their learning. Although the schools often identify the challenges facing these students, they still fail for years to provide them with services designed to address these challenges. As a result, the students fall farther and farther behind, and act out as a result of their educational deficiencies.

One client and his parent came to seek our help after recently moving to the Petersburg area. The student, a ninth grader, had been placed in the alternative program based solely upon his record from his previous school district. Although the student is sixteen and performing above grade level in math, he is reading and writing at a second grade level. The school district decided not to provide him with any special reading or writing instruction, instead enrolling him in ninth grade English.

Soon after enrolling in the alternative program, the student was expelled for bringing a weapon to school. The district decided to provide the student with only 10 hours a week of instruction at his home for the extent of his 365-day expulsion. I helped the parent request that the school district provide a more appropriate placement and literacy services, and had an education expert review the students' records to confirm that the district must provide the student with additional reading and writing help. Unfortunately, the district continues to refuse to provide additional help, and I am working with the family on further action.

A parent of a sixth grade student having trouble at school called our office after the school determined that he did not qualify for special education services. His teacher noted on his most recent report card that although he paid attention in class, participated, and tried on all of his work, he failed to understand the material. Recent educational evaluations indicate that he is significantly behind his

peers in academic achievement and that he most likely has a learning disability. Yet after a cursory review of his record, the school district decided that he did not need special education services to address these issues. I helped the mother request and gain approval for an independent educational evaluation that she can use to demonstrate her child's need for additional services at school.

IV. Success Stories

In the first six months of my fellowship, I have helped several families improve the educational outcomes of their children. One client that I have been assisting for several months has seen some recent successes. He and his grandmother asked us for help with an expulsion last winter. The student, who receives special education services, is fifteen, but he operates on a third grade level in reading and math. The school district knew of the student's educational difficulties, but only provided him with ten hours a week of instruction at his home for the duration of his expulsion. The school district denied repeated requests to move the student to a private special education day school that serves students with significant special education needs.

In the spring, the student's family moved to a new school district. I wrote a letter to the new district describing the student's special education history, his current need, and the deficiencies in his current placement and services. The new district's special education team agreed with my recommendation that the student would be better served by a special education day placement, and has enrolled him there for the fall. They also will provide the student with services over the summer, so that he may recover some of the credits and class time he lost as a result of the previous school district's decision to provide him with only ten hours a week of instruction.

Another client came to our office with his parent after being suspended from his private special education day placement. The school did not provide the child with due process; it simply told the

student to go home and not come back. The parent needed help to transfer the child to a more appropriate day placement. After the parent, child, and I met with the child's special education team at his original placement, the team agreed that the child should be placed at the school requested by the parent. The student began attending the new school the following school day.

The grandmother of a high school student with Asperger's syndrome contacted our office with serious concerns about her granddaughter's ability to transition into college or employment post-high school. For all students with disabilities, schools are obligated to create a transition plan, providing instruction and services designed to help students with the post-high school transition. Although the grandmother had tried working with the school to formulate an effective plan, she had not been successful in bringing the school to the table. After I contacted the school district on her behalf, the special education director scheduled a meeting to design a transition plan and help ensure that the student received the support she needed to be successful after high school. The grandmother reported that the meeting was scheduled more quickly, the participants were more helpful, and things ran more smoothly as a result of my intervention.

Within the first few weeks of starting at JustChildren, I received a call from a mother whose two children had been denied enrollment in school. As a result of domestic violence, the family had become homeless, forced to move in with a relative. Because the relative did not live within the family's original school district, that school district disenrolled the children. Because the family members were not residents of the new school district, it refused to enroll the children. I contacted the state coordinator for the homeless education act, McKinney-Vento, and within three school days, the original district reenrolled the children in school.

Another parent sought my help because her daughter was being bullied at school. Despite repeated problems, the school administration did not address the bullying. After I contacted the school

on the mother's behalf, the principal called a meeting with all the students involved in the bullying and their parents. After the meeting, the bullying stopped.

V. Challenges

In the first six months of my fellowship, I have identified three major challenges I face regularly: client attitudes, resistance from school districts, and financial constraints.

As an education attorney, my client base mainly consists of teenagers who have struggled with school for years. Parents come to JustChildren after their children have been suspended or expelled, or when they refuse to attend school at all. Several of my clients have missed so much school that they have been referred to the juvenile court to address their truancy. Many tell me that they just do not want to go to school anymore. As the students' attorney, I must balance my duty to advocate for my clients' expressed interests with my duty to counsel them on the consequences of any actions we may take with regards to their education. With each client, I explain the importance of obtaining a high school degree, and describe the serious consequences that can arise from a truancy petition or other matters that are referred to the court. This helps them make more informed decisions about their own education. For the most part, they acknowledge the value of a high school degree and help me design an education plan that will address their individual needs.

My second major challenge arises when I begin communicating with the school districts to improve the services provided to my clients. Although everyone's ultimate goal is to provide a quality education for our students, the process often becomes adversarial. Once I contact school districts, they normally engage their attorney, making the process lengthier and more contentious. In order to address this issue, I often begin my representation by offering counsel and advice to clients, strengthening their voice rather than becoming their spokesperson. For example, if a parent wants help requesting a special education evaluation for her child, I will explain to her the steps she should take and who to contact.

Once the parent knows the correct process, she is able to advocate for her child herself. I take on a more visible role only if the school does not properly respond to the parent's request.

Institutionally, financial constraints affect my work in several ways. Local school districts have sustained budget cuts every year for the past few years. This year, Petersburg had to cut 24 teaching positions. The requests that I make on behalf of my clients are often pricey; some need private tutors, other need placement at private schools, and others need one-on-one aides. I presume that a lot of the resistance coming from the school districts is not because they disagree that the student needs additional services, but rather because the services would add further strain to an already reduced budget. As a result, I end up asking for less expensive services for students in conjunction with the more expensive services. The schools often provide the less expensive services to the student while I continue to argue for the remaining necessary services, allowing the student to progress in the meantime.

The constraints of working in a legal aid office also affect my work. As the JustChildren attorney for the Petersburg office, I am responsible for each of my cases from start to finish, as well as some policy work and community organizing work. Most of my cases are resolved at the school district level, but some will likely not be resolved without more formal legal action. The Legal Aid Justice Center often enlists the aid of pro bono attorneys for these cases. I have formed a partnership with a law firm that often takes on pro bono education cases. I am working with the firm to take legal action for my cases that have not been resolved properly at the local level.

VI. Goals for the Next Six Months

As I describe in more detail in the section below, I have learned a great deal in the first six months of my fellowship. I have concentrated on direct representation, but have also gained experience helping with larger policy projects and community organizing. Over the next six months, I hope to continue making gains in all three areas. Overall, I hope to establish myself as a resource for local parents to use in obtaining a quality education for their children.

I aim to maintain a caseload of approximately ten to fifteen cases education cases. This will allow me to continue to develop my advocacy skills, as well as monitor the local school systems from the ground level. Each client who seeks my help is unique, and I plan to assist each in obtaining an education designed to fit his or her individual needs. This will include counseling the clients, writing letters on their behalf, attending meetings at the school and in the community for them, and if necessary, taking formal legal action. In order to increase my visibility in the community, I plan on holding trainings about my role as an education attorney for local juvenile court employees, social workers, and juvenile probation officers. These individuals will become an important source of client referrals.

I also plan to follow through on local and statewide policy projects already in progress, and identify and pursue other policy issues that arise. I am currently involved in two statewide policy projects – investigating a failure by DJJ and the Department of Corrections to properly credit youth for time served in pre-trial detention, and broadening the use of Virginia Department of Education’s special education state complaint process. Work on these projects will extend into the second half of this year. On a more local level, I have been monitoring Petersburg’s disciplinary reporting and its use of an alternative education program. In the coming months, I will help evaluate our findings and implement an appropriate plan of action for any findings of concern.

I will also continue to assist our community organizer in her projects to transform community involvement in the local school districts. I currently attend many community events, and provide training for parents on their educational rights. As the community organizing efforts continue, I will continue to provide support and trainings for community members and parents.

VII. Personal Experience

In the first six months of my fellowship, I have improved upon my existing oral and written advocacy skills, and have begun developing grant-writing skills.

As a judicial law clerk before my fellowship began, I developed strong legal writing skills. This fellowship has provided me with the opportunity to develop my ability to write persuasively, advocating for a client rather than deciding between two competing sides. I have drafted letters to school districts on behalf of most of my clients, describing their individual histories and requesting education plans designed to meet their needs. These letters often help persuade the schools to provide my clients with necessary services.

In addition to improving my persuasive writing skills, I have been able to work on my oral advocacy skills. At expulsion hearings and special education team meetings, I advocate on my client's behalf. I am learning how to effectively describe their needs, and work with the schools to convince them of the need to provide my clients with necessary services. It is these oral advocacy skills on which I have concentrated, and improved the most. Unlike with writing, I have not had extensive experience advocating for clients at meetings and hearings, and consider it to be the most potentially persuasive area of advocacy. It is at these meetings where school administrators and school board members make their decisions concerning the students, and an effective advocate can make a big difference in influencing their decisions.

Partially because of the strong writing skills I developed during my judicial clerkship, I will become a part of the Legal Aid Justice Center's grant-writing team. I will be developing grant-writing skills that will be a valuable asset for sustaining my project once EJA funding comes to an end.

VIII. Media

Although there has not been local press coverage of my fellowship project, there have been several press outreach efforts. In September, shortly after I began my fellowship, I appeared on a local weekly radio show, hosted by our community organizer and focusing on education issues. The show is

broadcast by Virginia State University's radio station, WVST 91.3 FM. I used the opportunity to introduce myself and my project to the greater Petersburg community.

Along with a number of Legal Aid staff, I was featured in the Legal Aid Justice Center's annual report. The report highlighted client advocacy, and included a brief description of one of my cases, along with a picture of me with my client. The report is distributed widely to funders and other stakeholders.

I have also formed a relationship with the opinions editor of the Petersburg newspaper. As part of my work with our community organizer, I help community members draft and submit letters to the editor and op-eds.

IX. Orientation, Training, Supervision, Support

[This section was completed by Sylvia Jones, Managing Attorney – Petersburg Office, (804) 862-2205.]

Progress of the Fellow and Project

Nicole has excelled along many dimensions in the short time she has been here. Her analytical abilities and writing skills are particularly impressive. She has tackled her individual cases with fervor and demonstrated a high level of empathy toward clients. At the same time, she has managed to move forward on long-term projects that could have a broader impact on our client community. She has also demonstrated initiative in identifying and pursuing systemic problems that she encounters in her work. Nicole has provided support to our organizing work and is beginning to develop relationships with community members that will be invaluable to our organizing and advocacy work in Petersburg. She is a great fit in the Petersburg office and an asset to the community.

Nicole's feedback on grant reports and proposals has been invaluable and her insight is particularly impressive given that she is new to fundraising. Nicole is highly organized and has a structured approach to handling tasks. While she shows a willingness to ask questions and accept supervision, she also demonstrates an internal confidence and motivation to work independently.

When she does ask questions, they are always well analyzed and presented, indicating that she has done good research and considered a variety of options and opportunities. She exercises good judgment, maturity and level-headedness by not getting overly emotional in the midst of difficult tasks and tough situations. I feel that every child she represents gets thoughtful advocacy.

LAJC's Performance in Supporting the Project and its Goals, Orientation, Training Supervision, Support

The Legal Aid Justice Center has provided continued training and support for Nicole to successfully fulfill her project goals. On her first day, she went through a brief orientation to the Petersburg office and the JustChildren program. I was assigned as her mentor to provide her case handling guidance and other support. In addition, the JustChildren legal director, Angela Ciolfi, provides substantial support and supervision. Experienced JustChildren staff accompanied Nicole to her initial expulsion hearings before a school superintendent and a school board. Nicole attended the Statewide Legal Aid Conference, where she went to workshops designed to increase her knowledge and skills in several areas of law covered by legal services, including educational advocacy.

Plans for Support for the Next Six Months

LAJC plans to continue the support that has been established in the first six months of Nicole's fellowship. I will continue to provide mentoring and guidance on individual cases. Nicole will also be provided with opportunities to witness best practices in case handling by observing IEP meetings and other education-related hearings with more experienced advocates. We will also help Nicole identify opportunities for research and writing projects, such as journal submissions, so that she can continue to develop her writing skills.