

Standing up for public school children



13th Annual **Education Justice Lecture**

(Proceeds benefit the Education Law Center)

Thursday, June 9, 2022



In memoriam

LENORA MILLER GREEN

Education Law Center proudly dedicates this year's Education Justice Lecture to Lenora Green, Director of the Center for Advocacy and Philanthropy (CAAP) at Educational Testing Service (ETS), who passed away in February. Lenora served as an Education Law Center Trustee for over a decade and was a longtime supporter of ELC's mission. She will be truly missed.

As an accomplished professional, Lenora spent 37 years working at ETS, which allowed her to fulfill her life purpose for supporting higher education and helping others. She was a founding executive of CAAP and advanced CAAP's mission on using social investment and advocacy programs to mitigate challenges in higher education faced by disadvantaged groups by identifying, supporting and helping national, regional and local organizations that advance quality and equity in education.

Lenora served on a number of community education boards including Young Scholars' Institute of Trenton, New Jersey; the National Urban League's Advisory Council on College Access and Success; the Advisory Board of the Association of Public and Land-Grant Universities' Office for Access & Success; the National Advisory Committee for the College Board's A Dream

Deferred Conference; the Board of CASA (Court Appointed Special Advocate for Children) of Mercer and Burlington Counties, New Jersey; Advisory Council of Parents Step Ahead; the Board of Mercer County Community College; the Princeton Mercer Regional Chamber of Commerce; and ELC.

In 2012, Lenora was identified by Diverse Issues In Higher Education as one of the top 25 influential women nationally who are making a profound difference in higher education. She was also the 2016 recipient of the Princeton YWCA's Tribute to Women award, which honors women of excellence who have made significant contributions in their areas of work and community. In 2017, she received the Circle of Achievement Education Award from the African American Chamber of Commerce of New Jersey.



Education Justice Webinar

Beyond Either/Or:

The Constitutional Right to an Equitable &
Diverse Public Education

June 9, 2022

Sponsored by

Educational Testing Service
New Jersey Education Association

Keynote Speaker

Professor John Brittain, Esq.
University of the District of Columbia School of Law

Respondent

Professor Elise Boddie, Esq.
Rutgers Law School

Congressman
Robert C. "Bobby" Scott
3rd District of Virginia
Chairman of the Committee on Education and Labor

Moderator

Professor Janel George, Esq.
Georgetown Law School



Standing Up for Public School Children

Celebrating 50 Years of Advocacy: 1973-2023

Education Law Center pursues educational justice and equity to ensure that all students receive a high-quality public education effectively preparing them to participate as citizens in a democratic society and as valued contributors to a robust economy. It does so through litigation, research and policy analysis, advocacy, and strategic partnerships with an array of organizations. ELC focuses on state policies and practices that affect the learning and well-being of every student, with special concern for their impact on students of color.

ELC advocacy is sustained by these core values:

- **Educational justice:** All students have the right to learn in public schools that are well-resourced, appropriately staffed, safe and nurturing, and focused unwaveringly on student opportunity and success.
- **Public education:** Well-resourced, appropriately staffed, safe and nurturing schools, are the foundation of democracy, central to community well-being and social progress, and drive student opportunity and success.
- **Educational equity:** All students, without regard to personal circumstances or social conditions, including but not limited to race, ethnicity, gender, income, ableness, and national origin, must receive what they need to develop academically and socially, and to be prepared to succeed.
- **Voice:** Our clients and constituents are valued and dynamic participants in determining the pathways and strategies that we pursue to ensure educational equity.
- **Persistence:** Achieving educational justice is a journey, not an event. Our roots in New Jersey, the lessons that we have learned, and how we apply them in other places propel our commitment to staying the course.
- **Reflection:** Values abide while contexts change; successful pursuit of educational justice necessitates constant consideration of our work and ongoing exploration of how we can improve it.
- **Collaboration:** We cannot do it ourselves; we actively partner with organizations, educators, families, students, researchers, and others to promote opportunity for all students.

ELC's advocacy has, over the course of five decades, secured the most far-reaching remedies to effectuate the right to education for students in districts segregated by race and poverty through implementation of the landmark rulings in the *Abbott v. Burke* litigation. These include adequate funding, high quality early education, safe and adequate school facilities, and state accountability for local district use and allocation of essential resources.

Recent successes in improving education for students include securing a \$600 million increase in New Jersey school funding for fiscal year 2022 targeted to students most in need, and securing new state funding for emergency repairs and to replace or renovate crumbling, outmoded school buildings. In New York, a settlement of ELC's long-running lawsuit locked in the Legislature's commitment to phase in \$4.2 billion in new school funding over the next two years, targeted to the state's poorest communities.

ELC advocates for education equity and racial justice not just in New Jersey and New York, but in states across the country. ELC's participation in lawsuits in Tennessee, South Carolina, and Kentucky prevented millions of taxpayer dollars from funding private school vouchers, and our Public Funds Public Schools campaign has joined the fight before the United States Supreme Court to oppose the use of public school funding for private and religious schools.

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ETS is proud to support the work of the Education Law Center and is delighted that Professor John Brittain of the University of the District of Columbia, David A. Clarke School of Law is this year's speaker. Helping all students move forward on their paths to new possibilities is a shared commitment.

We are dedicated to advancing quality and equity in education for all learners worldwide.

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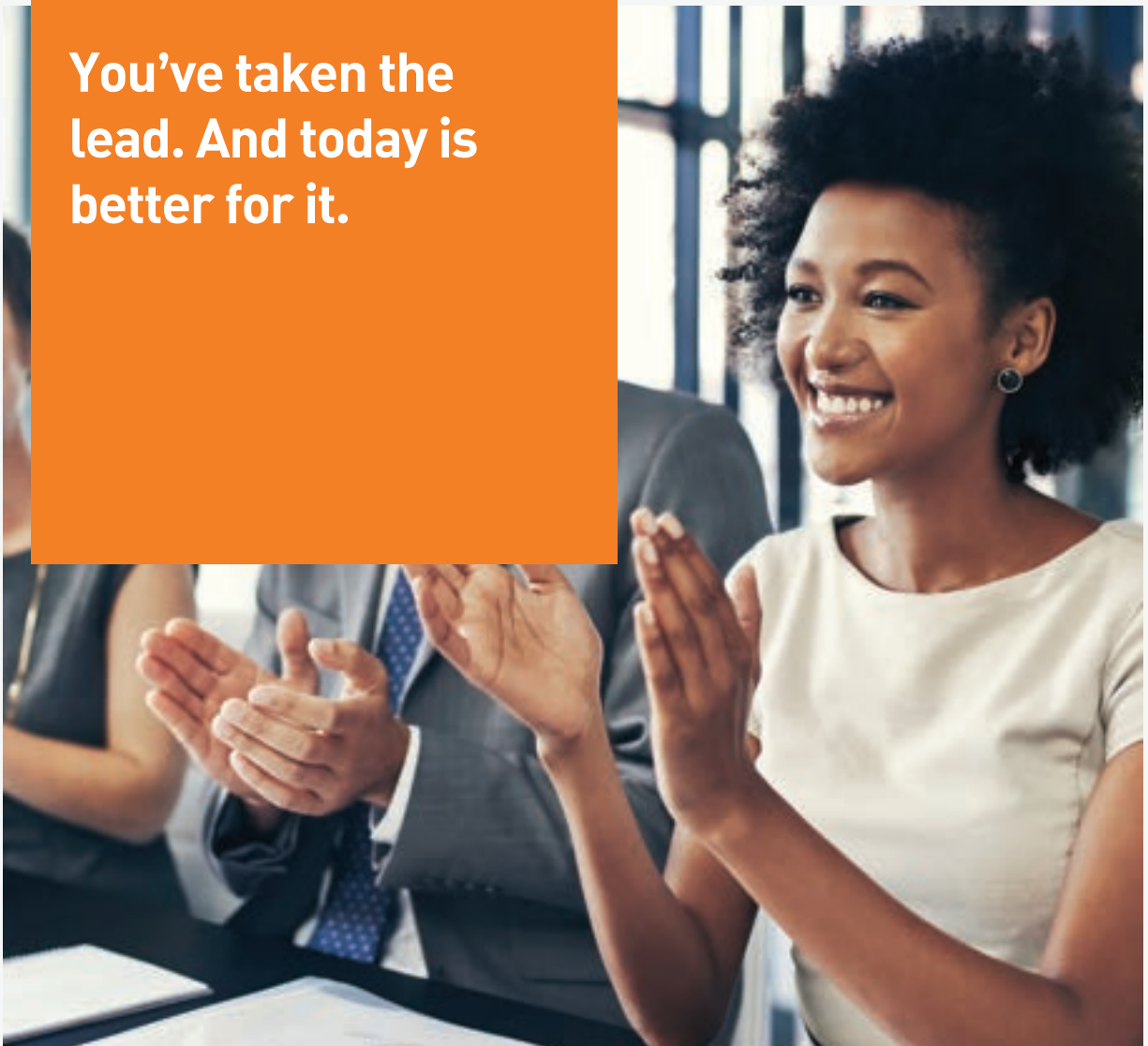
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EDUCATION LAW CENTER'S ANNUAL AWARDS CEREMONY & EDUCATION JUSTICE LECTURE

With special thanks to this year's presenter:

JOHN BRITTAIN

Civil Rights Litigator and Professor



Who was Marilyn J. Morheuser (1924-1995)

An influential litigator of school finance issues, Marilyn Morheuser was the leading attorney for the Education Law Center, Newark, in the law suit it brought before the court in 1981. When the case, *Abbott v. Burke*, was decided by the New Jersey Supreme Court in 1990, it mandated that the state provide funding for poor urban school districts equal to that of the average of the wealthiest districts, the first time in the nation a court had so ruled. A former nun in the Sisters of Loretto, Morheuser left her order in 1963. She earned a law degree from Rutgers Law School in 1970 and continued her life of commitment to children and civil rights as a lawyer. She became executive director of the Education Law Center in 1979.

Ms. Morheuser was the agency's lead counsel for the plaintiffs in *Abbott v. Burke*, a class-action suit brought in 1981 to challenge the state's Quality Education Act of 1980. Arguing on behalf of pupils of the poorest urban schools, the suit asserted that the state had inadequately responded to a State Supreme Court ruling on school financing in 1973. That rul-

ing said that New Jersey's method of school financing violated the State Constitution by failing to guarantee parity between the poorest and the most affluent districts.

The court – the state's highest – agreed with the center, ruling in 1990 that the law was still unconstitutional because it did not meet the educational needs of disadvantaged city children. It ordered that those needs be met.

The law center returned to court the next year, this time to obtain a compliance order, which the Supreme Court in Trenton handed down in 1994. In it, the judges decided that the state must increase the financing of the 30 poorest districts to a level where their per-pupil outlays would equal the average of the wealthiest districts by fiscal year 1996-97.

The judges demanded that schools in hard-pressed cities like Newark, Camden and Paterson be provided preschool programs, health services and smaller class sizes. The state has the responsibility to provide them rather than leave it up to the impoverished districts, they wrote.

Ms. Morheuser did not start her professional life at the bar; a Phi Beta Kappa graduate of Webster College,

she first was a nun. She spent 16 years teaching high school and college around the country, wherever her teaching Roman Catholic order, the Sisters of Loretto, sent her.

Being of a rather radical bent on social issues, she decided that she could achieve more on the outside. She quit the order in 1963 and became an advocate for racial equality in Milwaukee.

In 1973, she received her J.D. at the Rutgers-Newark School of Law. Before she joined the Newark law center she represented such organizations as the American Civil Liberties Union of New Jersey (ACLU-NJ), the Urban League, and the National Association for the Advancement of Colored People (NAACP).

Her work attracted many honors, including a Special Achievement Award from the New Jersey Education Association in 1993, and the Martin Luther King Jr. Award from the National Education Association in 1994. In May 1994, she was cited as Woman of the Year in Education by the New Jersey League of Women Voters. In 1995, she was cited as Woman of the Year in Education, by the New Jersey League of Women Voters.





John Brittain, Esq.

*Professor of Law, University of the District of Columbia
David A. Clarke School of Law*

Keynote Speaker

John C. Brittain joined the faculty of the University of the District of Columbia David A. Clarke School of Law, in 2009, as a tenured professor of law, and served as Acting Dean from 2018 to 2019. Prior to joining UDC Law, he served as Dean of the Thurgood Marshall School of Law at Texas Southern University in Houston, as a tenured law professor at the University of Connecticut School of Law for twenty-two years, and as Chief Counsel and Senior Deputy Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C., a public interest law organization founded by President John F. Kennedy to enlist private lawyers in taking pro bono cases in civil rights.


Professor Brittain writes and litigates on issues in civil and human rights, especially in education law. In 2015, the Mississippi Center for Justice honored him as a “pioneering civil rights leader and esteemed law professor who has inspired a generation of young attorneys.” In 2013, he was named to the Charles Hamilton Houston Chair at North Carolina Central University School of Law, established to bring prominent civil rights law professors and litigators to the law school to teach constitutional and civil rights law for a year. Professor Brittain was one of the original counsel team in *Sheff v. O'Neill*, the landmark school desegregation case decided by the Connecticut Supreme Court in 1996. He is presently a part of a legal team representing private plaintiffs in a federal lawsuit against the State of Maryland for denying Maryland's historically black institutions of higher learning – Morgan, Coppin, Bowie and Maryland Eastern Shore Universities – comparable and competitive opportunities with traditional white universities.

Professor Brittain has participated in filing nearly a dozen briefs in the United States Supreme Court, and he was a member of a legal team that filed a friend of the court brief on behalf of the NAACP in the *Parents Involved in Community Schools v. Seattle School District and Meredith v. Jefferson County Board of Education* (Louisville) school cases decided by the Supreme Court in 2007. He also filed a friend of the court brief in the Connecticut finance adequacy lawsuit, *Connecticut Coalition for Justice in Education Funding v. Rell* (2010). Professor Brittain has an interest in a related area, the intersection between housing and school segregation, and the policies that contribute to structural poverty in low-income and neighborhoods of color.

He has been president of the National Lawyers' Guild, a member of the Executive Committee and the Board of the ACLU, and legal counsel to the NAACP at the local level and national office of the General Counsel. In 1993, the NAACP awarded Professor Brittain the prestigious William Robert Ming Advocacy Award for legal service to the NAACP without a fee.

Professor Brittain has traveled extensively on international human rights investigations. He currently serves as Chairperson of the Norflet Fund Cy Pres and served on the board of directors of the Hartford Community Foundation.

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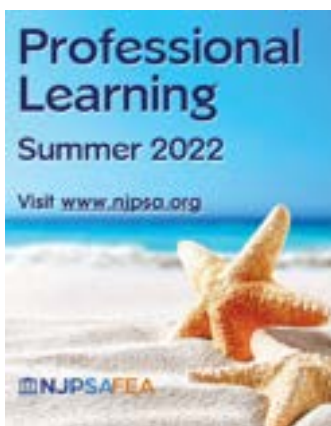


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Elise Boddie, Esq.

Professor of Law, Rutgers Law School

Elise C. Boddie is a Professor of Law, Henry Rutgers Professor, and Judge Robert L. Carter Scholar. In 2021, she was named the founding Newark Director of Rutgers University's Institute for the Study of Global Racial Justice. Professor Boddie's scholarship explores the regulation and production of race in spatial contexts and dynamic systems that perpetuate racial inequality. She teaches constitutional law, state and local government law, and civil rights.

In 2012, the Law and Society Association awarded Professor Boddie the John Hope Franklin Prize for her article, "Racial Territoriality," which appeared in the *UCLA Law Review*. She also has published in the *Columbia Law Review*, *University of Chicago Law Review*, *Vanderbilt Law Review*, the *North Carolina Law Review*, the *University of Pennsylvania Journal of Constitutional Law*, the *Harvard Law Review Forum*, the *UCLA Law Review Discourse*, and the *Iowa Law Review Bulletin*. Her commentary has been published multiple times in the *New York Times* and *SCOTUSblog*, and in the *Washington Post*, among other news outlets. She has also appeared in national and international news programs.

Professor Boddie's work bridges diverse disciplines and practices of scholarship, teaching, community, and service and is widely cited and discussed in both academic and non-academic circles. As the founder and director of The Inclusion Project at Rutgers Law School, she is engaged with communities, students, faith leaders, educators, and researchers in a multisector initiative to build equitable education systems in New Jersey public schools. She is also a founding trustee of the New Jersey Coalition for Diverse and Inclusive Schools. In 2020, the Urban League of Essex County gave Professor Boddie its Whitney M. Young, Jr. award in recognition of her efforts to create opportunity in low-income communities. She was elected to the American Law Institute in 2017 and as an American Bar Foundation Fellow in 2019. In 2021, President Biden appointed Professor Boddie to the Presidential Commission on the Supreme Court of the United States.

Before joining the Rutgers faculty, Professor Boddie was the director of litigation for the NAACP Legal Defense & Educational Fund, Inc. (LDF) and supervised its nationwide litigation program. From 1999-2005, she litigated affirmative action, employment, economic justice, and school desegregation cases in federal district courts and in federal courts of appeals. During this period, she served as LDF's Director of Education and as an Associate Director of Litigation. She has served in leadership positions on the national board of the American Constitution Society and also serves on the board of the New Jersey Institute for Social Justice. During the 2016 presidential campaign, she was the Coordinator for Hillary Clinton's Civil Rights & Racial Justice Working Policy Group.

Professor Boddie received her J.D. cum laude from Harvard Law School and her B.A. cum laude from Yale. She also holds a master's degree in public policy from the John F. Kennedy School of Government at Harvard.



Congressman Robert C. “Bobby” Scott

*3rd Congressional District, Virginia
Chairman of the Committee on Education and Labor*

Congressman Robert C. “Bobby” Scott has represented Virginia’s third congressional district in the U.S. House of Representatives since 1993.

Congressman Scott has the distinction of being the first African-American elected to Congress from the Commonwealth of Virginia since Reconstruction and only the second African-American elected to Congress in Virginia’s history. He also has the distinction of being the first American with Filipino ancestry to serve as a voting member of Congress.

Congressman Scott currently serves as the Chairman of the Committee on Education and Labor. In this capacity, he is advancing an agenda that improves equity in education, frees students from the burdens of crippling debt, protects and expands access to affordable health care, ensures workers have a safe workplace where they can earn a living wage free from discrimination, and guarantees seniors have a secure and dignified retirement.

From 2015-2018, he served as the ranking member of what was then called the Committee on Education and the Workforce. In 2015, he was one of the four primary authors of the Every Student Succeeds Act, and, in 2017, he worked to secure passage of legislation to reform and update our nation’s career and technical education system, as well as the juvenile justice system in 2018.

Congressman Scott also serves on the Committee on the Budget where he is a leading voice on fiscal policy and reducing the deficit.

Congressman Scott is also a recognized champion of the U.S. Constitution and the Bill of Rights, and he has fought to protect the rights and civil liberties of all Americans. In 1997, he protected the right of all children with disabilities to obtain a free and appropriate education under the Individuals with Disabilities Education Act (IDEA) by leading a successful effort to defeat amendments aimed at curtailing that right for some children.

As the former Chairman and Ranking Member of the Subcommittee on Crime, Terrorism, and Homeland Security on the Committee on the Judiciary, he is also a leading advocate for reforming our nation’s broken criminal justice system.

In 2015, Congressman Scott co-authored the Safe, Accountable, Fair, and Effective (SAFE) Justice Act, which has been recognized as one of the most comprehensive criminal justice reform bills in a generation.

Congressman Scott is a graduate of Harvard College and Boston College Law School. He received an honorable discharge for his service in the Massachusetts National Guard and the United States Army Reserve.



Janel George, Esq.

Associate Professor of Law, Georgetown Law School

Janel George is an Associate Professor of Law and the founding Director of the Racial Equity in Education Law and Policy (REELP) Clinic at Georgetown Law School. Her clinical projects and scholarship focus on the development and implementation of legislative interventions to advance racial equity in education at the local, state, and federal levels. The REELP Clinic employs a range of policy strategies to address clients' priorities, including legal and legislative research, analysis, and drafting, public education, coalition-building, community education, and oral and written advocacy.

Her scholarship focuses on the potential of legislative interventions to eradicate racial inequality in education. She has written about legislative interventions to help address racial disparities related to school discipline and resource equity, as well as the significance of the federal role in helping to remedy longstanding school segregation. This scholarship is informed by her experience as a congressional staffer and as a legislative lawyer with several non-profits.

Professor George began her legal career as a Georgetown Law Women's Law and Public Policy Fellow with the National Asian Pacific American Women's Forum. She has previously served as Senior Counsel with the NAACP Legal Defense and Educational Fund, Inc., where she worked to reform discriminatory school discipline practices in partnership with member organizations of the Dignity in Schools Campaign. She also managed other state and federal education policy issues and worked to help secure provisions promoting positive and inclusive school climates in the Every Student Succeeds Act. She also served as a member of the Negotiated Rulemaking Committee for the law. As Legislative Counsel on Capitol Hill, she managed a legislative portfolio that included education, health care, immigration, judiciary, and civil rights issues. She has co-authored reports on Black girls and education, magnet schools, and the federal role and integration. She has published articles about the School-to-Prison Pipeline impacting students of color and policy interventions to help eliminate it. Prior to joining Georgetown, she served as a Senior Policy Advisor with the Learning Policy Institute where she co-led the Equitable Resources and Access team and worked disseminate evidence to help inform policies to address issues, including school segregation and school finance reform.

She has served as an adjunct professor with Georgetown University's McCourt School of Public Policy where she taught a self-designed seminar on racial inequality in K-12 education and with Georgetown Law where she taught a self-designed seminar focused on advocating for educational equity within the federal regulatory process. She received her JD from the University of Wisconsin Law School where she was a managing editor of the Wisconsin Law Review and her BA from Spelman College.

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