

Education Law Center Strategic Workplan, 2023-25

The past year was eventful for Education Law Center. We celebrated our 50th anniversary and welcomed a new Executive Director for the first time in 26 years. Milestones often lead to reflection: on the work that has been done and the work that remains; on the goals that have been met and the ones still to be reached; and on the who, what, where, when, and how that make it possible to fulfill the organization's vision. This strategic plan provides answers to those questions and is designed to guide all staff members in ongoing work, new projects, and the handling of unexpected issues that may arise over the next two years.

Public education is at an inflection point that stakeholders and supporters could never have expected. The role public schools play in our communities is up for debate, and their very existence is under attack. Education privatization in the form of private school vouchers, the defunding and underfunding of public schools, and the attacks on inclusive curricula and even on students and educators are relentless parts of a coordinated whole. The onslaught is so intense in some states that it is not hyperbole to note that these are attacks on democracy itself.

Education Law Center and our allies are fighting back. All of the areas of work delineated below serve a singular function: protecting and strengthening public education in service of the children and young people within that system. This is our vision, as encapsulated in our **Mission Statement:**

Education Law Center pursues justice and equity for public school students by enforcing their right to a quality education in safe, equitable, non-discriminatory, integrated, and well-funded learning environments. We seek to support and improve public schools as the center of communities and the foundation of a democratic society. We strive to secure the rights of students of color, multilingual learner students, students living in poverty, students with disabilities, immigrant and migrant students, LGBTQ+ and gender non-conforming students, students of varying religious or non-religious backgrounds, and any student who is underserved or experiences discrimination or inadequate learning opportunities. To achieve these goals, we engage in litigation, research and data analysis, policy advocacy, communications, and strategic partnerships and collaborations.

ELC works both directly and indirectly to advance multiple dimensions of equity in school systems (see <https://educationresourceequity.org/dimensions-of-equity/>):

A. Through our school finance and anti-privatization efforts, we work to ensure adequate and equitable **school funding, learning-ready facilities, and high-quality early learning**; these efforts also support additional dimensions of equity.

B. Through our student rights, equity, nondiscrimination, and desegregation efforts, we work for the establishment and maintenance of **positive and inviting school climates** and to ensure **diverse classrooms and schools** and adequate student supports and interventions, particularly for underserved students.

These **Key Principles** based on the mission statement further elucidate the thinking undergirding our core areas of work:

- Public schools are central to student development, communities, and democracy;
- Anti-racism and anti-oppression are central to our work;
- We recognize the relationships between school funding, anti-voucher, and anti-discrimination and student rights work;
- We provide national leadership in key areas, yet we focus on state-based advocacy as our primary vehicle;
- We operate strategically to leverage our limited resources to lead litigation or data/research analysis efforts in states and regions where existing capacity is diminished and the need for intervention is urgent, and to play a more background, supportive role in states and regions where existing capacity is greater and the need for intervention is not critical;
- We continue our focus on New Jersey schools, students, and issues while gradually increasing our focus on other states;
- We understand that litigation is critical but must also be aligned with community engagement, partnerships, policy advocacy, and research;
- We provide valuable technical assistance and guidance to organizations and the public while also pursuing affirmative goals to achieve results for students and to improve public education;
- We are committed to improving Education Law Center as a workplace, including addressing diversity, capacity, staff well-being, and climate.

Core Goals and Activities, 2023-25:

A. School Funding Equity and Adequacy

For 50 years, we have been in the forefront of litigation, research, advocacy, and communications work to improve state and local funding for public schools across the country. Starting with the *Abbott v. Burke* lawsuit in New Jersey, which the New York Times dubbed the most important legal decision in public education since *Brown v. Board of Education*, and on to school funding cases in multiple states; ELC's indispensable *Making the Grade* annual school finance report; and, more recently, the work of ELC's Public Funds Public Schools campaign to reverse the significant threat of school privatization policies and ensure that public funds remain in public schools ELC has been, and will continue to be, on the front lines to ensure that all students have the school funding, opportunities, and resources they need to reach their full potential.

1. Develop and refine our **50-state school finance litigation, advocacy, and research strategy**, including:

- Continuing **ongoing school finance litigation**;
- Strengthening **partnerships** to address school finance and facilities deficits and gaps, prioritizing states with the largest deficits and gaps and hospitable conditions for litigation/advocacy;
- **Initiating new school finance litigation** in partnership with litigation partners;
- Continuing or undertaking **non-litigation advocacy efforts** in partnership with state and local organizations; these states may overlap with or be separate from litigation states;
- Conducting **research** to support state advocates and policymakers to improve school funding equity and adequacy.

2. Continue and expand our role as the foremost authority on **New Jersey school funding**, including:

- Securing **revamping of the state school funding formula** to ensure stable, equitable, and adequate resources for public schools, especially those with high concentrations of students from low-income families;
- Developing an **enforcement strategy using court precedent (e.g., *Abbott v. Burke*)** to secure adequate and equitable funding and facilities for high-poverty districts.

3. Ramp up **anti-privatization efforts undertaken by the ELC campaign Public Funds Public Schools**, including:

- Continuing litigating **existing voucher lawsuits and developing new voucher challenges** over the next two years;
- Continuing to provide technical assistance and amicus curiae (friend of the court legal briefing) support to nearly every anti-voucher litigation effort in the country;
- Publishing and disseminating **anti-voucher research**;
- Producing advocacy tools such as fact sheets, policy briefs, and the only publicly available **nationwide bill tracker**;
- Expanding opportunities to **educate and inform the press and the public** about the dangers of education privatization; **counter pro-privatization** campaigns through research, policy advocacy, litigation, and communications; and, in partnership with state and local organizations, advocate for **improvement and additional funding and resources in public schools** in states and communities where privatization is gaining a foothold;
- Broadening our extensive **collaborations** with allies and developing and strengthening additional **partnerships** in support of anti-privatization efforts.

B. **Diversity, Equity, Justice, and Non-Discrimination for Public School Students**

ELC's work ranges from support for individual students and families through representation or advisement and impact litigation that will affect entire groups of students. Our focus is on students who have been marginalized or harmed or made invisible simply because of who they are. Our work is designed to break down barriers of discrimination and injustice to ensure students are provided with a quality public education and, as a corollary, to strengthen public schools so they remain the trusted centers of our communities and one of the most important public institutions supporting our democracy.

1. Expand **students' rights work nationally**, including:

- Using the deep expertise developed in New Jersey in areas such as special education to litigate strategically selected **impact cases or to provide technical assistance for litigation in other states**;

- Leveraging our unique areas of expertise to develop **new approaches to education equity litigation and advocacy** in areas such as the intersection of funding and school desegregation, challenges to curriculum censorship laws, and other impact litigation advancing students' civil rights and civil liberties consistent with ELC's mission.
2. Continue and expand our role in **New Jersey** as the go-to organization for the staunch defense of students' rights, including:
- Reducing the use of local **law enforcement in schools** and the disproportionate application of harsh discipline measures on students of color;
 - Leading and supporting efforts to foster racial equity in education, including **desegregation** of New Jersey schools;
 - Supporting inclusive programs and ensuring **student safety, equity and opportunity** in New Jersey public schools and districts;
 - **Breaking down barriers** (e.g., residency, language, discipline policies, etc.) that limit public school access for students;
 - Using and honing a variety of strategies, including our **intake system**, to improve the ability of families to exercise their legal rights on behalf of students.

C. Policy Advocacy and Communications

Impact litigation is not the end of our efforts to improve public education. The implementation of positive change may run through the legal system, but it also requires strong policy advocacy and careful and regular communications. For many years, Education Law Center has lived by this mantra, making sure that staff members focusing on litigation, research, advocacy, and communications work in concert to press for and solidify victories; educate the public, press and elected officials; work closely with and gain support from allies; and increase our visibility in order to increase our ability to effect change.

1. Develop a **long-term communications plan** that describes ELC's overall communications goals; aligns ELC's communications activities with our substantive legal, policy, and research goals; reflects a changing media and public attention landscape; identifies the additional supports ELC needs to pursue this plan effectively; and aligns with ELC's emerging development plan (see below)

2. Continue to support the **networks** we helped to establish and now facilitate and support, including:

- Expanding the membership and the issue areas engaged in by the **Our Children/Our Schools statewide network** of education, children's rights and civil rights organizations;
- In conjunction with the NJ Association of School Administrators, providing technical and advocacy support for **Great Schools NJ**, the association of high need school district superintendents.

3. Continue to **support allies and partners** in New Jersey and in other states through our role as convenors, as necessary, and by providing technical assistance in the core issue areas described in this plan.

4. Improve and expand our **communications tools and messages** in service of all projects and actions undertaken by staff, including:

- Promoting all phases of our work, as well as our opinions on and analyses of issue areas, through **e-blasts, social media posts, and media interaction**;
- Promoting the **work of our allies and partners**, including litigation and advocacy undertaken by others, and lifting up the messages and campaigns with which we are aligned.

5. **Update the Education Law Center website** in the short-term, including:

- Reflecting current design and messaging schemes and improving **ease of use**;
- **Increasing our visibility** among the public, press, advocates, elected officials, and funders.

6. Continuing and expanding our **webinar series** developed during the pandemic, including:

- **Producing several webinars each year** hosted by Education Law Center or by Public Funds Public Schools on a range of topics in education-related law, policy, and research; education privatization; and other issues in public education that may arise.

D. Organizational Management and Health

Education Law Center cannot thrive without attention paid to the overall management and health of the organization. To support the robust docket of work proposed in this workplan, we must be a well-functioning and effective organization. Attention must be paid to employee well-being and the structures, processes, systems, culture, and leadership that impact how the organization operates. In addition, in service to our clients, our allies, the broader community, and our mission, we fully recognize the need to diversify our leadership, staff, and board membership in the coming years. This is challenging because of our small size and limited hiring opportunities, but it is ever present as we fill positions through attrition or growth.

1. Upgrade our financial and operational processes and procedures to increase **transparency and efficiency and better support organizational growth objectives.**
2. Undertake efforts that will maintain and improve **employee well-being, knowledge and growth**, including:
 - Creating a culture in which staff, consultants and partners are empowered to share their voices and perspectives to **create an environment of inclusion, growth, positivity, belonging and change;**
 - **Revisiting job descriptions** to ensure they are up-to-date and reflective of current responsibilities and are consistent with work-life balance;
 - Engaging staff to **identify speakers and/or activities adjacent to or beyond regular work areas** to improve culture and connectedness in a mostly remote work environment and for professional development and knowledge sharing.
3. Increase **staff and board diversity**, including:
 - Developing a **diversity plan** that identifies both short-term and long-term goals and strategies for increasing racial and other forms of diversity at all levels of the organization and is aligned with development goals (see below);
 - Continuing to identify and recruit new members who increase the diversity of the **Board of Trustees;**
 - **Designing recruitment efforts** when openings occur to better target diverse networks and historically diverse law schools;

- Using **certain hiring opportunities**, such as retaining consultants, offering fellowships and engaging interns, to advance diversity within the organization.

4. Increase and diversify **financial resources** to implement and advance our mission and increase capacity, including:

- Developing a **multi-pronged development plan**;
- Identifying, and where possible, pursuing **litigation that generates attorney fee awards**, including disability-related (IDEA) litigation, federal Section 1983 civil rights litigation, and other class actions;
- Securing additional **pro bono legal support** and increasing engagement with private law firms to contribute to ELC's legal program;
- **Engaging the board in fundraising activities** and adding additional board members with fundraising capacity.