
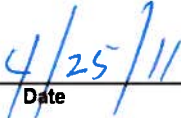


**U.S. PROGRAMS**  
**Strategic Opportunities Fund**  
**Summary of Recommended Grants**  
**April 25, 2011**

**Strategic Opportunities Fund**

Organization	Grant Code	Recommended	Term	2011	2012
<b>Special Initiatives: Elementary and Secondary Education Act/No Child Left Behind Act Reauthorization - Dismantling the School-to-Prison Pipeline Advancement Project</b>					
	T1: 21126	\$ 300,000	2 years	\$ 150,000	\$ 150,000
Education Law Center <sup>1</sup>	T1: 21120	\$ 200,000	2 years	\$ 100,000	\$ 100,000
	T1: 21126	\$ 100,000	2 years	\$ 50,000	\$ 50,000
N.A.A.C.P. Legal Defense and Educational Fund <sup>2</sup>	T1: 21120	\$ 200,000	2 years	\$ 100,000	\$ 100,000
	T1: 24016	\$ 100,000	2 years	\$ 50,000	\$ 50,000
National Center on Fair and Open Testing (FairTest) <sup>3</sup>	T1: 21126	\$ 300,000	2 years	\$ 150,000	\$ 150,000
<b>Total Recommended:</b>		<b>\$ 1,200,000</b>		<b>\$ 600,000</b>	<b>\$ 600,000</b>
<b>GRANTMAKING TOTAL THIS DOCKET:</b>		<b>\$ 1,200,000</b>			

  
 Approval Signature

  
 Date

<sup>1</sup> This grant of \$300,000 to Education Law Center is co-funded by the Campaign for Black Male Achievement, T1: 21120 (\$200,000), and the Strategic Opportunities Fund, T1: 21126 (\$100,000).

<sup>2</sup> This grant of \$300,000 to N.A.A.C.P. Legal Defense and Educational Fund is co-funded by the Campaign for Black Male Achievement, T1: 21120 (\$200,000), and the Criminal Justice Fund, T1: 24016 (\$100,000).

<sup>3</sup> This grant of \$300,000 to the National Center on Fair and Open Testing is fully-funded by the Strategic Opportunities Fund, T1: 21126 and includes \$140,000 for project support and \$160,000 for general support, both over 2 years.

## MEMORANDUM

**TO:** Aryeh Neier  
**FROM:** Ann Beeson, Erlin Ibreck  
**Cc:** Shawn Dove, Rashid Shabazz, Jane Sundius  
**DATE:** April 15, 2011  
**RE:** Strategic Opportunities Fund Docket Recommendations

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We look forward to meeting with you on Tuesday, April 25<sup>th</sup> to discuss grant recommendations that are being jointly presented by the Campaign for Black Male Achievement, OSI-Baltimore and the Strategic Opportunities Fund with regard to School-to-Prison Pipeline (STPP) recommendations.

You will recall that at the September 2009 U.S. Programs board meeting there was a discussion that explored the forces fueling the school-to-prison pipeline. Following that meeting, the Strategic Opportunities Fund, in its research and development capacity, worked in collaboration with OSI-Baltimore, the Criminal Justice Fund and the Campaign for Black Male Achievement to develop an RFP to support efforts that highlight the linkages between the *No Child Left Behind* version of the Education and Secondary Education Act (ESEA) and the school-to-prison pipeline. At that time we made five grants, supporting six organizations that were using advocacy, organizing, education and communication strategies to engage a broad set of policy makers and other stakeholders to bring the issue of the school-to-prison pipeline to the forefront of the ESEA reauthorization debate. The Advancement Project played a key coordinating role for these grantees. They helped to leverage each organization's expertise and strengths, to reinforce organizational relationships and combined efforts, coordinate communications strategies, develop shared policy priorities, supported each other's efforts on key issues as needed, and worked efficiently together throughout the grant period. Since reauthorization did not take place in 2010 and is now slated for 2011 we seek renewed funding for four of the organizations funded in the first round of grants.

Despite the delay in ESEA reauthorization, the past year saw significant momentum generated for federal education reform in general, and for efforts to address the School-to-Prison Pipeline in particular. For example, inside the Beltway, the Obama Administration's Blueprint for ESEA Reauthorization included some attention to the School-to-Prison Pipeline; the latest version of the House Education Committee's draft reauthorization bill included many of our grantee's priorities; the U.S. Departments of Education and Justice labeled racial inequities in school discipline a "cabinet-level priority" and hosted two national convenings on that subject; and members of Congress ended the year working on a number of initiatives directed at grantee concerns. These were exciting developments, which were due in significant part to the efforts of our grantees. They also reported that there was a noticeable increase in momentum to address the School-to-Prison Pipeline outside Washington, DC. New campaigns and advocacy efforts emerged around the country – many of which these organizations were part of, or supported. Their public education and traction in the media improved over the year. As a result, there was a noticeable difference in the public discourse around these issues. And through advocacy at the local, state, and national levels, there was a strong and dynamic movement emerging around

these issues, in which the grantee organizations played a significant role. It is important that these groups maintain the momentum they have generated. They will have the most influence if they remain “in play” and can continue to advocate aggressively, even in this challenging political environment. Because federal regulations will be drafted after ESEA reauthorization, we are recommending two year grants to ensure that these groups continue their advocacy efforts through the regulation drafting process.

### **Recommended Organizations**

The **Advancement Project (AP)** is the pre-eminent national organization focused on defining, analyzing, highlighting and dismantling the School-To-Prison Pipeline. Its decade of local, state and national work has made it a leader among educational justice organizations, due to its deep content expertise and the comprehensive, supportive advocacy strategies it employs to help its community partners. Since its inception, AP has consistently proved itself to be an effective advocate and partner, substantially reducing the suspension, expulsion and school-based arrest rates in each community in which it has worked. AP will continue to serve in a coordinating role for this set of grantees and will work to build support for the principles outlined in their joint position paper -- *Federal Policy, ESEA Reauthorization, and the School-to-Prison Pipeline*.

The **Education Law Center (ELC)** has worked since its inception to address and eliminate issues of school discipline and exclusion in Pennsylvania’s schools. In its education reform efforts, the Center partners with a network of Pennsylvania-based organizations, including the **Juvenile Law Center (JLC)**, which is a long-time grantee of OSF and an expert in the juvenile justice field. For this initiative, ELC will work in partnership with JLC and will thus re-grant a portion of the requested funding.

The **National Center for Fair and Open Testing (FairTest)** focuses on shifting education policy away from low-quality tests and punitive accountability rules that create intense pressure to narrow curriculum, undermine school climate, and push students out; back to a focus on student learning. FairTest is an important partner in this initiative, given the networks they have in the education reform arena and their existing partnerships with organizations like the Advancement Project and NAACP-LDF.

The **NAACP Legal Defense and Education Fund** has been a leader in responding to the school to prison pipeline crisis for nearly a decade. In 2005, LDF published “Dismantling the School-to-Prison Pipeline,” a seminal study of the policies and practices that push students from our country’s schools to its criminal justice system. Since the 2005 report, LDF has maintained a national voice in the growing dialogue about these problems, and has engaged with grassroots advocates to also confront particular local problems.

**Strategic Opportunities Fund (SOF) Docket – 4/25/11**

**Grant ID:** 20032167

**Legal Name of Organization:** Advancement Project (AP)

**Tax Status:** 501(c)(3)

**Purpose of Grant:** This grant will provide project support to the Advancement Project to dismantle the school-to-prison pipeline and to promote improved educational opportunities for children, particularly children of color.

**Grant Description:** The grant is recommended for phase two of a U.S. Programs cross-fund initiative launched in 2009 and coordinated by the Strategic Opportunities Fund (SOF). The initiative seeks to reduce the inappropriate and harmful use of suspensions, expulsions and arrests in public schools in an effort to dismantle the school-to-prison pipeline, and to bring these issues to the forefront of the reauthorization debate, now expected to occur in 2011. The Advancement Project is one of five organizations that U.S. Programs is proposing to fund for work to address school-to-prison-pipeline issues. The organization has considerable expertise working at the local level on these issues, providing policy, legal and communications support to communities to dismantle these harmful educational policies and practices. It also has a substantial national presence which it uses to extend and replicate lessons learned through its on-the-ground, community-lawyering work. Because of its strong local and national capacity, AP also proposes to act as the coordinating entity for the proposed U. S. Programs school-to-prison collaborative. This U.S. Programs initiative advances the goals of the Campaign for Black Male Achievement, the Criminal Justice Fund, OSI-Baltimore and the Strategic Opportunities Fund.

**Previous OSF Support:** Total: **\$3,925,000**  
(funding has been from multiple U.S. Programs from 1999-present; currently a core grantee of the Equality and Opportunity Fund)

**Organizational Budget:** \$5,804, 000

**Project Budget:** \$ 1,605,000

**Major Sources of Support:** Atlantic Philanthropies \$2,500,000  
The Ford Foundation \$200,000

**Amount Requested:** \$300,000 (over two years from the Strategic Opportunities Fund; T1:21126)

**Is this a contingent grant?:** No

**Amount Recommended:** \$300,000 over two years

**Term:** 2 years (January 1, 2011 – December 31, 2012)

**Description of Organization:**

The Advancement Project (AP) is a national civil rights organization that employs a mix of advocacy, community organizing, communications campaigns, litigation, and public policy reform to help build a fair and just multi-racial democracy in America. Founded twelve years ago by veteran civil rights lawyers, AP has grown to a staff of more than 30 attorneys, advocates and communications experts with a budget of over \$5 million annually. The organization is co-directed by Judith Browne-Dianis and Penda Hair; Browne-Dianis is also a Board member of FairTest and a Convener of the Forum for Education and Democracy (both organizations are currently requesting OSF support). AP has offices in Washington, D.C. and Los Angeles, California. The Advancement Project works in three core programmatic areas: (1) Power and Democracy; (2) Strategic Initiatives; and (3) Opportunity to Learn.

The Opportunity to Learn Program has targeted educational justice issues, including school desegregation and high-stakes testing. It is most widely known, however, for its efforts to expose the negative consequences of punitive school discipline policies. AP highlighted the disproportionate effect that these policies have on youth of color and boys, in particular. It was also the first organization to shine a light on the increasing use of police and courts by schools to handle what were once typical student disciplinary matters.

As is characteristic of all its work, AP begins by building grassroots support to remove local, institutional and structural barriers that exclude youth from school. In this manner, it has helped many cities, including Baltimore, Denver, Chicago, and Palm Beach County, Florida to reform discipline policies and advocate for increased prevention and intervention resources. In Baltimore and Denver, for example, AP helped to revise student conduct policies. Denver's new policies have been called the most progressive in the nation; Baltimore's new code cut school suspensions by 40% over a period of only three years.

AP extends the lessons learned through its local work to state and national policy reform efforts. It has published a number of major reports, beginning with "*Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*" and, most recently, along with its other OSF grantee partners, "*Test, Punish, and Push Out: How Zero Tolerance and High-Stakes Testing Funnel Youth into the School to Prison Pipeline.*" This latter report makes the case that zero tolerance and high-stakes testing have, together, turned schools into alienating places for many youth, often treating them as dropouts-in-waiting.

In addition to publications, AP organizes, hosts and presents at national conferences, including at the National School Discipline Summit and, most recently, at a Capitol Hill briefing entitled: *ESEA Reauthorization: Testing, Discipline, and the School-to-Prison Pipeline* along with the Alliance for Educational Justice, FairTest, and the Forum for Education and Democracy. It has also created a website containing information about the pipeline and local campaigns ([www.stopschoolstojails.org](http://www.stopschoolstojails.org).) and developed *Action Kits* for parents, youth, advocates, and educators to use in local schoolhouse-to-jailhouse track efforts.

### **Description of Project For Which Funding is Sought:**

AP requests support from the Open Society Foundations to continue and expand its work to dismantle the School-to-Prison Pipeline. To this end, it plans to educate the public and policy makers about the harmful impact of three interconnected sets of policies: (1) zero tolerance school discipline policies and practices; (2) the excessive reliance on law enforcement officers to enforce school discipline; and (3) high-stakes testing policies. More specifically, its strategy for 2011 and 2012 includes:

#### **1. Using the reauthorization of the federal Elementary and Secondary Education Act (ESEA) as an opportunity to educate policymakers and the public about federal policies and practices that fuel the pipeline.**

AP plans to work with other OSF grantees to build support for the principles outlined in their joint position paper, *Federal Policy, ESEA Reauthorization, and the School-to-Prison Pipeline*, which now has nearly 150 additional organizational endorsements. AP will also bring the voices of its community partners into the national policy debates and help these grassroots partners engage in the ESEA reauthorization effort.

#### **2. Increasing and strengthening its local partner alliances to broaden support for the movement;**

AP proposes to host three regional ActionCamps to attract new partners and a series of strategy meetings for its current grassroots partners. It also will expand the number of local sites in which it works from nine to 15. Its goal is to build a strong and sustainable grassroots educational justice network that can identify current organizing and advocacy opportunities (such as the reauthorization of ESEA), and develop joint work strategies that will reform harmful educational and school disciplinary practices.

#### **3. Reaching out to new audiences;**

AP proposes to develop additional messages about the School-To-Prison-Pipeline (STPP) that make the link between harsh disciplinary practices and mainstream education concerns, such as academic achievement and school climate. Its goal is to reach a broader audience – particularly one that includes educators and law enforcement officials – to communicate the negative impact of push-out practices, reliance on testing, and police presence in schools. It also plans to develop a comprehensive communications strategy to: (a) improve the infrastructure for disseminating news about ESEA-related matters; (b) elevate the voices of youth and parents in the debate around these particular education issues; and (c) educate policymakers about the effects of the policies and practices at issue in the reauthorization. This strategy will utilize a variety of media, and will expand the resources available to advocates across the country.

#### **4. Coordination of OSF Grantees**

Finally, AP proposes to continue its efforts to coordinate the work of OSF's STPP grantees, organizing opportunities to share information, leverage each organization's expertise and strengths, strengthen organizational relationships, coordinate communications' strategies, develop policy priorities, reinforce each other's efforts on key issues as needed, and to work efficiently together throughout the grant period. To this end, AP plans to organize four, full-day meetings each year with the other STPP grantee organizations and to host monthly conference calls. It will coordinate group activities, including the publication of additional reports, policymaker briefings and other advocacy strategies, message development about school discipline and accountability policies, and the establishment of a joint web presence.

#### **Rationale for Recommendation:**

The proposed grant to support Advancement Project's efforts to dismantle the school-to-prison pipeline is being recommended by the Strategic Opportunities Fund together with the Campaign for Black Male Achievement, the Criminal Justice Fund and OSI-Baltimore which have been working collaboratively to support timely strategies that aim to inform the 2011 debate about the *Elementary and Secondary Education Act* reauthorization. The effort is part of a broader cross-program strategy to dismantle the school-to-prison pipeline. The grant supports a special initiative that aligns with the Strategic Opportunities Fund's commitment to fostering cross-program collaborations that deepen the reach and impact of our grantmaking. The upcoming debate expected in 2011 on reauthorization of the federal ESEA creates an opportunity to inform the dialogue on how the school accountability measures of the Act may be used to reduce the number of suspensions, expulsions and school-based arrests, which feed the school-to-prison pipeline. Two year funding is recommended to ensure that advocacy efforts continue to inform the drafting of regulations that will guide ESEA implementation.

The Advancement Project continues to be one of the pre-eminent organizations in the educational and youth justice fields. It has more than a decade of experience working on the ground, learning from school districts, communities and students about how to construct positive, appropriate and effective disciplinary policies and practices. Importantly from an open society perspective, AP brings these local lessons to national and state level forums, ensuring that local voices and experiences are brought to bear on policy reform efforts. As a consequence of its intentional local/national working strategy, AP staff has a level of expertise and credibility that is unmatched in the field. AP has built an impressive organizational track record: it has educated a sizeable number of knowledgeable partners and, particularly at the local level, has led a significant number of successful efforts to change school policies and practices. Those successes notwithstanding, AP and its partners acknowledge the need to broaden their reach and impact. Far too many schools and districts continue to compromise the futures of American children with their use of inappropriate educational and disciplinary policies. But, as AP staff have noted, the reauthorization of ESEA presents a "not-to-be-missed" opportunity to dramatically increase attention to STPP issues and to educate the public about the need for alternative disciplinary, assessment, and school safety policies.

AP's organizational and programmatic strengths, when coupled with the opportunity posed by the reauthorization context, have led to this funding recommendation by OSF staff. For all of

these reasons, we collectively recommend a grant of \$300,000 over two years to support the Advancement Project in its work to dismantle the policies that drive the School-to-Prison Pipeline.



**Strategic Opportunities Fund (SOF) Docket – 4/25/11**

**Grant ID:** 20032168

**Legal Name of Organization:** Education Law Center

**Tax Status:** 501(c)(3) public charity

**Purpose of Grant:** To support a network of Pennsylvania-based education and juvenile justice organizations and advocates who seek to dismantle the school to prison pipeline

**Grant Description:** The grant is recommended for phase two of a U.S. Programs cross-fund initiative launched in 2009 and coordinated by the Strategic Opportunities Fund (SOF). The initiative seeks to reduce the inappropriate and harmful use of suspensions, expulsions and arrests in public schools in an effort to dismantle the school-to-prison pipeline, and to bring these issues to the forefront of the reauthorization debate, now expected to occur in 2011. This grant will support the Education Law Center and the Juvenile Law Center to create and support a Pennsylvania-based network of organizations and advocates seeking positive approaches to school climate. This work will connect directly to the joint work of the OSF partners and with the national Dignity in Schools Campaign. This U.S. Programs initiative advances the goals of the Campaign for Black Male Achievement, the Criminal Justice Fund, OSI-Baltimore and the Strategic Opportunities Fund.

**Previous OSF Support:** \$200,000 (Strategic Opportunities Fund, 2009)

**Organization Budget:** \$1,650,890

**Project Budget:** \$200,000

<b><u>Major Sources of Support:</u></b>	Cross City Campaign	\$83,276
	Good Schools Pennsylvania	\$26,250

**Amount Requested:** \$300,000

**Is this a contingent grant?:** No

**Amount Recommended:** \$300,000 over two years (\$200,000 from CBMA; T1:21120; \$100,000 from the Strategic Opportunities Fund; T1:21126)

**Term:** Two years (April 1, 2011 – March 31, 2013)

## **Description of Organization:**

Education Law Center of Pennsylvania (the Center) is a non-profit public interest law firm that engages in legal advocacy and public education efforts to ensure that children and youth in Pennsylvania have access to quality education. Since 1975, the Center has worked to improve educational programs and parental involvement activities and increase school funding for Pennsylvania's most vulnerable youth - poor children, children of color, children with disabilities, English language learners, and children in foster homes and juvenile institutions. Its strategies include legal advocacy, trainings of peers and parents, public education and communications. The Center has a staff of sixteen, including nine attorneys, a communications director and a research fellow. It maintains offices in Philadelphia and Pittsburgh, PA.

Since its inception, the Education Law Center has worked to address and eliminate issues of excessive school discipline and exclusion in Pennsylvania's schools. Specifically, it published reports and fact sheets and conducted trainings for advocates on ways to end the following practices: the exclusion of children with disabilities and English language learners; racial disparities in school discipline; inadequate educational services for children in juvenile justice facilities and child welfare institutions; the overuse of alternative school placements for youth returning to schools from juvenile correctional facilities and the use of seclusion and restraints in public schools.

The Center uses the law and research on best practices to advocate for policies and programs that create positive school environments where members of the school community (students and teachers) are treated with respect, and where there are high expectations of students and supports in place that will help all students to succeed. Shortly after the passage of the federal No Child Left Behind Act of 2001, the Center published materials and conducted trainings for education advocates who were interested in using provisions of the Act to further their school improvement goals.

In its education reform efforts, the Center partners with a network of Pennsylvania-based organizations, including the Juvenile Law Center (JLC), which is a long-time grantee of OSF and an expert in the juvenile justice field. As part of the John D. and Catherine T. MacArthur Foundation's Models for Change juvenile justice reform initiative, the Juvenile Law Center is coordinating the work of Pennsylvania advocates, including the Education Law Center, who seek to reduce the use of alternative school placements for youth returning from juvenile correctional facilities and eliminate barriers to school reentry.

In 2010, the Education Law Center and the Justice Law Center helped to facilitate the publication of a joint paper entitled *Federal Policy, ESEA Reauthorization, and the School-to-Prison Pipeline*. Funded through initial OSF support, the paper captured numerous recommendations developed in collaboration with national and local partners for the adoption of best policies and practices aimed at dismantling the "school-to-prison pipeline" at the federal and local levels.

## **Description of Project for Which Funding Is Sought:**

Educational Law Center requests a grant of \$300,000 over two years, to provide continued support for the work of its Pennsylvania-based network of education and juvenile justice organizations that seek to promote positive approaches to school climate; take concrete steps to reduce student push-outs through unfair school discipline practices; and promote school reentry of youth returning from delinquency placements. The Center is one of four organizations that U.S. Programs is proposing to fund for its work to address school to prison pipeline issues. The organization leads a statewide “School Climate Coalition” that has become a vehicle for the exchange of information, strategies, and assistance around school-to-prison-pipeline issues in Pennsylvania, as well as expanding the range of national, state and local organizations and alliances working to combat these problems.

Specifically, the Center will continue its legal advocacy, research, outreach efforts and communication strategies to dismantle the school to prison pipeline. Working very closely with the Juvenile Law Center, the Center’s primary focus will be on building, strengthening and supporting the Pennsylvania School Climate Coalition (PSCC) to achieve the following:

- Support PSCC in influencing state policy debates that have the potential to curb the school-to-prison pipeline and help PSCC members to present testimony in upcoming “roundtable” hearings on implementation of the law, to be held this spring.
- Support subgroups of the PSCC involved in local anti-Pipeline projects and help these groups understand relevant legal mandates, identify strategies, and present their concerns to school officials and the media;
- Work with the PSCC to identify teachers, administrators, and schools that are developing positive school climates in traditionally hostile environments, invite them to join PSCC, and highlight their stories on the web or in print;
- Share with PSCC members information on best practices in the area of school-court collaborations aimed at reducing inappropriate referrals and improving student re-entry after placement. One example is the work of Judge Steven Teske in Clayton County, Georgia to foster collaboration between police, probation, judges, and school staff to address minor, non-violent offenses in schools instead of courts;
- Help PSCC members advocate for the implementation for the best practices in the area of school-court collaborations
- Help PSCC members understand the legal obligations of, and gather information concerning, educational settings other than regular schools that may be contributing to the pipeline;
- Provide, where possible, legal assistance and/or advice in cases brought to the Center by PSCC members or others that offer the opportunity to establish legal principles relevant to slowing the school-to-prison pipeline; and
- Share information, stories and experiences from local and state work that national partners find useful in advocacy related to ESEA reauthorization and federal policy reforms.

The Center will also coordinate and facilitate meetings between members of the network and national partner organizations, including those funded by OSF, that are involved in the debate around the reauthorization of ESEA, school climate and school discipline issues.

### **Rationale for Recommendation:**

The proposed grant to support the Center's efforts to dismantle the school-to-prison pipeline is being recommended by the Strategic Opportunities Fund together with the Campaign for Black Male Achievement and OSI-Baltimore which have been working collaboratively to support timely strategies that aim to inform the 2012 debate about the *Elementary and Secondary Education Act* (ESEA) reauthorization. The effort is part of a broader cross-program strategy to dismantle the school-to-prison pipeline. The grant supports a special initiative that aligns with the Strategic Opportunities Fund's commitment to fostering cross-program collaborations that deepen the reach and impact of our grantmaking. Two year funding is recommended to ensure that advocacy efforts continue to inform the drafting of regulations that will guide ESEA implementation

The upcoming deliberations on ESEA reauthorization create an opportunity to inform the public debate on how the school accountability measures of the Act may be used to reduce the number of suspensions, expulsions and school-based arrests, which feed the school-to-prison pipeline. The role that the Education Law Center will play in this regard will be to engage in research and promote education policy reforms at the local, state and national levels. Its partnership with the Juvenile Law Center presents a great opportunity to organize both education and juvenile justice advocates in Pennsylvania who serve the same youth population, but often do not work together on reform efforts.

Additionally, the Center's history of activity on the school-to-prison pipeline is, in considerable measure, a history of work with and on behalf of African-American males. For example, the Center published a report last year concerning alternative schools in Pennsylvania that highlighted the overrepresentation of African-Americans and Latinos in these facilities and proposed remedial measures.<sup>1</sup> A recent report of Youth United for Change and Advancement Project on the overuse of zero-tolerance in Philadelphia, on which ELC consulted, did the same.<sup>2</sup> In addition, much of the Center's litigation in partnership with the Juvenile Law Center has focused primarily on African-American students.<sup>3</sup> Pennsylvania is also one of the states that the Campaign for Black Male Achievement's has identified for targeted investments.

Finally, even though the Education Law Center proposes to support a network of Pennsylvania-based organizations on school discipline reform and school-to-prison pipeline issues, it also is

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<sup>1</sup>See [http://www.elc-pa.org/pubs/downloads2010/ELC\\_AltEdPA\\_FullReport.pdf](http://www.elc-pa.org/pubs/downloads2010/ELC_AltEdPA_FullReport.pdf) at 21.

<sup>2</sup>See <http://www.advancementproject.org/sites/default/files/publications/YUC%20Report%20Final%20-%20Lo-Res.pdf>.

<sup>3</sup>*E.g., D.C. v. School District of Philadelphia*, which held that students returning to the Philadelphia School District from juvenile placements could not be automatically assigned to alternative schools for "disruptive" youth.

well connected to similarly-situated national organizations such as the American Bar Association and the Advancement Project. Therefore, any Pennsylvania-based advocacy work will inform national policies and vice versa. We therefore collectively recommend a grant of \$300,000 over two years to support the Education Law Center continuing legal advocacy, research, outreach efforts and communication strategies to dismantle the school to prison pipeline.

**Strategic Opportunities Fund (SOF) Docket – 4/25/11**

**Grant ID:** 20032169

**Legal Name of Organization:** NAACP Legal Defense and Educational Fund (LDF)

**Tax Status:** 501(c)(3)

**Name of Fiscal Sponsor:** None

**Purpose of Grant:** To support LDF's Dismantling the School to Prison Pipeline initiative as it challenges racially discriminatory school disciplinary policies and practices

**Grant Description:** The grant is recommended for phase two of a U.S. Programs cross-fund initiative launched in 2009 and coordinated by the Strategic Opportunities Fund (SOF). The initiative seeks to reduce the inappropriate and harmful use of suspensions, expulsions and arrests in public schools in an effort to dismantle the school to prison pipeline, and to bring these issues to the forefront of the reauthorization debate, now expected to occur in 2011. This grant will support LDF's effort to seize the opportunity presented by the reauthorization of the *No Child Left Behind* version of the Elementary and Secondary Education Act (ESEA) to fundamentally reframe the discussion about school discipline and safety with the goal of reducing reliance upon zero-tolerance and other overly punitive and exclusionary discipline policies, and increasing support of practices designed to make schools safe. This U.S. Programs initiative advances the goals of the Campaign for Black Male Achievement, the Criminal Justice Fund, OSI-Baltimore and the Strategic Opportunities Fund.

**Previous OSI Support:** Total: **\$2,208,000**  
(funding has been from multiple U.S. Programs from 1996-present; currently a core grantee of the Criminal Justice Fund)

**Organizational Budget:** \$13,900,000

**Project Budget:** \$624,266

**Major Sources of Support:** Atlantic Philanthropies \$325,000

**Amount Requested:** \$300,000

**Is this a contingent grant?** No

**Amount Recommended:** \$300,000 over two years (\$200,000 from the Campaign for Black Male Achievement, T1:21120; \$100,000 from the Criminal Justice Fund, T1:24016)

**Term:** Two years (April 1, 2011 – March 31, 2013)

**Description of Organization:**

Founded in 1940 by Thurgood Marshall, the NAACP Legal Defense and Educational Fund (LDF) is a non-profit legal organization with the mission of achieving racial equality for African-Americans and, ultimately, all Americans. LDF has a rich history that includes the landmark 1954 victory before the U.S. Supreme Court in the school desegregation case of *Brown v. Board of Education*. Though the promise of *Brown* remains unfulfilled half a century later, LDF remains committed to the premise that quality education, along with meaningful economic opportunities, the right to vote and fully participate in democracy, and the right to a fair criminal justice system, are fundamental human rights. LDF's "Dismantling the School to Prison Pipeline" initiative, launched in 2001 is a logical continuation of this work, which capitalized upon institutional expertise in both education and criminal justice.

Drawing upon years of experience in addressing concerns of African American students and parents, since the early stages of this project LDF has made strategic connections in New York City and various Southern states, and has developed an expertise in the area on a national level. In 2007 and 2008, LDF worked with the Student Safety Coalition of New York (a partnership of the NYCLU, Make the Road New York, the Urban Youth Collaborative, and others) to address the school-to-prison pipeline in the City's public schools. Responding to several high-profile student arrests on high school campuses in Florida, LDF collaborated with Advancement Project and the Florida Conference of NAACP Branches in 2005 to conduct a series of public hearings on racial disparities in school discipline.

The Dignity in Schools Campaign (DSC), in which LDF is a key partner, is a national campaign that fights the school-to-prison pipeline using a human rights framework. Seeking a private forum for resource-sharing surrounding the school-to-prison pipeline, in early 2007 LDF—with the ACLU's Racial Justice Program (RJP), Harvard Law School's Charles Hamilton Houston Institute, the Juvenile Law Center and the Southern Poverty Law Center (SPLC)—created [schooltoprison.org](http://schooltoprison.org), a password-protected clearinghouse for school-to-prison advocacy materials, that allows community members, litigators and policy advocates to share methods and materials that can be replicated nationwide.

**Description of the Project for Which Funding Is Sought:**

The NAACP Legal Defense and Education Fund requests a grant of \$300,000 over two years to develop litigation and communication strategies to inform ESEA reauthorization that would fundamentally reframe the discussion of what it means for no child to be left behind, and consequently to reshape policy with the goal of reducing reliance upon zero-tolerance and other

overly punitive and exclusionary discipline policies. LDF is one of four organizations that U.S. Programs is proposing to fund for its work to address school to prison pipeline issues.

Over the next two years, LDF will prioritize its work with community organizations in the South to develop a regional network and powerbase for collective efforts to counter the Pipeline. Specifically, LDF will partner with educators and education researchers to highlight and expand the use of practices shown to reduce excessive discipline and racial disparities in discipline. For example, LDF will look to School Wide Positive Behavior Supports (“SWPBS”) as an evidence-based approach proven to reduce disciplinary referrals, improve school climate, and support improved academic outcomes. The SWPBS is now being implemented in 9,000 schools nationwide and has received strong support from the Obama administration.

LDF will also partner with legal organizations from across the country to develop creative forms of ‘pipeline’ litigation; model federal and state ESEA regulations; and a coordinated series of discipline-related complaints alleging disparate impact (and perhaps intentional discrimination) under Title VI of the 1964 Civil Rights Act.

In particular, LDF would like to produce the following outcomes during the grant cycle: (1) jointly develop with national partners a Title VI litigation and advocacy toolkit for community and legal organizations as a partnership project with the Atlantic Philanthropies co-grantees and other community partners; (2) develop recommendations for federal regulations to implement the ESEA and draft model state-level regulations for ESEA (should the ESEA be reauthorized by Year Two of the grant cycle); (3) organize educational briefings for policymakers on civil rights priorities in ESEA reauthorization and focus remarks on addressing excessive school discipline and racial disparities; and (4) work with its co-grantees to develop a communications strategy that would frame the School-to-Prison Pipeline crisis in a manner that addresses more centrist and even socially conservative interests.

LDF will also strengthen its Southern Strategy by beginning to facilitate conversations on successful and useful tools and strategies employed by its Southern regional partners, such as Title VI complaints, legislative reform efforts, discipline code revision, and discipline hearing representation.

Finally, LDF plans to continue its successful collaboration with other OSF grantees on advancing shared principles and engaging a broader array of stakeholders. LDF views each of these activities as inter-related and intends to conduct them in a manner that directly impacts the reauthorization of the ESEA.

### **Rationale for Recommendation:**

The proposed grant to support LDF’s efforts to dismantle the school-to-prison pipeline is being recommended by the Strategic Opportunities Fund together with the Campaign for Black Male Achievement, Criminal Justice Fund and OSI-Baltimore which have been working collaboratively to support timely strategies that aim to inform the 2012 debate about the *Elementary and Secondary Education Act* (ESEA) reauthorization. The effort is part of a broader cross-program strategy to dismantle the school-to-prison pipeline. The grant supports a special



initiative that aligns with the Strategic Opportunities Fund's commitment to fostering cross-program collaborations that deepen the reach and impact of our grantmaking. Two year funding is recommended to ensure that advocacy efforts continue to inform the drafting of regulations that will guide ESEA implementation.

A complex set of practices and policies contribute to what is now known as the school-to-prison pipeline. At the core of the pipeline, however, are three sets of school-based disciplinary actions: student suspensions, expulsions, and arrests, the latter often by campus police. The NAACP Legal Defense and Education Fund has been a leader in responding to this crisis for nearly a decade. In 2005, LDF published "Dismantling the School-to-Prison Pipeline," a seminal study of the policies and practices that push students from our country's schools to its criminal justice system. With a particular eye on the ways in which school disciplinary policies disproportionately impact African American youth, the report offered information on various aspects of the school-to-prison pipeline, including suspensions and expulsions, the under-resourcing of public schools, the racial achievement gap, and the juvenile justice system. Since the 2005 report, LDF has maintained a national voice in the growing dialogue about these problems, and has engaged with grassroots advocates to confront particular local problems as well.

LDF's work has also had a particular impact on black males. For example, LDF partnered with the African-American Male Achievement Group (AMA) of Savannah, Georgia, to develop and submit data requests surrounding student discipline in the Savannah-Chatham School District – specifically about disparate suspension rates of African-American male students. Over the past year, LDF has worked closely with AMA to investigate alleged discipline disparities in that school district. As a follow-up to an LDF co-sponsored community forum held in Spring 2010, LDF is in the process of planning a student discipline conference that will focus on an analysis of race and gender disparities in discipline that disproportionately affect African American boys and identification of policy solutions to address those disparities.

LDF has strong local and national partners, and has devised a sound strategy to work with schools, communities, and education and juvenile justice advocates nationwide to develop a meaningful definition of "safe schools," and to then propose ways in which such schools may be achieved within ESEA's provisions. The final step of LDF's proposed initiative is a large-scale media and public education effort to release the working group's findings and empower communities with information that they can then take to their state and local school and political officials. This proposed effort will coincide with the reauthorization of ESEA, and the findings resulting from this work – a new knowledge base about school discipline and safety – has the potential to contribute powerfully to the discussions surrounding reauthorization by advancing necessary reforms.

For these reasons, staff recommends a \$300,000 grant over two years to the NAACP-LDF to support its work to dismantle the school-to-prison pipeline.

**Strategic Opportunities Fund (SOF) Docket – 4/25/11**

**Grant ID:** 20032163

**Legal Name of Organization:** National Center for Fair & Open Testing, Inc. (FairTest)

**Tax Status:** 501(c)(3)

**Purpose of Grant:** To provide general operating support; and to support FairTest’s work on the project: “Slowing the School-to-Prison Pipeline by Reducing High-Stakes Testing”

**Grant Description:** The grant is recommended for phase two of a U.S. Programs cross-fund initiative launched in 2009 and coordinated by the Strategic Opportunities Fund (SOF). The initiative seeks to reduce the inappropriate and harmful use of suspensions, expulsions and arrests in public schools in an effort to dismantle the school to prison pipeline, and to bring these issues to the forefront of the reauthorization debate, now expected to occur in 2011. FairTest is one of five organizations that U.S. Programs is proposing to fund for its work to address school to prison pipeline issues. The organization serves a unique role through its focus on exposing to the public and policymakers the role of high-stakes standardized testing in supporting the school-to-prison pipeline, as well as expanding the range of national, state and local organizations and alliances working to combat these problems. The U.S. Programs initiative advances the goals of the Campaign for Black Male Achievement, the Criminal Justice Fund, OSI-Baltimore and the Strategic Opportunities Fund.

**Previous OSF Support:** **\$140,000 from Strategic Opportunities Fund, 2004**  
\$25,000 from Strategic Opportunities Fund, 2005  
\$110,000 from Strategic Opportunities Fund, 2009

**Organizational Budget:** \$629,000

**Project Budget:** \$163,700

**Major Sources of Support:** National Education Association \$8,700  
Board Contributions \$2,500  
Individual Contributions \$2,500

**Amount Requested:** \$300,000

**Is this a contingent grant?:** No

**Amount Recommended:** \$300,000 over two years (\$140,000 project support, \$160,000 general support from the Strategic Opportunities Fund; T1:21126)

**Term:** Two years (January 1, 2011 – December 31, 2012)

**Description of Organization:**

The National Center for Fair & Open Testing, Inc. (FairTest) was founded in 1985 by leaders of major civil rights and education groups to advance academic achievement and equal opportunity by ending the misuse, overuse and other flaws of standardized testing practices. As the only national organization dedicated to this assessment reform mission, FairTest has directed highly visible campaigns against the over-reliance on standardized tests, while advocating for alternatives that enhance equity *and* quality in education. They do this by educating the public, coordinating assessment reform alliances, and providing training and advice to parents, educators, civil rights and community organizations.

FairTest's credibility is well established. Although they have always been small, through their aggressive communications campaigns, the organization is a major presence in the news media, with policymakers, and among education, civil rights and other organizations at the national, state and local levels. They have created and coordinated influential coalitions of education and civil rights advocates, where no such groupings existed.

Since passage of the No Child Left Behind (NCLB) version of the Education and Secondary Education Act (ESEA) FairTest has led national campaigns to overhaul the law, along with complementary state and district reform campaigns. They have built extensive coalitions and established ongoing relations with many organizations at all levels. For example, FairTest organized and chairs the Forum on Educational Accountability (FEA). FEA grew out of the FairTest-initiated *Joint Organizational Statement on NCLB*, signed by 154 national education, civil rights, religious, disability, parent, labor and civic organizations. FEA has produced reports recommending a thorough overhaul of the NCLB version of the Education and Secondary Education Act (ESEA). These documents have influenced the positions of many organizations, pushing key reform concepts into the forefront of policy discussions.

In 2010, FEA sponsored a series of public forums and briefings in Washington, some on Capitol Hill, to present their views on key issues. FEA recently released its 2011 recommendations for reauthorization of ESEA. FEA's first public event in 2011, scheduled for late March in Washington, DC, will be a panel presentation on alternatives for overhauling NCLB requirements. In addition, FairTest and FEA will continue to utilize FEA's national network to keep FEA participating groups informed and educated.

**Description of Project for Which Funding is Sought:**

FairTest requests support from the Open Society Foundations for its work to expose to the public and policymakers the role of high-stakes standardized testing in supporting the school-to-prison pipeline, and to expand the range of national, state and local organizations and alliances working

to combat these problems. For example, the FEA's recently released a report; *All Children Deserve the Opportunity to Learn*, addresses discipline and school climate as core opportunity-to-learn (OTL) components; and it incorporates part of the joint *Pipeline* paper. Additionally, in its OTL work, FEA has expanded its areas of concern, analyzed the interconnections among assessment, accountability, school improvement, and opportunity to learn, and fleshed out its recommendations. Thus, under FairTest leadership, they have positioned FEA to play a key role in educating not only its membership about the school-to-prison pipeline but also the numerous people who connect in one way or another to the 154 national organizations that have signed the *Joint Organizational Statement on No Child Left Behind*.

In other words, both FEA and the Pipeline partners have connected the dots among a variety of policies that can improve schools and enable them to successfully serve the most vulnerable children. This understanding can be used in a variety of ways to inform and re-frame the ESEA reauthorization debate. Making the connection between educational policies and school climate can explain how high-stakes testing and punitive accountability feed the prison pipeline and hinder student re-entry. Conversely, for those whose primary concern is juvenile justice, 'connecting the dots' can show how issues such as testing, which have been presented as part of the solution for students of color, are in fact part of the problems those students face. Working with its networks FairTest has developed multiple entry points to bring people into supporting a cohesive overhaul of federal policy.

Because a major portion of FairTest's work has been with educators and their organizations, they are well positioned to work with them to deepen their understanding of pipeline issues – starting with the term itself. This is because some educators find the term objectionable, seeing it as a criticism of those in their profession. FairTest is well positioned to help overcome this hurdle by starting from teacher concerns about the negative consequences of high-stakes testing, not only on teaching and learning but also on school climate and discipline. From there, using language, concepts, and experiences common to educators, FairTest will be able build support for changing discipline practices that feed the prison pipeline, while educating them about such inappropriate responses to high-stakes testing as exclusionary discipline. That said, the issue of discipline is likely to remain somewhat contentious: educators want tools to maintain an orderly environment conducive to teaching and learning, while civil rights and juvenile justice reformers seek to protect children from practices that lead to suspensions and expulsions that disproportionately affect students of color, students with disabilities, and low-income students. Fortunately, positive behavioral supports and restorative justice are practices that can enhance school climate and reduce negative behaviors while properly addressing those that do occur. Thus, there are ways to reduce potential contradictions between educators on the one hand and civil rights and juvenile justice activists on the other.

This will not be a one-time endeavor. Effective advocacy and communications require a consistent effort to educate, persuade and activate. Thus, the actions around the joint paper's release will kick off two years of sustained effort to ensure that Pipeline issues, including testing, are addressed in the reauthorization of the ESEA and in any implementing regulations.

FairTest will use OSI support over the coming two years to engage in advocacy, public education, communications, coalition strengthening and mobilization. The first stage will take

account of the fact that the Obama Administration and some in Congress are striving to reauthorize ESEA in 2011 (it was due for reauthorization in 2007). If this effort succeeds and the law is significantly changed, then extensive writing of regulations by the U.S. Department of Education will follow. Public awareness and action on key regulatory issues will be essential. If reauthorization is again delayed, it will remain imperative to maintain public awareness of and action on the key issues, and perhaps to seek regulatory relief on some of NCLB's core problems.

FairTest will strategically identify a few key communities in which to focus, identifying those that are particularly ripe for strong local action that can have a ripple effect, via the media or through networks of community groups.

### **Rationale for Recommendation:**

The proposed grant to support FairTest's efforts to dismantle the school-to-prison pipeline is being recommended by the Strategic Opportunities Fund together with the Campaign for Black Male Achievement, the Criminal Justice Fund and OSI-Baltimore which have been working collaboratively to support timely strategies that aim to inform the 2011 debate about the *Elementary and Secondary Education Act* reauthorization. The effort is part of a broader cross-program strategy to dismantle the school-to-prison pipeline. The grant supports a special initiative that aligns with the Strategic Opportunities Fund's commitment to fostering cross-program collaborations that deepen the reach and impact of our grantmaking. The upcoming debate expected in 2011 on reauthorization of the federal ESEA creates an opportunity to inform the public debate on how the school accountability measures of the Act may be used to reduce the number of suspensions, expulsions and school-based arrests, which feed the school-to-prison pipeline. Two year funding is recommended to ensure that advocacy efforts continue to inform the drafting of regulations that will guide ESEA implementation.

FairTest will focus on key national outlets that heavily influence public and policymaker opinion, including bloggers and columnists, as well as media in states and localities in which they are engaged. Coordinating with the Advancement Project (also presented on this docket), they will market news releases, fact sheets, and advisories to reporters and bloggers to make the testing-to-prison pipeline part of their public discourse. They will also place opinion columns, letters to the editor and blog posts. FairTest and its allies will develop effective uses of new media, such as interactive websites, YouTube, Facebook and similar social networking sites. Their efforts will build on the commonality of shared experiences, for example among students on testing, discipline, and dropping out. The electronic communications will be linked to forms of activity that can deepen understanding, change public discourse, and shape policymaker thinking. They will test new media interventions they think can be effective. They will disseminate their results and encourage similar actions in other locales, working toward 'going viral' at multiple levels, then using the resulting knowledge and energy to affect change.

SOF therefore collectively recommend a grant of \$300,000 over 2 years (\$160,000 in general support, \$140,000 project support) to support FairTest in their work towards dismantling the harmful effects of policies that drive the School-to-Prison Pipeline.