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ABSTRACT

In "Abbott v. Burke" the New Jersey Supreme Court determined that the state constitutional guarantee to a thorough and efficient education must include a supplemental program designed to wipe out the deficits poor children bring with them to school. In this report, the Education Law Center draws on educational research to identify the programmatic elements needed to meet the needs of disadvantaged students. The supplemental program for the elementary level includes the following components: (1) full-day kindergarten and one level of preschool; (2) reduced class size below 15 students through third grade; (3) school-based youth and family services; (4) parent education and participation in school and classroom; (5) extended school day and year; (6) bilingual and/or English As a Second Language programs; and (7) a research-based instructional intervention such as "Success for All," designed for children with disadvantages. At the middle and high school levels, the supplemental program includes several of these interventions plus an alternative school program and a school-to-work or college transition program. The Abbott v. Burke decision limits the requirement for a supplemental program to those districts covered by the Court order, the identified special needs districts, but this report recommends that the supplemental program be available to students in any district where 20 or more disadvantaged students are enrolled in any grade. (SLD)

"The goal is to motivate them, to wipe out their disadvantages as much as a school district can, and to give them an educational opportunity that will enable them to use their innate ability."

ABBOTT V. BURKE

Wiping Out DISADVANTA

The Programs And Services Needed to Supplement Regular Education For Poor School Children

PREPARED FOR THE MORE THAN 300,000 DISADVANTAGED CHILDREN AND YOUTH ATTENDING THE PUBLIC SCHOOLS OF NEW JERSEY

EDUCATION LAW CENTER

BER 1996

Wiping Out Disadvantages:

The Programs And Services Needed To Supplement Regular Education For Poor School Children

To Marilyn J. Morheuser (1924-1995)

Who gave her life that disadvantaged children might one day enjoy the amount and quality of education now reserved primarily for children of the affluent.

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EXECUTIVE SUMMARY

How ready to learn are children when they enter school for the first time? The answer depends in large part on the social and economic conditions in which children are raised. Usually a child living in an affluent setting is well prepared and eager to take full advantage of education. In sharp contrast, a child growing up poor, under disadvantaged conditions at home and/or in the community is more likely to be unprepared to tackle a rigorous educational program. In other words, the poor child brings to school disadvantages that can impair her or his readiness to learn.

Educators agree on this proposition. Educators also agree that schools serving poor children must address these learning disadvantages to the maximum extent possible. Without such effort, the willingness and enthusiasm to learn may not take hold. When children lack readiness to learn, the results are devastating — to their futures, to their families and communities and to the future of our society.

New Jersey is indeed fortunate because in *Abbott v. Burke*, the Supreme Court determined that the state constitutional guarantee to a thorough and efficient education must include a supplemental program designed to "wipe out" the deficits poor children bring with them to school.

Wiping Out Disadvantages is a report which responds directly to the Court's explicit instruction to state officials in the 1994 *Abbott v. Burke* decision: identify those programmatic elements required to meet the needs of disadvantaged students. The supplemental program for the elementary level identified in this report includes the following:

* **full-day kindergarten and one level of preschool**

* **reduced class size below 15 students through 3rd grade**

* **school-based youth and family services**

* **parent education and participation in school and classroom**

* **extended school day and year**

* **Bilingual and/or English As a Second Language programs**

* **A research-based instructional intervention such as "Success For All", designed for children with disadvantages**

At the middle and high school levels, the supplemental program includes several of the elementary interventions plus an alternative school program and a school-to-work or college transition program.

CHAPTER I

INTRODUCTION

THE NEED FOR SUPPLEMENTAL PROGRAMS AND SERVICES

> *The burden of underachievement affects children of all income groups and social backgrounds, but it falls particularly hard on low income children.*[1]

Children born into poverty, particularly those in urban areas, grow up in conditions which make school learning far more difficult. A poor urban child is more likely to live in crowded conditions, to witness random acts of violence, to receive inadequate nutrition and health care, and to have fewer opportunities for constructive early learning and after school activities. These children come to school on average two years behind in readiness to learn what the schools have to offer.[2]

When they come to school in most poorer urban neighborhoods, children are more likely to find dilapidated physical conditions, classrooms with more students, and fewer academic programs. Their teachers are burdened by inadequate and insufficient pre-service and in-service professional development programs. Effective instructional supervision suffers as school administrators are too often themselves burdened by recurring crises brought on by an ageing physical plant with too many students in a poor, often violent neighborhood. In short, children with the greatest educational needs generally attend schools with the fewest educational advantages. Such circumstances help to explain drop out rates of 40-50% in most poorer urban high schools in New Jersey and low achievement levels for many of those who do graduate.

Educational failure among disadvantaged students has traditionally been seen as the almost inevitable consequence of family background. Increasingly, however, researchers and practitioners have come to recognize that a combination of fundamental reforms in teaching and learning and an effective package of compensatory programs and services can help schools serving disadvantaged children show significant gains in pupil achievement.[3]

THE LEGAL FRAMEWORK

The absence of quality education for disadvantaged children in poorer urban districts has been the subject of numerous court decisions in New Jersey for more than 25 years. Beginning with the filing of *Robinson v. Cahill* in 1970, the New Jersey Supreme Court has addressed the claims of poor school children that they were not receiving education at a level sufficient to prepare them to compete in the economy and to fully participate as citizens in our democracy.

Poor urban school children continued to press this claim in *Abbott v. Burke*. Filed in 1981, the trial of *Abbott* took place in 1986-87 and lasted nine months. The lengthy trial record focused on the link between funding and programs and the children's claim that insufficient

state funding in poorer urban districts led inevitably to lower educational quality and the failure to provide a thorough and efficient education.

The trial judge spent more than one year sifting through the extensive *Abbott* record. In his decision, the judge found for the children on every significant point. Two years later, on June 4, 1990, the Supreme Court affirmed the decision of the trial judge, concluding that the State had failed to provide a thorough and efficient education for children attending school in the poorer urban districts as guaranteed by the New Jersey Constitution.

In its ruling the Court required the State to implement **two** distinct school funding and program mandates for children attending school in these districts. Both mandates were designed to provide equal and high quality educational opportunity. First, the Court ordered the State to assure that these districts have the same amount per pupil to spend on regular education as is available on average in the high performing, wealthier school districts.[4] Such funding was to be provided in order to assure both quantitative and qualitative educational program comparability between richer suburban and poorer urban schools.

In addition to funding parity for regular education, the Court heeded the testimony of educational researchers and experts and ordered the State to develop, adequately fund and implement a "supplemental program" responsive to the special needs poor children bring to school with them everyday. The Court concluded that without supplemental, compensatory initiatives, poor children will be unable to take full advantage of the enhanced regular education program funded at the parity level. The essence of this mandate was first set forth in 1990:

> *If the educational fare of the seriously disadvantaged student is the same as the "regular education" given to the advantaged student, those serious disadvantages will not be addressed and students in the poorer urban districts will simply not be able to compete. A thorough and efficient education requires such level of education as will enable all students to function as citizens and workers in the same society, and that necessarily means that in poorer urban districts something more must be added to the regular education in order to achieve the command of the Constitution.*[5]

In 1994, the Court repeated this mandate, expressly directing the State to "identify and implement" a supplemental package of "special programs and services" for poor students attending school in urban districts:

> *The primary concern, the goal, of the Department, the Legislature and indeed the public, is the actual achievement of educational success in the special needs districts. The record before us makes it clear that success cannot be expected to be realized unless the Department and the Commissioner identify and implement the special supplemental programs and services that the children in these districts require. Without them, they will not have a fair chance to achieve that success.*

The money mandated by Abbott cannot bridge the gap without significant intervention in the form of special programs and services targeted to the needs of these disadvantaged students.[6]

In addition, the Court established a date — September 1996 — for the State to enact a law "providing for" this supplemental program, along with a requirement that the program be implemented in the 1997-98 school year.[7] On September 10, 1996, the Court ordered an extension of the deadline to December 31, 1996.

THE STATE'S RESPONSE

Despite these judicial directives and deadlines, the Department of Education ("DOE") has yet to adequately "identify" the "special programs and services" for poor children in urban school districts, and to determine the cost of these programs. The Quality Education Act of 1990, declared unconstitutional in 1994, did create a separate categorical program to address the special educational needs of poor children. As implemented by the DOE, the "at-risk" program, however, consisted of a published list of possible programs; no requirement that any of the listed programs be implemented; no requirement that at-risk funding be used for any supplemental program; and a funding level based on budgetary considerations rather than the cost of actual programs.

In the school funding plan proposed by the Commissioner in May 1996, the DOE recommended replacing the existing at-risk program with two separate categorical programs — "demonstrably effective" and "early childhood." [8] Although early childhood program aid appears to represent a serious effort to adequately fund full-day kindergarten and one level of pre-kindergarten, the program suffers from the absence of facilities aid designed to provide sufficient space to make real the promise of these programs for all eligible children. On the other hand, demonstrably effective program aid reduces by over $70 million the funds available to districts to respond to the needs of first graders through high school students. This program continues the practice of providing a menu of options, with little or no mandatory requirements, and with no assessment of which group of programs — taken together — might represent an effective response to the impact social and economic disadvantages have on the learning interests, capacity and styles of poor children.

PURPOSE OF THIS REPORT

The purpose of *Wiping Out Disadvantages* is to identify a research-based package of programs and services designed to address the special needs of disadvantaged students. The Report seeks to respond to the emerging consensus among practitioners and researchers that supplemental programs are essential to improve achievement levels for disadvantaged children It also responds directly to the Court's explicit directive: "identify" those supplemental programs and services which clearly make a significant difference in the education of poor children who attend school in disadvantaged communities. These program elements are

summarized in Chapter 2 and more fully explained in Chapter 4.

Each element of the package identified in this Report should be included in a state mandate to give schools the best chance to mitigate student disadvantages. And while the Abbott Court's legal remedy applies only to poorer urban districts, as discussed in the Conclusion, *Wiping Out Disadvantages* recommends that a supplemental program be state-funded and implemented in all schools and districts with 20 or more disadvantaged students in any grade level.

SUPPLEMENTAL PROGRAM COSTS

This Report identifies the necessary components of an effective supplemental program for poor children. The costs of this program must be determined in order to implement this program beginning in the 1997-98 school year. This Report does not attempt to estimate these costs. Instead, it is recommended that the DOE develop an accurate and adequate cost estimate for the program to guide the Legislative and Executive branches in undertaking the actual phase-in and implementation of the program.

Further, the DOE cost estimate for the complete supplemental program must be identified by the Legislature as a separate funding category in the state school funding formula. This funding category -- "Supplemental Program Aid" -- should replace the present "At-Risk" aid funding stream established for such programs in the Quality Education Act. Sources for "Supplemental Program Aid" should include: current "At-risk" aid; federal aid targeted to the programs identified in this Report; and any increases in state aid needed to assure that all eligible students have access to the program. State aid for early childhood programs, whether funded as yet another categorical aid as proposed by the Governor or included in the foundation, will require new funding. And, for the purposes of this report, it is assumed that no new funding will be needed to continue state support for bilingual and English as a second language programs. Whatever the source of funding, however, state officials are required to assure that the supplemental program is comprehensive, that funding is adequate, and that implementation is effective.

THE NEED FOR ADEQUATE FACILITIES

New Jersey has an enormous backlog of unmet facility needs. Estimates indicate aggregate current needs may well exceed $10 billion. Facilities needs may be greatest in the urban districts, where there exists little local capacity to upgrade or build new schools and many older schools remain in operation. The Paterson school district, for example, recently submitted a Facilities Plan which called for $200 million in new and rehabilitated schools.

The supplemental program identified in this Report, when implemented, will have serious implications for school facilities at the local level. For example, many urban districts presently lack the facilities and space to support the operation of full-day kindergarten and one

level of pre-kindergarten for all eligible students. Inadequate facilities will no doubt present problems for districts when implementing other components of the supplemental package, such as reduced class size in early elementary school or alternative programs in middle school and high school. The absence of sufficient and adequate facilities will make difficult implementation of the very programs designed to make it possible for children to take advantage of the new opportunities provided by the supplemental program.

It is simply impossible to separate an educational program from the physical space required to operate the program.. The Court recognized in *Abbott* that a " thorough and efficient education also requires adequate physical facilities. "[9] Indeed, the Court warned in the *Robinson* case two decades ago that "[t]he State's obligation includes. . .capital expenditures without which the required educational opportunity could not be provided."[10]

The facility needs of urban districts required to implement the supplemental program are beyond the scope of this Report. It is essential, however, that in order to satisfy this mandate, the DOE must assess facility needs in these districts. Further, the Governor and the Legislature must provide the leadership, direction, and funding to assure adequate facilities as part of the state's obligation to guarantee a thorough and efficient education to all children, particularly those in poorer urban districts.

THE NEED FOR ACCOUNTABILITY

This Report also does not address the urgent need for increased accountability to assure that regular education in the poorer urban districts improves and becomes comparable in quality and quantity to regular education offered in New Jersey's high performing, wealthier communities. The development of program comparability and fundamental reform in poorer urban schools will require the creation of a dynamic infrastructure, above the school district level. Such an infrastructure must have the capacity to provide parents, teachers and administrators with timely and competent assistance and support. This, in turn, will entail a dramatic shift away from the present approach to oversight, an approach that consists largely of desk audits and report preparation. It is recommended that the Governor and Legislature heed the call in *Abbott* -- that the State fulfill its obligation to make certain that any additional funding for poorer urban districts "significantly enhance[s] the likelihood that the school children in those districts attain the constitutionally-prescribed quality of education to which they are entitled."[11]

Further, as with any State requirement, whether or not the mandate achieves its goal depends in no small measure on the quality of programmatic implementation. It is here, in addition to the sufficiency of funding, that the State must play a significant role. No mandate will be implemented successfully at the school and district levels without strong State direction, expert and sufficient technical assistance, and effective, comprehensive, on-going professional development for all staff.

CHAPTER 2

SUPPLEMENTAL PROGRAM SUMMARY

The supplemental program identified as essential includes elements common to all grade levels, and other elements which are grade-level specific. It is also essential that these elements be installed in each school as a package appropriate to the particular school -- elementary, middle or high school. As discussed in Chapter 5, it is recommended that a process to allow local initiative be put in place. This process would permit replacing one or more of the 'required' elements with a local option designed to be more responsive to local conditions.

The supplemental program includes the following elements.

1. *All disadvantaged children should have access to at least one level of preschool and to full-day kindergarten.*

There is virtually no disagreement on the benefits to poor children of Head Start and other high-quality early childhood programs. Accordingly, the supplemental program must include one level of preschool and full day kindergarten for all eligible children. Since these programs actually bring children into school who would not otherwise be there, it is recommended that a categorical aid be established separate from the proposed "Supplemental Program Aid" (as the Governor has proposed in her Plan), or that funding for such programs be included in foundation aid funding for eligible schools and districts.

2. *Class size should be reduced to below 15 for kindergarten through third grade.*

Research shows that when class size in the early elementary grades is reduced to below 15 for poor students, achievement is positively affected even when no other instructional improvement strategy is initiated. Funds to hire the extra staff needed for such class size standards should be provided through Supplemental Program Aid.

3. *A research-based instructional intervention such as "Success for All" should be installed in elementary schools serving disadvantaged students.*

"Success for All" appears to be the most carefully researched successful instructional intervention designed specifically for disadvantaged students. Other initiatives should be permitted, however, so long as the plan is based on sound research and a design specifically crafted to deal with the needs of disadvantaged children. Funds to support the program should be provided by Supplemental Program Aid.

4. *Programs for limited English-speaking students should be continued in schools with a sufficient number of language minority students.*

Successful programs are essential to assist the growing population of language-minority students in their transition into the mainstream of New Jersey public education. Funding should be continued through Bilingual Education categorical aid.

5. *Parent participation, education, and training programs should be installed at every school serving disadvantaged students.*

Research has consistently shown that when parents and educators work harmoniously together in the interests of specific children and the school as a whole, student achievement is positively impacted. Funding for parent organizing, involvement, education, and training should be provided by Supplemental Program Aid.

6. *Programs to extend the school day and/or school year are vital for disadvantaged students.*

Research clearly shows that disadvantaged students lose more ground over the summer months than their more advantaged peers because educational reinforcement at home and in the community are not as available. Moreover, additional time for learning has been shown to positively impact student learning. Funds for such programs should be provided by Supplemental Program Aid.

7. *School-based Youth and Family Services should be available in all special needs districts.*

Establishing the school building as the hub of comprehensive community-based social and other services has long been advocated by service providers and educators alike concerned about the link between educational deficiencies and social, economic, community, and health problems. Funds for such services should be provided by Supplemental Program Aid. The New Jersey School Based Youth Services Program, developed by the Department of Human Services, should be offered to special needs school districts and strongly endorsed by the Department of Education.

8. ***Alternative schools and programs for middle and high schools in urban school districts are critical to the education of children unable to achieve in regular education settings.***

Specially designed programs which include smaller classes, alternative curriculum, selective teacher recruitment and training, special services, and a suitable and attractive physical environment have been shown to positively impact on the achievement of students not otherwise served by more traditional educational programs. Funds for such programs should be provided by Supplemental Program Aid.

9. ***School-to-Work and School-to-College transition programs are needed to successfully bridge the gap between middle/high school and the next stage in the development of disadvantaged students.***

Lacking the family and community supports available to more advantaged children, it is particularly noteworthy that disadvantaged students cannot compete for college or work without support in their public school experience specifically designed to provide information and skills needed to find alternative work and higher educational opportunities, conduct necessary application procedures and interviews, and once accepted, to stay the course. Funds for such programs should be provided by Supplemental Program Aid.

CHAPTER 3

THE SPECIAL NEEDS OF DISADVANTAGED STUDENTS

The underpinning for the supplemental program mandate is the recognition that poor children residing in New Jersey bring to school with them a wide range of economic and social disadvantages. As the Court found

> *[t]he educational needs of students in poorer urban districts vastly exceed those of others, especially those from richer districts. The difference is monumental, no matter how it is measured. Those needs go beyond educational needs, they include food, clothing, and shelter, and extend to lack of close family and community ties and support, and lack of helpful role models. They include the needs that arise from a life led in an environment of violence, poverty, and despair. Urban youth are often isolated from the mainstream of society. Education forms only a small part of their home life, sometimes no part of their school life, and the dropout is almost the norm.*[12]

Although none of our country's largest cities lie within New Jersey's borders, the state is the most densely populated in the country. Moreover, a combination of unique factors make New Jersey a highly urban state: communities with high levels of population density strung together, extreme wealth and poverty existing side by side, and a culturally diverse population. New Jersey's urban school districts represent the poorest and the nearly poor districts in the state.[13]

Outside of New Brunswick, whose population is two-thirds white, New Jersey's main cities are predominantly nonwhite, ranging from a low of two-thirds nonwhite in Paterson to a high of nearly ninety percent in Orange. New Jersey also has the fourth most segregated school system in the country.[14]

While only 11 percent of New Jersey's children are poor, childhood poverty rates are far higher in the state's main cities, ranging from 26-28 percent in New Brunswick, Paterson, Orange and Trenton, 37 percent in Newark and a high of 40 percent in Atlantic City. The frequency of children living with single parents ranges from 36 to 53 percent in these cities, at least twice the state-wide average of 19 percent. [15] As in urban areas across the U.S., the rate of childhood poverty in New Jersey is highest among the black population,[16] where over half of all families headed by single black women are poor.[17]

New Jersey's urban students experience the range of risks common to urban, poor, and predominantly nonwhite populations. Beginning with low birth weight and insufficient prenatal care, these risks continue with problems in nutrition. Seventy percent of New Jersey's urban public school children come from families that qualify for free or reduced price federal lunch

subsidies. Rates of child abuse are 124 percent higher in Camden, 157 percent higher in Essex, and 43 percent higher in Hudson--the three most urban counties-- than in the state as a whole.[18] New Jersey's urban school districts serve 127,000 Title I educationally disadvantaged children. Drop-out rates in these same districts range from 40-50 percent.[19] Although data has not been disaggregated for New Jersey, national urban data suggest that 13.5 percent of the state's urban school children are limited-English proficient, and one in ten is disabled.[20]

As jobs for workers with low skills have decreased and become lower-paying, low educational attainment has become increasingly linked to low wages, unemployment, and crime. According to 1990 census data, the median income of college graduates in the New Jersey-New York Metropolitan area was 80 percent higher than that of high school graduates, and the median income of high school graduates was almost 60 percent higher than that of persons without a diploma. Moreover, more than 80 percent of college graduates are employed, compared to 40 percent of those who did not complete high school, and the incidence of poverty is heavily concentrated at the bottom of the ladder of educational attainment.[21]

Growing unemployment in urban areas, particularly among those competing for low-wage jobs, has made prisoners the fastest growing population group nationally. A black male is seven times more likely to be in jail than a white male. While black men constitute 3 percent of college enrollment, they are 47 percent of America's prison population.[22] In New Jersey, juvenile commitment rates in Camden, Essex and Passaic Counties--are 135 percent worse, 96 percent worse, and 74 percent worse than the state as a whole. Teen death rates in Camden and Essex are also 17 percent worse, and 67 percent worse, respectively.[23]

These are the general economic and social conditions that affect the lives of children who attend school in New Jersey's poorer urban communities. As found in *Abbott*,

> *. . . .the issue put to us by the plaintiffs is the education of those children who live in poverty. Their cities have deteriorated and their lives are often bleak. They live in a culture where schools, studying, and homework are secondary. Their test scores, their dropout rate, their attendance at college, all indicate a severe failure of education. While education is largely absent from their lives, we get some idea of what is present from the crime rate, disease rate, drug addiction rate, teenage pregnancy rate, and the unemployment rate.*[24]

These are the conditions that led to the *Abbott* mandate requiring supplemental programming in poorer urban schools. Replicating the level of programs and services which commonly are available to advantaged children, without providing school-based responses to these different and difficult circumstances, will not provide the upward lift many disadvantaged children require.

CHAPTER 4

THE SUPPLEMENTAL PROGRAM

Eighty-two percent of America's prisoners are high school dropouts. The best way to reduce crime rates is not to build more jails but to reduce the high school dropout rate, giving youth a "straight" alternative.[25]

EARLY CHILDHOOD PROGRAMS

Disadvantaged students are those students who live in high-risk environments.[26] Their families, communities, and schools, as well as their employment opportunities, all require serious attention. Given the increasing importance of educational attainment to survival in the 21st century, schools have become a key locus for intervention. Moreover, as the strength of other neighborhood institutions from churches to businesses has dwindled in inner cities, schools increasingly represent potential centers of social and economic life, critical to rebuilding these areas. Finally, many disadvantaged students enter school lacking the skills preparatory to literacy. Thus experts believe that the early childhood years are the most effective time to begin interventions designed to improve opportunities for disadvantaged students.

Preschool

The vicious cycle of low educational attainment begins early. Preschoolers whose parents have less than a high school education are half as likely to be read to everyday as preschoolers whose parents are high school graduates. Moreover, those parents who are unlikely to provide their children with literacy skills are also the least likely to enroll their children in preschool programs. Less than half of all 3-5 year-olds from families with incomes under $30,000 annually are in preschool, compared to over 80 percent from families with incomes over $75,000.[27]

As the importance of preschool and kindergarten has been increasingly acknowledged, enrollment has grown.[28] While only 15 percent of all four-year-olds were enrolled in preschool in 1964, by 1991 nearly three-fourths of all four-year-olds were involved in preschool programs.[29] Head Start and other public programs for disadvantaged children grew during these three decades; however, the greatest growth in preschool attendance was among high-income white children with mothers not in the labor force.[30]

Evidence that enriching a child's early environment could significantly alter the child's IQ was an important impetus to the initiation of Head Start in the 1960's. An early evaluation of the Head Start program diminished some of the enthusiasm concerning the effects of a single modest intervention on children's IQ and subsequent achievement.[31] However, in the 1980's, two major studies which had followed children from their preschool programs in the early 1960s

until they graduated from high school indicated a variety of long-term positive effects. These studies showed that a quality preschool experience improved students' intellectual performance and scholastic achievement, lowered rates of special education placement, and raised graduation rates. In addition, preschool graduates were more likely to be employed and received higher earnings, and were less likely to be arrested. While there was no difference in pregnancy rates, girls who had attended preschool were more likely to complete high school after giving birth.[32] The long term positive effects of preschool on achievement were again affirmed in a 1994 study, which followed low-income students who had attended preschool through the 12th grade.[33]

Full-Day Kindergarten

Nationally, 93 percent of all five-year-olds today attend kindergarten, compared with 5 percent in 1901. Most states now mandate kindergarten.[34] While some kindergartens were reduced to half-day programs during the baby boom era, the need to provide both care for children of working parents and adequate preparation for first grade, have been among the pressures driving the move towards full-day programs. Currently, over half of all urban first-graders attended full-day kindergarten.[35]

Unlike successful preschool programs, the long-term effects of full-day kindergarten have not yet been demonstrated. However, a number of studies have compared the effects of full-day kindergartens on the changes in test scores of disadvantaged and advantaged students from the beginning to the end of the year. Although advantaged students do not appear to do better in full-day than in half-day kindergartens, disadvantaged students show positive results on a variety of standardized tests. It is important to note that the time spent on academic activities was not always increased in full-day kindergarten programs; thus part of their positive effects on disadvantaged students was simply the result of having more time to expose students to different experiences in school and of using a variety of materials for structured activities.[36]

ELEMENTARY INTERVENTIONS

K-3 Class Size Reduction to Below 15 Students

Since teachers' salaries constitute a major cost of public schooling, class size has generally also been larger in financially strapped poorer urban districts than in well-funded wealthier districts.[37] The question of optimal class size has been surrounded by controversy in both political and research arenas. As school systems have attempted to cut costs by increasing the ratio of students to teachers, parents have demanded adequate attention for their children, and teachers have argued that they needed smaller classes in order to use flexible teaching strategies and to reduce discipline problems.

Due largely to the political controversies surrounding class size and student-teacher ratios, the effects of class size on learning has often been studied. An important study in the early 1980's, for instance, argued that classes needed to be reduced to 15 or fewer pupils to

make a noticeable difference in student performance. It also made clear that reductions in class size had larger effects when the reduction occurred over longer periods.[38] However, because the students varied in age and social class, and the curriculum varied, the study was criticized as inconclusive.

A vast three-stage experiment conducted in Tennessee, however, has made clear the importance of small classes in the early grades, particularly for disadvantaged, nonwhite students. This experiment began in 1985 when the Tennessee legislature authorized a four-year study of 330 kindergarten, first, second, and third grade classrooms in 76 schools --including inner city, urban, suburban, and rural. Small classes with a teacher working with 13 to 17 pupils were compared with large classes of 22 to 25 pupils, as well as with large classrooms in which the teacher was assisted by a instructional aide. Some 6,500 pupils were compared on both standardized and curriculum-based tests that assessed reading, mathematics, and basic study skills. After four years, smaller class sizes proved more efficient in producing early learning than either comparison classrooms in the study. The addition of an aide to a regular-sized class resulted in a slight gain in both reading and math. Moreover, during the first two years of the experiment, the effect of small class size on the achievement of African-American children was about double that of white children.[39]

In the second phase of the Tennessee project, the Lasting Benefits Study, researchers analyzed the achievement of children who had been in the three types of experimental classes from kindergarten through third grade, after they were returned to regular-sized classes. Fourth and fifth graders who had originally been in small classes scored higher than those who had been in regular-sized classes.

In the third phase of the project, Project Challenge, small classes for K-3 students were implemented in 17 Tennessee school districts with the lowest per capita income and the highest percentage of free or reduced-price lunches among the students. Before Project Challenge, these districts had been performing well below the average for the state in mathematics. During the two years in which an evaluation was conducted after the intervention, they moved to above the state average.[40]

Success for All or an Alternate, Research-Based Instructional Program

Social class continues to be the strongest determinant of standardized test scores. Because of the confluence of race and class in the United States, African-American students tend to score lower than whites. Although black students have made steady progress over the past ten years, they still demonstrate reading proficiency rates substantially below those of white students. Since retention and special education placement are largely determined by reading, the damage done to children by early reading failure, as well as the costs to public education, are great. Moreover, although traditional Chapter 1 compensatory education and other pull-out programs have had short-term positive results, they have generally not succeeded in bringing the achievement levels of participating students to that of their more advantaged peers.[41]

Success for All is a comprehensive educational program for disadvantaged children in preschool through third grade. Begun in 1987-88 by researchers at Johns Hopkins University, and designed for high poverty schools with large numbers of Chapter 1 students, the program contains a number of research-based components which, when used together, are meant to ensure that every student succeeds in acquiring basic skills in the early grades. Schools undertaking *Success for All* offer high-quality preschool and kindergarten programs; one-to-one tutoring in reading, especially in the first grade; research-based reading instruction at all grade levels; regular 8-week assessments of students' reading progress; and a family support program.[42] As important, *Success for All* is an intervention in which "programs and services are relentlessly applied until all children succeed."[43]

Schools joining *Success for All* receive specific services, as well as curriculum and materials. The Johns Hopkins team offers detailed manuals and two days of in-service training at the beginning of the year, while throughout the year informal coaching and follow-up sessions allow teachers to discuss *Success for All* materials and individual children. As of January 1996, there were 350 *Success for All* programs across the nation. The program's prescriptiveness, intensive coaching and follow-up have resulted in an over 90 percent "adequate" implementation rate.[44]

Schools and students participating in *Success for All* are also matched with controls. Thus, a good deal of comparative data has accumulated over the past eight years. Students in *Success for All* show significant gains in reading and other standardized test scores, which increase with the number of years in the program. As important, the effects appear to be strongest on those students in the bottom range of achievement.[45]

INTERVENTIONS FOR ALL GRADES

A Program For Limited English-speaking Students

Since the early 1980's, supporters of bilingual education have been pitted against "English only" action groups. Unfortunately, while this debate has often consisted of defensive rhetoric, it has stifled research into effective methods of linguistic integration. The complexity of issues surrounding bilingual education has been further compounded by desegregation mandates, the rapid growth in language-minority students in urban areas, as well as the increasing number of languages spoken by students in a single district or school.

Nevertheless, limited English proficient students are legally entitled to special programming. Moreover, research suggests that the most promising programs for non-English speakers are those that seek to develop and maintain high levels of bilingual proficiency. These programs fully integrate students with diverse linguistic backgrounds, strengthening dual language skills for *both* language minority and language majority students, a process that furthers the goal of both integration and bilingual education.[46]

Parent Empowerment

There are three interconnected areas in which involvement in schooling positively affects student achievement, regardless of the family's social class, ethnic background, or language. First, supporting families in their attempt to create a climate of learning at home reinforces and extends academic learning. Second, strengthening parents' linkages to schools can produce learning gains for children. Third, increasing parents' role in the school, including in its governance, improves student achievement.[47]

* *Parent Training Programs:*

Children of low-income parents are most likely to lack the necessary home supports for learning. Parents are often uninformed about homework policies, or feel that they do not have the necessary skills to help their children. Beyond solving these obvious problems, it is often important to assist parents who may not know how to discipline their children, or to help improve parent-child relationships that may be violent or conflict-ridden. Finally, since the literacy practices of low-income families and families who speak a language other than English may be different than those of the school, it is often critical to bridge these gaps.

A number of culturally sensitive parent training programs have been developed over the past decade. These programs tap parents' experiences and culture, and provide parents with the skills to foster their children's learning. The programs show increased rates of development among preschool children, and their parents appear more aware of their development; at the elementary level, these programs show increased levels of achievement among students, as well as decreased rates of retention.[48]

* *Programs to Strengthen Parents' Linkages to Schools:*

Starting in the late 1970's, effective schools research made clear that schools serving poor, minority students *can* be successful, and that *all* students can learn when the whole school is directed to encouraging achievement.

Over the past decade, a number of school improvement programs have developed out of the effective research, including the Accelerated Schools Project, the League of Schools Reaching Out, the Center for Collaborative Education, and the School Development Program. These programs reject a deficit view of students' families, and instead see families as students' first and most important teachers. They work to heal the breach between families and schools by defining parents as critical actors in school restructuring and improvement. Major efforts are made to reach out to all parents; they are included in learning activities, family-school conferences, and in decision-making bodies that concern many aspects of the school.

One of the most important initiatives directed to involving families at all levels has been the School Development Program (SDP), developed by James Comer, a child psychiatrist at the

Yale Child Study Center. The SDP began in two troubled New Haven schools in 1968, and remained in these schools for the next sixteen years. An Elected School Advisory Council, including the principal, teachers, aides and families acts as a management team, helping to run the school. In addition, a mental health team provides direct services to children and advises school staff and parents.[49]

In 1990, with Support from the Rockefeller Foundation, the Yale Child Study Center began offering the program to other schools around the country. By summer 1994, there were 382 Comer schools in 65 school districts. Although some SDP schools are too new for results, a recent federal study shows that, through improving school climate, the Comer School Development Program improved social skills, raised educational attainment, and increased attendance among students from more than 250 elementary schools and high schools.[50]

* ***Programs to Involve Parents in School Governance:***

School districts around the country have been involved in decentralization and school-based management. Many of these projects have involved parents in school-level decisions. For example, in Kentucky local school councils consist of teachers, parents, and the principal, who are given authority over staff and principal hiring, curriculum (within state guidelines) and instructional organization. In Chicago, local school councils composed of a majority of parents have critical authority over school leadership and funds.[51] Although the most inactive parents will not be pulled into this more active involvement, enabling parents to participate in school governance decreases the distance between schools and communities and makes it possible for *all* parents to feel that the school is theirs.

Extended Day/Extended Year Programs

Recent developments suggest the importance of extending the school day, as well as the school year. First, research has made clear that achievement is related to time spent on learning.[52] Studies have also suggested that low-income students lose more over the summer than do advantaged students.[53] In addition, many urban children are at risk during nonschool hours. Evidence shows that failing a student is expensive, and that grade retention has negative effects on student achievement, attendance, and dropout rates.[54] Finally, some districts have found that year-round schooling can provide greater efficiency and decrease costs.[55]

Because of the many problems which year-round programming appears to solve, it has remained popular despite its mixed effects on student achievement. For example, a twenty-year study of a year-round program in Virginia found increased achievement scores and a decline in the pupil dropout rate.[56] An evaluation of Utah's year-round and extended-day schools suggested that year-round schools increased achievement.[57] Several districts have also used extended year and summer school programs as an alternate to retention. However, a comprehensive review of research on year-round programming failed to find significant improvements in student achievement when compared to traditional programs.[58]

This may be because many year-round programs include multi-tracks in which no student is actually attending school year round. Moreover, interviews with principals using year-round schooling suggest that they prefer it and believe that it improves student discipline and achievement.[59]

School-based Youth and Family Services

The web of societal and educational problems in urban areas is complex and difficult to solve. In addition to the health problems resulting from unprotected sex, drugs, violence and depression,[60] poor urban children and their families have a wide range of needs for health, employment, and social services. While the primary mission of public schools continues to be academic teaching and learning, urban districts have come to understand that many students require non-cognitive interventions to facilitate readiness to learn. Moreover, the ways in which schools and other public agencies approach social problems must change: previously fragmented services must be coordinated, and schools and community agencies must take on the role of "surrogate parents" and create "safe harbors" for students.[61] Advocates of school-based services have also maintained that by linking the provision of social services with education, the status of the school is elevated, positive feelings about the school among adult and parent members of the community are increased, and the learning activities of the school receive greater support.

New Jersey's effort in this area has become nationally recognized. The New Jersey School-Based Youth Services Program (SBYSP) began in 1987, and has been described as "the first substantial effort by a state to link schools and social services to help ensure youngsters' success."[62] In 1991, the program received the prestigious "Innovations in State and Local Government" award by the John F. Kennedy School of Government at Harvard University and the Ford Foundation for being one of the nation's ten most innovative programs.[63] The program now funds a SBYSP in 42 high-needs schools in 30 districts. Each school with a SBYSP provides on-site child care and information and referral, mental health and family counseling, substance abuse counseling, educational remediation, recreation, and employment services; the addition of health services is also required, either on site or by referral. Expansion of the New Jersey program to other schools and districts has been stalled because funding has not been provided by the State.

This program has been replicated in Iowa, Kentucky, and California. In Kentucky, it was mandated in schools in disadvantaged districts as part of that state's overhaul of its entire education system. A similar program was launched in New York City when the first ten Beacon Schools were opened in 1991; they also offer health and social services, as well as employment training and cultural and recreational activities. [64] In California, Healthy Start is one of the largest efforts to create community-generated, collaborative strategies for integrating school-linked services. Funded by the California Department of Education, 280 planning and 149 operational grants were given to schools between 1992 and 1995. Although Healthy Start varies widely depending on local needs, its focus is on providing a comprehensive system of "culturally competent" services to children and families.[65]

Turning Points, by the Carnegie Council Task Force on the Education of Young Adolescents, argued that every middle school should have a health coordinator to marshall the health resources necessary for student learning.[66] As of 1993, more than half of all states provide funds to stimulate the organization of school-based health programs. Another national survey suggests that 500 schools currently have clinics, with 70 percent of the students at each school served by these clinics. Nevertheless, only one out of every ten students in the highest-risk settings currently has access to on-site health services.[67]

In fact, most urban districts have taken on the task of providing health and social services to students, often in collaboration with other local agencies. Health screening and services, dental services, and mental health services for children and their families, as well as daycare for teenage parents, are all part of these new efforts. In addition, many schools provide counseling, mentoring, conflict mediation, drug prevention, and violence prevention programs. In a 1992 analysis of urban districts, over 70 percent of the urban districts provided some form of health clinic in at least some of their schools; a third offered some form of support for children of drug addicted parents; 85 percent created programs to reduce suicide and stress among students, to decrease crime and gang activity, and to prevent pregnancy; all the districts provided drug education programs and nutrition education program in at least some of their schools.[68]

These efforts are all relatively recent. Thus, research documenting their need is so far greater than studies showing their effectiveness. However, a recent evaluation of California's Healthy Start shows impressive reductions in previously unmet needs for goods and services, including food, clothing, other basic needs, child care, legal assistance, and health and dental care. The evaluation also shows small but apparent improvements in student grades, emotional health issues, teen risk behaviors, and general well-being. Moreover, those students who participated longer in the school-linked services showed greater improvement. [69]

An evaluation is currently being conducted of New Jersey's School-Based Youth Services Program. Although evidence remains anecdotal, individual site studies have reported substantially reduced levels of violence and teen births in several of the participating schools.[70] In particular, one site reported reduced dropouts, suspension and teen births. At this site, teen birth rate dropped from 20 a year to one or two a year. Suspensions were reduced from 322 to 78, and dropouts from 74 to 24. Additional other sites reported reductions in violent behavior from 170 violent incidents to 74 in a two year period. Educators and administrators also had high praise for New Jersey's program when surveyed, reporting that it substantially helped them to help more students, allowed them to do their jobs, and improved the overall environment of the school.[71]

At trial in *Abbott* during the 1986-87 school year, testimony and evidence were introduced demonstrating the importance of guidance and counseling services for children and their families in disadvantaged communities. The national associations concerned about school guidance issues have long recommended a case-load for counselors serving disadvantaged students of no more than 100.[72] Thus, for an elementary school of five-hundred students, a staff

of five service providers would be appropriate. Consistent with the holistic approach recommended in this section, the functions of guidance and counseling must be broadened to include direct assistance to students and their families on a broad range of social and economic problems. Depending on local needs and circumstances, a team of social service providers should be organized to provide such services as health screening, and services; dental services; family planning; individual counseling; substance abuse treatment; mental health services; employment, education, training, housing, and legal assistance and referrals; recreation, sports, and cultural services and referrals; parenting training; child care; parent organizing, education, and involvement in classroom and school affairs; case management, crisis intervention, follow-up; and community policing. In any event, in order to provide comprehensive services, the standard of five professional service providers for a school of five hundred students should be adhered to.

* ***Programs to Create Safe Schools:***

The issue of safe schools cannot be separated from that of a divided society, in which students who grow up in poor urban neighborhoods are surrounded by violence, not only on the street, but in movies, on television, and in popular songs. Urban students are also aware that their schools are rundown and poorly equipped in comparison with suburban schools, that the technology isn't up-to-date enough to prepare them for jobs or college, and that they are often distrusted by the adults who work with them. In fact, in several cities, when old schools were renovated or new schools built, students' test scores showed marked improvement.[73]

Most schools have discovered that security forces and electronic devices may stop violence in the short run; but too often they are part of a fortress mentality that leads to its own cycle of undesired behaviors. Schools have also found that small, unrelated programs rarely make a big difference.

Nevertheless, school-wide interventions can help. A prominent current approach, which focuses on development of self-respect and self-discipline in students and positive working relationships school-wide, has been shown to be better for both students and adults and for the climate of the school[74]. For example, a number of elementary schools have begun to focus on building student's self esteem as well as socialization skills. In some schools, teachers and students are asked to get to know each other, including likes and dislikes, strengths and weaknesses. The object is to generate engagement and ownership in school activities among teachers and students.

Schools have experimented with a variety of programs to decrease the size and anonymity of larger schools that lead to violence, dividing school into mini-schools and schools-within schools. Many schools are also incorporating conflict mediation and other conflict resolution skills into their curriculum.

One recent safe school strategy has been the creation of School Liaison Officers (SLO's)

or School Resource Officers (SRO's). This is a police officer, who is paid in part by the police department and in part by the school district, and whose beat is the schools. However, the officer's duties goes beyond policing to "keeping the peace," acting as a classroom resource, and instructing and counseling students. The effectiveness of SLO or SRO programs is hard to measure, since much of the impact is preventative. However, in North Carolina, where the program has been tried, tracking violent incidents suggests that reductions have been achieved.[75]

MIDDLE GRADE AND HIGH SCHOOL INTERVENTIONS

Middle-school and high school years are particularly high-risk years for urban students. Unprotected sex, drugs, gangs, violence, and depression are among the new morbidities affecting urban adolescents. [76] Retentions that occurred in the elementary years also begin to show up as drop outs in the middle and high school years. For those students who leave school, the world offers little employment and few safety nets; pregnancy, arrest, imprisonment, and death all become heightened possibilities.

Alternative Schools

Although urban students want contact with adults, too often they are deprived of sustained relationships with caring adults in their homes and neighborhoods. Even elementary school teachers struggle against large classes to pay attention to their students, and teachers in junior highs and secondary schools often see 150-200 students a day. Thus, teachers become yet another lost opportunity for connection.

Alternative schools were developed in the 1960's as a strategy for educating those students who showed either behavioral or learning problems in regular middle and high schools. Over the past three decades, the success of these schools has made them a critical offering within nearly every urban district. Even when alternative schools exist as schools-within-a-school, they are smaller (they rarely exceed 300 students), and they offer smaller classes, than traditional schools. As important, they provide a supportive, caring environment with closer student-teacher relationships and stronger links to parents than in traditional schools. Alternative schools also offer flexible scheduling and more experimental program options than are available in traditional schools. Many alternative schools include special counseling, offer conflict resolution, or use other psychological or developmental approaches.[77]

Successful alternative schools have improved student achievement and parent involvement, decreased behavior problems among students, and reduced dropout rates.[78]

School to Work/College Transition Programs

A combination of factors has prompted the development of transition programs that help students to move from school to work or school to college. High unemployment among urban

youth, as well as the perception among employers that urban youth lack the necessary skills for entry level jobs, have placed pressure on schools to prepare students better for life beyond the twelfth grade. On the college side, the recent increase in admission requirements, combined with a reduction in supports for unprepared students, have increased the pressure for preparation at the high school level. Finally, there is the general fear that students without skills can become a burden on society, and that joblessness can easily lead to crime.[79]

Since the 1970's, a variety of programs have been developed to improve student skills at the high school level, at the same time as sharpening their focus on their career and/or education plans after high school graduation. Career Development, Experienced Based Career Education, Coop programs, competency based education, and most recently Tech Prep--these initiatives have all attempted to better prepare urban youth for work. Similarly, Upward Bound, Double Discovery, and Higher Education Opportunity Programs (HEOP) have been directed to helping urban students make the transition to college and increasing their chances for success once there.

None of these initiatives can increase the number of jobs in inner cities. Coop programs, for example, which offer students a combined program of academic learning and employment, are often limited by the jobs available in the community. Nor can these initiatives convince colleges attempting to combat rising costs to spend more on remediation. Beyond these severe limitations, the history of these transition programs has been plagued by funding cuts and reduced or changed goals. Nevertheless, a number of initiatives have been successful in their narrow area of intervention.

Over the past several years, a number of schools and districts throughout the country have implemented "Tech Prep" programs to increase students' motivation to complete high school and to pursue academic training at two-year colleges offering technical training. Using federal funds, these programs have played a significant role in redesigning and upgrading vocational curriculum, increasing the articulation between high school and college courses, and creating new opportunities for high school graduates at technical and other two-year colleges.[80]

A number of districts have also created bridge programs to give high school students first-hand experience of college as well as early exposure to the academic demands of specific careers. These programs generally show increased knowledge and motivation by participating students.[81] In addition, involvement with college is said to lower dropout rates.

CHAPTER 5

CONCLUSION

...poorer disadvantaged students must be given a chance to be able to compete with relatively advantaged students.[82]

As the discussion in the preceding chapters shows, research-based programs and services designed to serve disadvantaged children can make a significant difference in their achievement levels and ultimately their futures as well. It is hoped that this Report has fully illuminated which programs and services should be included in a comprehensive supplemental package available to special needs school districts and to other schools and districts serving disadvantaged students.

In *Abbott v. Burke*, for the first time anywhere in the nation, a state's highest Court found that in order for poor children to compete with their more advantaged peers, they need ***more*** education than children from wealthier communities, because their needs are so much greater. Unfortunately, *Abbott* has been mis-characterized as only a decision about school financing. Even a casual reading reveals that at the heart of the decisions lies concern about what children need, and about qualitative as well as quantitative educational program equity. It is hoped that *Wiping Out Disadvantages* sheds light on the substantive requirements of these historic decisions.

As discussed in the Introduction, once agreement is reached on the elements of the supplemental program, an accurate assessment of the cost of the program must be developed by the DOE and an adequate funding formula for the Supplemental Program must then be adopted by the Legislature. In addition, there are several other important issues that must be addressed in order to assure successful statewide implementation of the Supplemental Program.

PROGRAM COVERAGE

Abbott v. Burke limits the requirement for a supplemental program to only those districts covered by the Court order, the so-called "special needs" districts. It is recommended that the Supplemental Program identified in this Report should be available to students in any district and school where 20 or more disadvantaged students are enrolled in any grade. It is anticipated that the cost factor in such schools and districts will be somewhat lower, on the grounds that it is only in the poorest urban districts, where the combination of family ***and*** community poverty requires maximum program coverage.

PROGRAM REQUIREMENTS AND WAIVERS

Each school in a special needs district should be required to implement the program elements identified for its grade configuration. A waiver process should also be developed

which enables a school or district to opt out of one or more requirement in favor of another intervention so long as the need is documented and rigorous research is either offered in support or, in the case of an experimental design, proposed as part of the project. For non-special needs districts, choosing from the designated program or opting for the waiver should also be available.

DOE OVERSIGHT AND QUALITY ASSURANCE

It is recommended that DOE establish a technical assistance program to assist schools and districts in program development, implementation, and evaluation. Such assistance should include sufficient specialists in the various program areas included in the Supplemental Program as well as sufficient staff to help in the assessment of capacity and readiness of each school and district to develop, implement, and evaluate program elements successfully. Where deficiencies are detected, a program of capacity enhancement should be implemented which may include hiring additional staff, further on-site technical assistance, and the full range of professional development opportunities. Annual program planning should be required and planning implementation and evaluation activities should be monitored by the DOE. The requirements for such planning and the details of monitoring should be developed with the involvement both of local school people and of independent, recognized experts to assure relevance and effectiveness. The quality of past planning requirements and monitoring activities must be assessed. Prior mistakes and bad practice revealed in such assessment must be corrected in advance of the development of any new system. DOE should establish standards to permit evaluation of program effectiveness, and the academic progress of all disadvantaged children.

SCHOOL-SITE MANAGEMENT

Participating schools should be required to establish school site councils comprised of parents, teachers, other school personnel, older students, community representatives, and social service agency representatives. Team-building professional development activities and regular on-site technical assistance should be available to help assure success of the local school councils. Local board of education decision-making should determine the authority granted to each school council.

COLLABORATION

It is recommended that DOE establish an inter-agency planning task force with the School Based Youth Services Program of the Department of Human Services to plan the installation of family services at participating schools. Critical attention must be given to a needs identification process to enable local determination of which services to install at the site, the preferred method of identifying, selecting, and supervising staff, and the role existing social service agencies should play in school-based planning and implementation.

CHAPTER 6

POSTSCRIPT

An accurate estimate of the cost of the Supplemental Program identified in *Wiping out Disadvantages* must await further work by the DOE. Even a cursory reading of this Report, however, makes clear that full implementation of the program will exceed resources presently available. The decades-long public debate over education funding in New Jersey has demonstrated quite clearly that before spending amounts are projected, the educational needs of students must be assessed and the programs that can effectively address those needs must be identified. It is hoped that *Wiping Out Disadvantages* will add to public understanding that, in all instances, student needs and program planning must precede the discussion of how much spending is needed to provide essential and constitutionally required programs.

Even more important is the urgent need to assure that supplemental programs actually implemented in the schools are of the highest quality. For this to occur, the present paucity of an organized statewide reform effort must be acknowledged. Enhancing the capacity of state and local education organizations to conduct effective program planning, implementation, and evaluation is essential. This, in turn, will require the full participation of the DOE, institutions of higher education, and other providers of professional development and technical assistance services. As the Court observed in *Abbott*,

> *Included in our perspective are the stories of success. They show that the urban poor are capable, that given sufficient attention in an adequately financed system using the best knowledge and techniques available, a thorough and efficient education is achievable.*[83]

Wiping out Disadvantages offers the opportunity to make a significant difference in the lives of children born into poverty. It will no doubt be difficult to develop consensus on the needs of disadvantaged children. Yet the seeds of consensus can be sown if we can take to heart the stirring words of the late Chief Justice Robert Wilentz:

> *This record proves what all suspect: that if the children of poorer districts went to school today in richer ones, educationally they would be a lot better off. Everything in this record confirms what we know: they need that advantage much more than the other children. And what everyone knows is that — as children — the only reason they do not get that advantage is that they were born in a poor district. For while we have underlined the impact of the constitutional deficiency on our state, its impact on these children is far more important. They face, through no fault of their own, a life of poverty and isolation that most of us cannot begin to appreciate or understand.*[84]

We do not lack for resources. Nor do we lack the technical answers to the challenge of teaching and learning in urban schools. What is missing is the courage, the will and the leadership to bring resources and expertise together to solve the problem of education in urban New Jersey. In the end, there is no alternative. As the dawn of a new century approaches, we must find a way to educate each and every one of the neediest of our children.

NOTES

1. Carnegie Corporation of New York. *Years of Promise: A Comprehensive Learning Strategy for America's Children*. New York. 1996

2. *Ibid.*

3. See *Years of Promise: A Comprehensive Learning Strategy for America's Children* as but the latest research-based report on this matter.

4. The term "regular education" means those aspects of schooling which are available to all children. It necessarily does not include extra programs and services which are normally available to children in special circumstances, e.g. bilingual and special education, at-risk programs, etc. Funding for regular education has been provided by state foundation aid and transition aid (equalization aid and minimum aid under Chapter 212, the school financing scheme from 1976-1990) and local revenues. Such funding represents the "local levy budget" or, under C. 212, the Net Current Expense Budget.

5. *Abbott v. Burke*, 119 N.J. 287, 374 (1990)

6. *Abbott v. Burke*, 136 N.J. 444, 454 (1994)

7. *Abbott v. Burke*, 136 N.J. 444, 445 (1994)

8. See *Comprehensive Plan for Educational Improvement and Financing*, May 1996, SDOE

9. *Abbott v. Burke*, 119 N.J. 287, 362-63 (1990)

10. *Robinson v. Cahill*, 6;2 N.J. 473, 520 (1973)

11. *Abbott v. Burke*, 136 N.J. 444, 452 (1994)

12. *Abbott v. Burke*, 119 N.J. (1990)

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About Education Law Center:

Founded in 1973, Education Law Center (ELC) is the only not-for-profit law firm in New Jersey specializing in education law. Through research, public education and advocacy, and legal representation, ELC pursues its primary mission of education reform and school improvement on behalf of disadvantaged students and students with disabilities.

ELC's Parents' Representation Project provides the full range of legal services to parents, guardians, and caretakers of children involved in a dispute with public school officials. The Project works closely with parents in urban school districts on cases which are likely to have broad impact on education policies and practices. Such cases include: suspensions, expulsions, or other forms of school discipline; school district residency disputes; special education for children with disabilities, including problems with classification, placement, support services, and school discipline policies; and bilingual education disputes. ELC legal services are free to income-eligible families.

ELC's Education Reform and Accountability Project (ERAP) promotes statewide school finance and education reform and improved accountability in urban schools. Through ELC's landmark *Abbott v. Burke* litigation, there is now a far-reaching framework and legal mandate for fundamental urban school reform in New Jersey. In addition to continuing work on enforcing the *Abbott* mandates, ERAP seeks to increase the link between *Abbott* funding and the high level of educational quality so needed by the children and so eloquently embodied in the *Abbott* decisions. While litigation remains ELC's principal and unique problem-solving strategy, ERAP also seeks to build statewide coalitions to conduct research and advocacy in pursuit of improved state and local education policies and programs.

ELC produces a wide range of information pieces on the legal rights of parents and public school children under federal and state law. These publications include *Special Rights for Special Children*, a hands-on guide to special education for children with disabilities, as well as numerous shorter pieces on school discipline and other important topics. We are proud to now include *Wiping Out Disadvantages* among the list of ELC publications.

"The goal is to motivate them, to wipe out their disadvantages as much as a school district can, and to give them an educational opportunity that will enable them to use their innate ability."

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