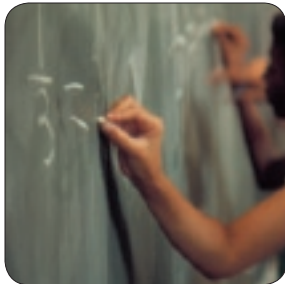
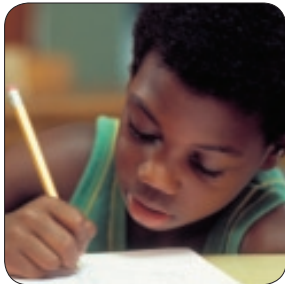
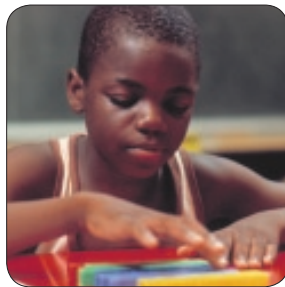
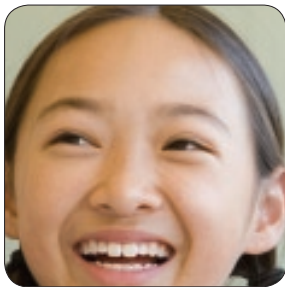




Education Law Center

Standing Up for Public School Children



Letter from the Executive Director

The mission of the Education Law Center (ELC) is to ensure public school children access to an equal and high quality education. Over the past year, we expanded our efforts to achieve that goal using the innovative advocacy strategies presented in this report. Highlights include:

- > Providing legal services to 479 low income and disadvantaged students, the highest number in our history, as well as responding to hundreds of requests for help from advocates, attorneys, community organizations, and state and local leaders;
- > Expanding the assistance we offer to advocates and attorneys seeking to address educational inequity in states across the nation;
- > Intensifying our efforts to support coalitions, campaigns and networks of local and statewide advocacy organizations working to advance education equity, with special emphasis on sustaining the landmark *Abbott* reforms;
- > Working to hold education officials accountable for performance, and to expand the successful programs, such as our nationally acclaimed *Abbott* preschool program; and
- > Opening a satellite office in Camden to better serve students in the state's southern region and to build local capacity among Camden community stakeholders.

Of course, we face pressing challenges in our efforts to improve those public schools serving our poorest students. Yet we've made significant gains, especially in our high poverty urban schools. For example, over 40,000 three and four-year-old



children are now enrolled in high quality preschool; elementary schools offer full-day kindergarten and smaller classes; and performance on Grade 4 math and literacy tests has risen, cutting the achievement gap in half.

Despite this success, the New Jersey Legislature began the process of writing a new school funding formula, threatening to reverse the historic progress underway in our urban schools, and the funding to renovate and construct schools facilities has run out. ELC has led the effort to address these issues, and will continue to do so.

New Jersey's urban public schools are unique: they have a mandate for reform, coupled with adequate resources. We all must work to ensure that programs are effectively implemented; that funding is properly utilized; and that academic progress continues. This opportunity is unprecedented, with far reaching results, both here in the Garden State and across the nation.

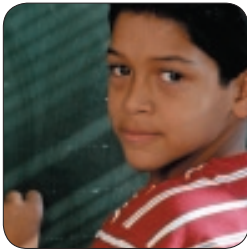
I hope we — and our public school children — can count on you for support.

A handwritten signature in black ink, which appears to read "David Sciarra". The signature is fluid and cursive.

David Sciarra, Esq.
Executive Director

About the Education Law Center

Founded in 1973, ELC is recognized as one of the nation's premier education advocacy organizations working on behalf of public school children for access to an equal and adequate education under state and federal laws.



Abbott v. Burke is “the most important equal education ruling since *Brown v. Board of Education*.”



— *The New York Times*

ELC focuses on improving education for disadvantaged children, and children with disabilities and other special needs using cross-cutting strategies, including public engagement, policy initiatives, research and, as a last resort, legal action.

ELC has achieved significant success in improving education for school children in New Jersey's high poverty urban school districts through implementation of the remedies ordered by the State Supreme Court in the landmark *Abbott v Burke* education equity case, and for many other school children through our work to enforce student rights.

Because of our expertise in school finance, preschool, school facilities and other areas of education law and policy, ELC provides support to attorneys and advocates in other states seeking to improve their public schools.

Our work is guided by the following strategic goals adopted by the ELC Board of Trustees:

- Provide legal assistance to enforce student education rights
- Advocate for policy changes to advance education equity
- Support parent and stakeholder engagement to improve public education
- Educate policymakers, foundations and others regarding innovative advocacy strategies
- Publish data to monitor and assess progress in high poverty urban schools

This report gives an overview of our accomplishments in these areas over the last year.

ELC works to improve public education for disadvantaged children through public engagement, policy initiatives, research and as a last resort, legal action.



Legal Assistance

ELC is approved by the New Jersey Supreme Court as a provider of legal services to poor students throughout New Jersey, and provides protection and advocacy services to students with disabilities in the state's northern region. ELC operates a client intake system, and provides information and referral services, and direct legal representation in cases involving serious and systemic violations of educational rights.



ELC provided legal assistance to **479** low income students last year.

- > Enforcing the Right to Adequate School Facilities:** When the State School Construction Corporation announced that it had run out of funds and put dozens of projects on indefinite hold, ELC petitioned the Supreme Court for more funding. In a unanimous ruling, the Court ordered the State to estimate the cost of over 200 stalled projects, estimates that will serve as a basis for appropriating additional funds to restart long overdue improvements.
- > Challenging Segregated Schools:** In a report issued by NJDOE, the authors concluded that the elite magnet school choice program at Englewood's Dwight Morrow High School (DMHS) was worsening the very problem it was designed to address — the long-standing segregation of black and Latino students in the public high school. When Englewood sought additional state funding for the choice program, ELC and the NJ NAACP filed a "friend of the court" brief before the State Board of Education, arguing that the request should be rejected on the basis that the program failed to integrate DMHS. The State Board and Appellate Division agreed with this position and directed the Education Commissioner to develop a plan to reduce the racial imbalance in the school.
- > Advocating for Special Education Services:** For years, the Newark Public Schools and the NJDOE failed to identify, refer and evaluate students for special education eligibility and to provide eligible students with appropriate services. On behalf of these students, ELC filed a class action complaint in federal district court. Working with the Seton Hall Law School Center for Social Justice, ELC is working to reach a settlement on needed reforms in the district.
- > Enforcing Special Education Compliance Orders:** ELC represented a parent who had complained twice to the State about problems with the Lenape School District's special education program, including its failure to provide assistive technology to her son. When a NJDOE investigation found the district non-compliant, Lenape took the unusual step of asking the Education Commissioner to reverse the finding. The Commissioner rejected the district's request, adopting ELC's position against adding another layer of appeals to the State's complaint investigation process.
- > Holding the State Accountable:** The Legislature annually transfers millions in *Abbott* funds to the NJDOE to manage and supervise urban school reforms. By law, the Department must prepare a three-year plan detailing how that money will be used, and how the State will lead efforts to improve teaching and learning. When the agency failed to produce a plan, ELC obtained a Court order requiring a State school management plan.
- > Redressing High School "Push-Outs":** ELC represented a high school student expelled from school without due process, reaching an enforceable settlement with the Irvington school district. The settlement required the district to provide

home instruction, develop an educational plan, place the student in an appropriate school program, and provide both compensatory education and *Abbott* programs and services to the student.

> **Preventing Bullying:** ELC, along with other groups, filed a “friend of the court” brief in the landmark bullying case, *L.W. v. Toms River Regional Board of Education*. L.W., a high school student, was subjected to anti-gay harassment since the fourth grade, as well as physical assaults since the seventh grade. In a precedent-setting ruling, the Appellate Court held that the State’s Law Against Discrimination (LAD) prohibits bullying based on sexual orientation. The Court also ruled that school districts may be liable for money damages and equitable relief under LAD if they know or should have known of such harassment and fail to take effective remedial action.

> **Keeping LEP Students in School:** ELC obtained a court order for a high school student with limited English proficiency requiring the Roselle school district to provide compensatory education to make up for time lost when the student was improperly expelled from school.

> **Addressing Dyslexia:** ELC secured a US District Court ruling that the State is ultimately responsible for ensuring that New Jersey students with dyslexia receive a free appropriate public education under the federal Individuals with Disabilities Education Act (IDEA). The Court also ruled that money damages are also available. In this case, the a Jersey City student received more than ten years of special education services, but still could not read, and the NJDOE failed to intervene on his behalf.

> **Making Education Costs Public:** In 2003, the NJDOE completed a study of the cost of educating public school students in New Jersey, including low-income students, students with disabilities and English Language Learners. When the agency refused to make the study public, ELC filed suit to obtain its release, making thousands of pages of critical school funding documents available to the public.

ELC is the legal representative of the 360,000 students in New Jersey’s highest poverty urban schools.



Policy Advocacy

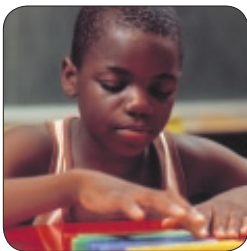
ELC seeks policy change by developing positions on legislation, regulations and guidelines, and disseminating them to policymakers and stakeholders.



- > **Adequate Funding for Urban Schools:** ELC worked to ensure *Abbott* districts' budgets were properly funded for 2005-06. The administration had initially withheld approximately \$100 million in state aid but, as a result of ELC's efforts, a legislative committee provided the funds, thereby avoiding legal action.
- > **New School Funding Formula:** ELC worked on issues surrounding the development of a new school funding law. ELC provided legislators and advocates with background information and analysis about potential impacts, and pressed for a new formula that preserves and expands the *Abbott* remedies.
- > **Special Education Hearings:** On behalf of special education practitioners across the state, ELC provided comments to the Office of Administrative Law regarding procedures that will expedite hearings for students with disabilities.
- > **School Facilities:** ELC stepped up its advocacy for the need for more funding and program reforms related to the school construction program. In addition, ELC served on the Governor's Working Group Advisory Committee on School Facilities and the Facilities Efficiency Standards Committee.
- > **Support for At Risk Students:** ELC submitted comments to NJDOE on the need for protections against suspension and expulsion for all preschoolers and the need for mandatory lead screening by schools.
- > **Special Education Due Process:** Shortly after the Individuals with Disabilities Education Improvement Act of 2004 took effect, the NJDOE enacted a policy that deprived students with disabilities of their right to "stay-put" in their current program pending disputes about proposed program changes. Working with a coalition of advocacy organizations, ELC succeeded in getting the Department to reinstate "stay put" protections.
- > **Student Discipline:** ELC submitted recommendations to the State Board of Education to address serious deficiencies in new rules governing student discipline, and proposals to strengthen the right of disciplined students to alternative education.
- > **High School Graduation:** ELC submitted comments to the State Board of Education regarding proposed changes to New Jersey's high school graduation assessments. ELC also convened a group of researchers, educators and advocates to develop a research agenda about post-secondary student outcomes to inform state policy in this area.

Public Engagement

ELC supports the engagement of parents, students and other stakeholders in advocating for education improvements through information, training and technical assistance.



ELC regularly issues electronic newsletters and bulletins to over 3,000 subscribers.



- > **Explaining Abbott Rights:** ELC staff spoke at numerous events and conferences on school funding and reform, including the Business and Industry Association, the Parent Coordinators Conference, the NJ Education Association, Educational Testing Service, NJ Statewide Education Organizing Committee and others.
- > **Student Rights Trainings:** ELC staff presented on special education law to the NJ Association of School Social Workers, and on school bullying and harassment to the State Bar Association's School Law Committee, the Coalition for Bullying Awareness, Prevention's Parents' Campaign, the Institute for Continuing Legal Education and the State Bar Foundation.
- > **Pro Bono Attorney Training:** ELC conducted a statewide training of *pro bono* attorneys to handle special education cases. The event was co-sponsored by Volunteer Lawyers for Justice, the State Bar Foundation, the State Bar Association, the Essex County Bar Committee on the Rights of Persons with Disabilities, and New Jersey Protection & Advocacy.
- > **School Facilities Training:** ELC led efforts to keep stakeholders informed on the school construction program at numerous events including the School Facilities Conference at Rutgers University, the Fifth Statewide Education Organizing Conference, and the Urban Design Workshop hosted by the New Jersey Institute of Technology.
- > **Secondary Education Initiative Training:** ELC launched a campaign to inform stakeholders about the urban secondary reform initiative, presenting to the Center for Evidence-Based Education, the Paterson Education Fund, the Princeton Leadership Center, the Educational Testing Service, the Public Education Institute, the *Abbott* Leadership Institute; and the NJ Education Association.
- > **Abbott Profiles:** ELC created comprehensive profiles of each of the 31 *Abbott* school districts. The profiles contain information on 65 separate "indicators" or data elements about the community, school children, teachers and schools. The indicators include poverty and crime rates, K-12 and preschool enrollment, test scores and graduation rates. ELC also maintains a repository of over 200 data elements, some spanning back in time to 1994-95, and works with researchers and stakeholders to make data publicly accessible.
- > **Newsletter:** ELC issued regular newsletters to over 3,000 subscribers, updating ELC activities and developments in education law and policy.

Publications:

- > ELC expanded its "Guide for Advocates" series by releasing updated versions of the "Education Rights of Homeless Students" and "Understanding Public School Residency Requirements."
- > ELC issued a statewide progress report, "The *Abbott* Districts in 2005-06: Progress and Challenges." The report was presented to the Assembly Education Committee in Spring 2006 and at the Center for Education Statistics Data Users Conference.
- > ELC published "Implementing *Abbott v. Burke*: A Guide to the K-12 *Abbott* Regulations." The guide is designed to help stakeholders improve implementation of the *Abbott* remedies, and to sustain progress in high poverty urban school districts.
- > ELC issued guidelines designed to assist *Abbott* schools and districts in planning for the new *Abbott* Secondary Education Initiative (ASEI).
- > ELC, along with the ACLU, the Coalition for Bullying Awareness and Prevention, and the Bar Foundation, issued a brochure, "Legal Protections Against Bullying in New Jersey Schools."
- > ELC published several opinion pieces on urban school reform, school facilities, and accountability, and published numerous articles, including a cover story on secondary reform in the NJ Education Association Review.

Secondary Reform Project

In response to an *Abbott* ruling, ELC and the NJDOE formed a collaborative workgroup to develop an ambitious new program of middle and high school reform known as the "*Abbott* Secondary Education Initiative" (ASEI). To monitor and support this effort, ELC launched the "Secondary Reform Project." The purpose of the project is to promote effective program development, engage a broad group of stakeholders, policymakers and the public in support of the reform effort and advocate for effective and timely implementation over the next several years.

Collaboration

ELC works to facilitate partnerships with other advocacy organizations, parents, teachers, business leaders and policymakers who share our mission.



- > **School Facilities Funding and Reform:** Along with the Alliance for Action, ELC founded the “Building our Children’s Future Coalition” — a coalition of taxpayers, parents, education leaders, business and civic organizations committed to ensuring that the State provides safe and adequate school facilities to all children, and to focus attention on renewing New Jersey’s school construction program.
- > **Our Children/Our Schools:** ELC is a co-convenor of Our Children/Our Schools (OC/OS) a coalition of civil rights and advocacy groups working to ensure adequate school funding. The OC/OS held press conferences; issued a monthly e-newsletter with submissions from network members; supported a statewide poll; and held regular information sharing meetings. The group established core principles to set the agenda on school funding reform.
- > **Special Education Practitioners:** ELC sponsored regular forums of leading advocates to discuss critical issues in special education law. Over the last year, these practitioners spearheaded several advocacy initiatives, including improving special education rules and administrative hearings.
- > **Trenton CHANGE Coalition:** ELC supports the Trenton CHANGE coalition through research and technical assistance. The all-volunteer coalition — including parents, business leaders, advocates, representatives of community-based organizations

and the district — was convened by Mayor Douglas Palmer to address community concerns about public education.

- > **Camden Initiative:** ELC helped convene an advisory committee to oversee public awareness, outreach and advocacy activities for Camden schoolchildren. The goal is to work to ensure improvements in the Camden public schools. ELC opened a satellite office in Camden to serve the needs of students in the southern region of the state.
- > **Paterson Education Fund:** ELC supports the work of the Paterson Education Fund (PEF). Specifically, ELC provided materials and training sessions at PEF board meetings; informal

gatherings of city officials; community advisory meetings; directly to PEF staff in preparation for meetings with district and state officials; and PEF annual conferences on the city's small schools initiative.

- > **Special Education Roundtable:** ELC, and other advocates, participated in “roundtable discussions” regarding the State’s proposed special education rules. The roundtables were sponsored by the NJ Developmental Disabilities Council, and served to reach consensus on needed changes to the regulations.
- > **Bullying Prevention:** ELC was an active participant in the Coalition for Bullying Awareness and Prevention, providing legal updates and other assistance.

Abbott Indicators Project

The long-term, overarching goals of the *Abbott* Indicators Project are to inform and shape the discourse around urban school reform in New Jersey, and to build momentum for continuous school improvement. Specifically, the objectives of the project are to:

- > Develop and issue a set of indicators that can be used to track the progress of implementation of *Abbott v. Burke* remedies in specific, school reform in general, and student outcomes in each urban school district and statewide;
- > Contribute to the development of an active, informed and engaged constituency at the local and state levels who understand the indicators and can use them to implement or advocate for needed improvements; and
- > Develop a set of tools that enable school and community stakeholders to generate their own indicators reports, use the data to develop a school improvement agenda, and sustain accountability practices in years to come.

National Initiatives

ELC shares its expertise in school finance, preschool, and other areas of education law and policy with attorneys and advocates across the nation through a number of initiatives.



> **Creating the School Finance Litigators' Forum (SFL):** ELC launched the web-based SFL Forum to provide attorneys representing plaintiffs in school funding cases and their allies a confidential online exchange of information and ideas relating to school funding litigation. Membership is by invitation only, and is limited to attorneys representing plaintiffs in these cases, as well as others working for education equity. The forum is intended to create a "community of practice" that fosters the continuing growth of knowledge and skills.

> **Presenting at Conferences:** ELC presented on the *Abbott v. Burke* litigation and remedies at numerous national conferences and meetings including, the American Education Finance Association, the National Center for Education Statistics, George Mason University, the Education Roundtable of the Federal Reserve Bank of New York, the National Education Association Western Leadership Conference, the National Education Association Mid-Atlantic Strategic Planning

Committee, the Mississippi Association of Educators and at symposia at the University of California Berkeley School of Law and Stanford University Law School.

> **Writing Amicus Briefs:** In a case before the US Supreme Court, ELC and twelve other disability advocacy groups filed a brief regarding the critical issue of who should bear the burden of proof in contested special education cases — the school district or the student with the disability. The brief endorses the student-plaintiff’s position that the burden should be placed on the district. In a Baltimore school funding case, ELC, along with National School Boards Association, the Campaign for Fiscal Equity in New York, and the Rural School and Community Trust, filed an amicus brief with the Maryland Supreme Court in support of a court action to ensure adequate funding for Baltimore public school children.

> **Participating in Coalitions:** ELC is a member of Building Educational Success Together (BEST), a partnership of organizations led by the 21st Century School Fund dedicated to raising awareness of school facilities research findings to practitioners and policy makers nationwide through original research, publications, news tracking and its website. This year ELC hosted a national meeting of the BEST partners and assisted in the production of “Growth and Disparity: A Decade of US Public School Construction,” a report on the unequal distribution of school facilities dollars.

> **Commenting on Federal Legislation:** Together with educational advocates across the country, ELC provided comments to the United States Department of Education regarding implementation of NCLB for statewide assessment of students with disabilities.

Because of our expertise in education law and policy, ELC provides support to attorneys and advocates in other states seeking to expand educational equity.



Securing Access to Preschool Education Across the Nation

ELC's national initiative, "Starting at 3," promotes and supports legal advocacy to include prekindergarten in school finance litigation and state legislation. The project collects and disseminates research, information and strategies and provides direct technical assistance to attorneys and advocates involved in litigation and policy initiatives to create and expand state prekindergarten programs. Over the past year, project staff have:

- Provided research and advice to plaintiffs' attorneys in Oregon and South Dakota and worked with them to include a claim for pre-k funding in the case;
- Wrote pre-k section of plaintiffs' trial brief and appellate brief before the Wyoming Supreme Court in Wyoming school finance case;
- Filed a "friend of the court" brief on pre-k before the Wyoming Supreme Court on behalf of the Wyoming PTA and Northern Arapaho Tribe;
- Advised a leading education finance expert on research-based standards, resources and costs for high quality pre-k for inclusion in a Connecticut education cost study;
- Identified early childhood experts for several school finance cases;
- Developed a litigation strategy with Florida pre-k advocates for a case challenging the state's implementation of a constitutional amendment mandating high quality pre-k for all four-year-olds;
- Assisted Idaho legislator with drafting pre-k legislation;
- Provided advice to the Vermont Senate Education Committee on the legal implications of universal pre-k for the state's obligations under IDEA;
- Advised the director of New Jersey's Office of Early Childhood Education on state models for expansion of state pre-k program; and
- Completed state-by-state digest of pre-k statutes, regulations and guidance documents for Starting at 3 website.

Audited Statement of Financial Position

Year ending September 30, 2006

Assets

Cash and cash equivalents	\$ 389,427	
Short term investments	392,110	
Grants receivable	67,083	
Prepaid Expenses	3,616	
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Total current assets		852,236
Furniture and equipment, net		28,131
Other asset: security deposit		19,394
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Total assets		899,761

Liabilities and Net Assets

Liabilities

Accounts payable	90,276	
Payroll taxes payable	4,714	
Deferred revenue	250,000	
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Total liabilities		344,990

Net assets

Unrestricted funds		170,713
Marilyn Morheuser Education Fund	unrestricted	160,749
Marilyn Morheuser Education fund	restricted	223,309
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Total net assets		554,771

Total Liabilities and Net Assets		899,761
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STATEMENT OF ACTIVITY

Support and Revenue

Grants and contracts	1,526,841
Fund raising events and public support	253,018
Interest and dividend income	23,831
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Total Support and Revenue	1,803,690

Expenses

Program	1,400,971
General and administrative	233,765
Fund raising	152,880
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Total Expenses	\$ 1,787,616

Increase in net assets from activities	\$ 16,074
Unrealized gain on securities	<u>16,415</u>
Increase in net assets	32,489
Net assets, beginning of year	<u>522,282</u>
Net assets, end of year	<u>554,771</u>
Increase (Decrease) in Cash and Cash Equivalents	
Cash flows from operating activities:	
Increase in net assets	16,074
Adjustment to reconcile change in net assets to net cash provided by operating activities and liabilities:	
Depreciation	8,702
Unconditional promises to give	13,750
Prepaid expenses and miscellaneous receivable	2,072
Accounts payable	22,355
Payroll taxes payable	2,450
Deferred revenue	<u>75,000</u>
Net cash provided by operating activities	140,403
Cash flows from investing activities:	
Purchase of furniture and equipment	(10,564)
Purchase of short term investments	<u>(24,778)</u>
Net cash used by investing activities	(35,342)
Cash flows from financing activities:	
Unrealized gain on investment securities	<u>16,415</u>
Net increase in cash equivalents	121,476
Cash and cash equivalents, beginning of year	<u>267,951</u>
Cash and cash equivalents, end of year	<u>\$ 389,427</u>

Major Funders

The services provided by ELC are free, so we rely on the generous contributions of individuals, educational organizations, corporations and foundations for support. Our major funders include:

Bovis Lend Lease

Educational Testing Service

Fund for New Jersey

Geraldine R. Dodge Foundation

Gibbons P.C.

Horizon Pediatric Systems, Inc.

Interest on Lawyers Trust Account (IOLTA) Program

Joseph, Jingoli & Son, Inc.

Legal Services Foundation

New Brunswick Development Corporation

New Jersey Education Association

New Jersey Protection and Advocacy

New Jersey Regional Council of Carpenters

NJ K-12 Architects, LLC

Pew Charitable Trusts

Provident Bank

Prudential Foundation

Public Service Electric & Gas (PSE&G)

Rockefeller Foundation

Schering Plough Corporation

Schott Foundation

Schumann Fund for New Jersey

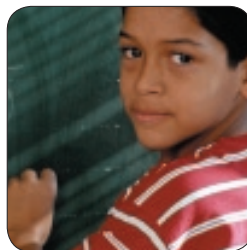
Skadden Foundation

Urban Superintendents Association

Verizon

Victoria Foundation

William Penn Foundation



Kids in Concert

Every year ELC hosts “Kids in Concert” (KIC) to celebrate the artistic talents of students attending urban public schools throughout New Jersey. KIC offers school groups the opportunity to showcase their talents in a premier arts venue — the State Theatre — to a statewide audience, and helps ELC raise much needed funding through sponsorships and journal advertisements.



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