

The Duke Children's Law Clinic

2019-2020: Year in Review

The Children's Law Clinic has successfully completed another academic year. While this year was full of changes, our commitment to North Carolina children and Duke Law students remained the same. We continued to provide 2nd and 3rd year law students with an opportunity to develop their lawyering skills while addressing the legal needs of children and families in the surrounding counties. Law students have spent *thousands* of hours advancing access to justice through individual representation and policy work related to the social determinants of health including education and public benefits.

Our important work in the clinic continues to attract students to Duke Law and is best described by the students themselves. Here's how several student attorneys described their time in the Clinic:

"...the Children's Law Clinic was one of the primary reasons why I came to Duke – and in fact one of the reasons I wanted to attend law school in the first place.... The clinic's combination of practical education (for law students) and real-world connection and impact with student and families struck me as an amazing way to learn while serving."

"It felt like a superpower speaking in the hearing. It didn't feel easy, but the privilege, the time, the resources, the training to navigate the process felt full of power."

"My most fulfilling experiences have definitely come from clinical endeavors and my service to the law school community. I love to serve others, and I am so grateful when people reach out to me for help."

"Overall, I am so thankful for this experience. I had a great time working with my supervisors on my cases and felt very supported throughout the process. I also really enjoyed our class sessions and built a bond with my fellow classmates. I will not forget my time at the clinic."

Most of the clinic cases involved students with disabilities in need of advocacy to obtain appropriate services and accommodations from their school districts. These students are entitled to individualized education programs (IEPs) with goals and services related to their disabilities. The student attorneys attended many IEP meetings with schools to advocate for appropriate services. The clinic also continued to represent children in discipline and social security matters. Here are some recent examples of our advocacy this year:

C.P. is an elementary student who has experienced trauma and is diagnosed with ADHD and anxiety. C.P.'s grandmother, who is raising him, contacted the clinic for assistance with getting

an IEP. The clinic helped execute a power of attorney for the grandmother and after our student attorney walked the family through the special education process, C.P. now has an IEP.

B.C. is an eleven year old student with an intellectual disability. Her mother contacted the clinic for assistance with getting B.C. appropriate services in her self-contained classroom. After conducting an investigation, the clinic successfully advocated for an increase in special education services for B.C., a new classroom teacher and updated educational evaluations for the student.

C.M. is a 9 year old child with sickle cell anemia. Her family lost an important financial benefit when the Social Security Administration discontinued her eligibility for supplemental security income (SSI). The clinic represented C.M. in a hearing to appeal the denial of SSI benefits.

H.O. received a long-term suspension for a short fight at school. The clinic represented her in both an evidentiary hearing and an appeal hearing. This case was an important opportunity to present the school board with alternatives to long-term out of school suspensions.

Two student attorneys worked on a systemic project aimed at reducing the inappropriate use of in-school suspensions in a local school district. After conducting client and stakeholder interviews, they crafted remedies that will change the disciplinary practices in the district, particularly for students with disabilities and students of color who are disproportionately impacted.

In our clinic seminar, we discussed the importance of *upstream advocacy* which includes engagement in larger policy issues affecting the rights of children in North Carolina and beyond. The Clinic participated in this type of intervention by filing an amicus brief on behalf of special education advocacy groups urging the Supreme Court to grant certiorari in *Bruno v. Northside Independent School District*. This case involved the “comparable services” provision of the Individuals with Disabilities Education Act (IDEA). The clinic also published a new report: *School Vouchers in North Carolina 2014-2020* which presents a detailed six year review of the tax payer funded school voucher program in North Carolina. This report is a follow up to a previous clinic publication- *School Vouchers in North Carolina – The First Three Years*, a report that outlined the initial implementation of the Opportunity Scholarship Program in North Carolina.

During our spring semester, the entire law school community was impacted by the COVID-19 pandemic. The clinic transitioned to remote instruction and held our remaining classes via zoom. Even though our student attorneys were under stay-at-home orders, they continued to provide zealous advocacy on behalf of their clients by participating remotely in zoom IEP meetings, maximizing the use of conference calls and written correspondence. One student attorney compiled emerging research into an FAQ guide that outlines the rights of students with disabilities during the pandemic. This compilation was reviewed with our clients as we guided them through this unprecedented time in special education history.

2020 has brought significant staffing changes to the clinic. After 24 years on the faculty at Duke, the founding Director of the Children’s Law Clinic, Jane Wettach, announced that she will

retire in June. We will miss Jane and are forever grateful for her contributions to the clinic and North Carolina's children. While she won't be in the office on a daily basis, we are encouraged that Jane will remain a part of North Carolina's special education community. Crystal Grant has stepped into the role of Interim Director. Peggy Nicholson, a local attorney with expertise in juvenile justice and school discipline joined the clinic in January as a supervising attorney. Additionally, two 1L interns joined the clinic for the summer working remotely on individual cases and ongoing clinic projects. We look forward to continuing to address the access to justice gap as we support North Carolina's children in a quickly changing world.