



Seeds of Justice

2012 Issue

GEORGIA APPLESEED CENTER FOR LAW AND JUSTICE

Sowing Seeds of Justice throughout Georgia

Effective Student Discipline That Keeps Kids in Class

Almost 70% of out-of-school suspensions statewide are for nonviolent conduct. Of these, 60% are labeled “other,” with no information about the actual offense or the seriousness of the conduct.

Georgia Appleseed Executive Director Sharon Hill, a former juvenile court judge, has seen firsthand that withholding education as a form of punishment for minor violations is ineffective at changing poor behavior. Hill notes, “the high out-of-school suspension rate in Georgia for *minor offenses* contributes to the phenomenon ironically known as the “school to prison pipeline.”

Georgia Appleseed seeks to dismantle the school to prison pipeline through the “Call to Action” that culminates its **Effective Student Discipline: Keeping Kids in Class** (ESD) project report, issued in June, 2011. Sharon Hill and **Director of Projects Rob Rhodes** are traveling the state, presenting the report findings to policy makers, educators, parents and other community leaders to lay the ground work for the action recommendations.

The report documents an 18-month study of student discipline policies and practices in Georgia’s K-12 public school system. It includes comprehensive analysis of millions of discipline data points from the Georgia Department of Education, prepared by volunteer **Dustin Heslep** of **Ernst & Young**.

The findings reveal that in some of Georgia’s 180 school districts, fully 20% of the entire district student population received out-of-school suspensions (OSS) in a single school year. Some individual schools topped 50%. Moreover, OSS is disproportionately imposed on black students, poor students, and special education students. Black students may be 3 times more at risk of being disciplined than other children statewide.



Rob Rhodes presenting to Bibb County students and parents at a Summit to Stop Youth Violence

Photo by Clarence Carner

Striving for Balance

The ESD report notes the challenging “balancing act” faced by teachers and school administrators: to maintain a safe learning environment for all students on the one hand, and protection of each student’s right to a constitutionally adequate public education on the other.

Call to Action

The Call to Action seeks full disclosure of currently collected student disciplinary data; assessment of alternative education settings; training and support to increase the use of effective behavior modification techniques; statutory reform; and resolution of the “other” source code problem.

Volunteers@Work

To learn how policy works in practice, Georgia Appleseed recruited more than 100 volunteers from ten law firms to conduct in-person interviews with judges, educators, school resource officers, parents, students and community leaders. These stakeholders’ first-hand experience helped to inform the report’s findings.



Taylor Daly, Esq.

Nelson Mullins Riley & Scarborough LLP served as the lead pro bono firm for the project. **Georgia Appleseed Board Member and Nelson Mullins Partner Taylor Daly** headed up her firm’s 26-member project team. She observed that a common thread motivating the Nelson Mullins volunteers was that each was a product of public schools; they were proud to be part of Georgia Appleseed’s effort to keep more kids in class and in the pipeline from school to success.

Read the report at www.GaAppleseed.org/keepingkidsinclass. Schedule a presentation by our staff at info@gaappleseed.org

SAVE THE DATE!

The 2012 Good Apple Awards Tuesday, April 17, 2012

Honoring Volunteer Efforts on the Effective Student Discipline Project

Nelson Mullins Riley & Scarborough LLP Volunteer Team

Dustin Heslep, Ernst & Young

Keynote: The Honorable Eric Holder, U.S. Attorney General

Speaking on U.S. Department of Justice/Department of Education efforts to dismantle the school to prison pipeline

www.GaAppleseed.org



From Our Executive Director

It is no cliché that people make the difference. From our founders to our donors to our staff, this is true of Georgia Appleseed.

But it is another vital group, **our volunteers**, who really make us stand out. Because of our growing reputation for marshalling the talents of pro bono attorneys and other professionals, Georgia Appleseed is increasingly being invited to join others in finding solutions to difficult social justice problems. We have honed our ability to identify clear claims to justice and create collaborative projects that address those claims.



Sharon Hill

The thread that ties Georgia Appleseed's work together is its non-partisan approach, bringing together top talent in law, forensic accounting, education and business, to help change laws and policies that unfairly impact children, the poor and other large groups of marginalized people in our state. Georgia Appleseed translates its volunteers' passion for justice into meaningful work with root-deep impact, a powerful combination of pro bono investment and systemic change that no other legal nonprofit in our state has matched. Since our founding in 2005, over 700 volunteers have contributed in excess of \$2,000,000 in pro bono legal and professional services.

Much of Georgia Appleseed's work has been focused in Atlanta, where the major law and accounting firms that populate our volunteer army are headquartered and where we advocate at the State Capitol and State Agencies. Over time, as our work has become more widely disseminated, community leaders across the state are reaching out for help in implementing change in their communities. To respond effectively, Georgia Appleseed has crafted a new vision to spur our advocacy efforts throughout the State.

In 2011, the Georgia Appleseed Board of Directors adopted a vision that calls for new community collaborations, with "boots on the ground" in three locations outside metro Atlanta. Columbus, Macon and Savannah are the initial targeted communities, in part because of existing working relationships we have with their local governments, schools and juvenile courts.

The idea is that an Advocacy Coordinator, a young lawyer living in the community and working for Georgia Appleseed, transforms the research and recommendation components of our projects into policy action that community leaders can embrace and transform to fit their local needs, with support from Georgia Appleseed or its pro bono partners.

Although still in its formative stages, with this new vision Georgia Appleseed stands at a critical juncture to powerfully transform the "Georgia" in our name from aspiration to reality and to truly sow seeds of justice throughout our state.

Cultivating Seeds for Success

- A capacity building grant from **The Zeist Foundation, Inc.** is helping Georgia Appleseed enhance its development capability through consultation with **Alexander Haas**, specialists in philanthropic strategies for nonprofits.
- A "Nonprofit Tool Box" grant from the **The Community Foundation for Greater Atlanta** advanced Georgia Appleseed efforts to measure the impact of its public policy work. **Ann Price, PhD**, President of Community Evaluation Solutions, Inc., worked with staff to formulate evaluation strategies for the heir property and effective school discipline projects.

Like us? Stay in touch.



Who are we?

Georgia Appleseed is a nonprofit, nonpartisan public interest law center that leverages the donated skills of hundreds of lawyers and other professionals on projects to achieve its mission and vision. It is an independent affiliate of the national Appleseed network.

Mission

To increase justice in Georgia through law and policy reform.

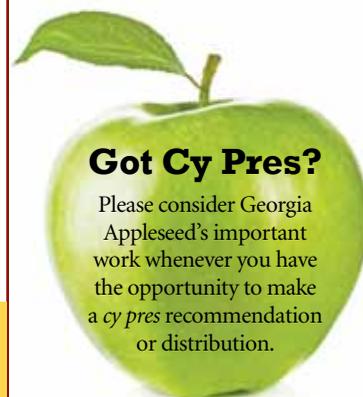
Vision

Georgia Appleseed seeks a Georgia where the voices of the poor, the children and the marginalized are heard and where injustices that no one should endure are resolved.

Contact Us

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Got Cy Pres?

Please consider Georgia Appleseed's important work whenever you have the opportunity to make a *cy pres* recommendation or distribution.

Be an AppleByter!

Subscribe to *AppleBytes*, our periodic e-newsletter. Sign up at www.GaAppleseed.org

JUSTGeorgia: Advancing Justice and Safety for Georgia's Children

JUSTGeorgia reached a milestone in late March when **Governor Nathan Deal** and Georgia House and Senate leadership announced their commitment to ready the **Child Protection and Public Safety Act (Children's Code Rewrite)** for a vote in 2012. Georgia Appleseed is a lead partner in the JUSTGeorgia coalition.

"The time has come for us to rethink how our state is responding to children who have found themselves in trouble with the law," said Governor Deal. "I applaud the careful thinking and inclusive engagement that has gone into developing the Child Protection and Public Safety Act."

The legislation is the culmination of over seven years of research, outreach, and consensus-building to revise the 40-year-old body of laws that govern how the state responds to children and their families in cases of neglect, violations of criminal law by children, and other circumstances requiring court intervention. It is based on a model code written by the Young Lawyers Division of the State Bar of Georgia and informed by the findings of Georgia Appleseed's *Common Wisdom* report, as well as extensive juvenile justice and child welfare stakeholder participation.

The Children's Code Rewrite was introduced in 2009 as SB292 by **Senator Bill Hamrick** (R-30), Chairman of the Senate Judiciary Committee. In 2011, **Representative Wendell Willard** (R-49) and other sponsors introduced HB 641 in the House.

At Work for Passage

Georgia Appleseed's Sharon Hill and Rob Rhodes are working for the bill's passage through their outreach and leadership of efforts at the State Bar, with the original Common Wisdom pro bono attorneys, and strategic stakeholder groups, as well as continuing advocacy support under the Gold Dome.

Sharon Hill, a former Fulton County juvenile court judge reflected: "The JUSTGeorgia project provides our volunteers with a unique opportunity to be engaged in meaningful public policy change from start to finish; from meeting with stakeholders statewide to gain their ideas for change, to focusing their efforts at the legislature to make that change happen for the benefit of children, families and communities throughout Georgia."

- *Common Wisdom: Making the Case for a New Georgia Juvenile Code* is online at www.GaAppleseed.org/children/reports.
- To learn more, visit www.JUSTGeorgia.org



Ken Henson and Sharon Hill

Columbus Reception

The Columbus, Georgia home of **Mayor Teresa Tomlinson** and **Georgia Appleseed Board Member Trip Tomlinson** was the site of an October 4th reception introducing Georgia Appleseed and its work to local community leaders. **Board of Advisors Member Jim Blanchard** co-hosted, helping to welcome judges, law enforcement leaders and public officials who gathered to hear **Sharon Hill** share a dynamic vision for engagement of the Columbus community in the work of Georgia Appleseed.



Georgia Superior Court Judge William Rumer and Becky Rumer

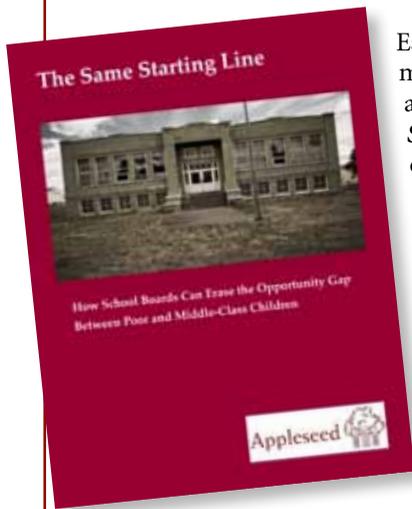


(L – R) Columbus Mayor Teresa Tomlinson and Trip Tomlinson greet Shirley and Jack Fatum.



State Representative Carolyn Hugley (D-133) and Sharon Hill

Erasing the Opportunity Gap



Each day children in poverty attend schools whose resources don't match up to those of schools in more affluent areas of the same district. To learn more, **Georgia Appleseed** researched the issue locally and contributed its findings to a recent Appleseed Foundation report, *The Same Starting Line: How School Boards Can Erase the Opportunity Gap Between Poor and Middle-Class Children*. The study examined policy and practice related to the dissemination of learning-related education resources in select school districts in five states, including **Cobb County, Georgia**. Although not dollars per se, these resources can affect education profoundly and result in an opportunity gap that in general gives well-off students a better chance of academic success.

Recommendations

The study recommends that school boards and communities measure resource equity using Appleseed's user-friendly, dialogue-inviting spreadsheet included with the report, the **Resource Equity Assessment Document (READ)**. It also recommends policies to maximize equity and assure accountability.

Action To transform the report's recommendations into action, **Rob Rhodes** of Georgia Appleseed invited Georgia-based partner **Theresa El-Amin**, of the **Southern Anti-Racism Network** in Columbus, to participate in a national Appleseed 'convening' in New York of representatives from parent organizations, community groups and civil rights organizations.

Using READ, attendees assessed resources in a sample district, including principal and teacher experience and credentials, condition of school facilities and libraries, availability of advanced curricula and school counselor-student ratio. They learned strategies to support the case for change and to formulate advocacy plans that engage school boards and decision-makers in understanding resource disparity and measures to correct it.

As Georgia Appleseed works with parent advocates on effective school discipline, training on erasing the opportunity gap will also be included.

Access the full report and the READ measurement tool at www.GaAppleseed.org/docs/the-same-starting-line.pdf

“...Decision-makers must be held accountable to distribute resources equitably, so that we erase – not merely narrow – the opportunity gap.

– Betsy Cavendish
national Appleseed
Executive Director



LIFE LONG JUSTICE

Safeguarding Seniors: Informed End of Life Decision Making

Who makes medical care decisions for incapacitated seniors who have out-lived their family and friends? This legal question affecting Georgia's rapidly growing 85+ adult population is a natural match to Georgia Appleseed's vision of giving voice to the vulnerable and marginalized.

The Safeguarding Seniors project explores implementation issues arising out of a 2010 state law (Georgia Code Section 31-9-2 (a)(1)) that provides legal protections for older Georgians who have no valid end-of-life directive and who become incompetent to give informed consent to health care providers.

To assure the new law achieves the desired positive impact, Georgia Appleseed is using the skills of pro bono attorneys and the expertise of its Advisory Panel to examine the law's implementation and to advocate, as appropriate, for any statutory or policy changes that could maximize the effectiveness of the temporary consent guardian process.

Under the lead of **Georgia Appleseed Board Member Mary Benton, Esq.**, **Alston & Bird LLP** volunteers performed a comprehensive review of Georgia statutory law on adult health care guardianship. Next steps include surveying judges and health care providers on the new law's efficacy and other fact finding.

Learn more at www.GaAppleseed.org/initiatives/elder



Helping Georgians Preserve Their Property Rights

As it enters its fourth year, Georgia Appleseed's **Heir Property** project is making significant strides toward helping low-income Georgians secure tenure in their own homes and farms.

This multi-pronged project seeks to redress the risk of land loss and homelessness of property owners whose real property has been passed down to heirs without benefit of a will or probate and for which they hold no clear title. Heir property owners are particularly vulnerable to partition sale and property tax lapses. Loss of heir property is compounded by negative social, cultural and economic impact on the surrounding community.

Strategy and Sustainability

Neighborhood Heir

Property Heir property is prevalent in rural areas, but it is an urban neighborhood challenge too and is often an obstacle to community revitalization efforts. With the help of pro bono partner **DLA Piper**, Georgia Appleseed is developing a service prototype for urban environments that includes education, investigation, advocacy and evaluation.

Heir Property Clinic To sustain long-term impact, Georgia Appleseed seeks to create a self-sustaining, independent Heir Property Clinic by 2015. It will serve Georgia citizens on a state-wide basis, offering legal representation, mediation, title search, financial education and more. **Shunta McBride, Esq. (DLA Piper)** chairs the **Georgia Appleseed Young Professionals Council Heir Property Committee**, which is spearheading the clinic planning process and formulation of a business plan.



Georgia Partition Law Reform

Holders of heir property are vulnerable to partition laws that allow any co-owner of a property to force its sale to secure the value of their own share. In July, 2010, the National Conference of Commissioners on Uniform State Laws (NCCUSL) unanimously adopted the **Uniform Partition of Heirs Property Act**, providing the instrument to change these



State Representative
Edward Lindsey (R-54)

laws in Georgia. Protections include improved notification practices, extended legal alternatives and broadened judicial consideration before forcing low-income families out of their homes.

Georgia State Representative Edward Lindsey (R-54),

a Uniform Law Commissioner, is spearheading the partition law reform effort at the Georgia General Assembly and will introduce legislation modeled on the uniform act at the upcoming legislative session.

Making the Case for Systemic Change

Helping to make the case for the new legislation are the preliminary findings of the Georgia Appleseed county tax database analysis, which suggest that hundreds of millions of dollars of heir property exist across our state.

According to **Crystal Chastain Baker, Esq., Heir Property Project Manager**, "This original research vividly reveals the prevalence of heir property in Georgia. We hope this legislation will be enacted here and that our state will serve as a model for the Southeast region."

"The phrase, 'an end to poverty begins with property rights' describes our motivation in bringing the Heir Property Project to Georgia."

– Sharon Hill,
Georgia Appleseed Executive Director

Heir Property Tool Kit

- *Heir Property in Georgia*, a user-friendly manual for heir property owners. Download at <http://www.gaappleseed.org/docs/heirproperty.pdf>
- The *Heir Property in Georgia Attorney Training Manual* supports training for non-real estate attorneys to provide direct pro bono service to heir property clients. Download at www.gaappleseed.org/docs/heirproperty_attorney

To learn more, contact Crystal Chastain Baker at ccbaker@gaappleseed.org or 404.477-HEIR (4347).

Enhancing Education Stability for Foster Children

Every year the State of Georgia assumes the role of parent to more than 7,000 children who have been neglected or abused by their families. Negative outcomes for these ‘children in care’ are startling, especially those in care for substantial periods of time: 25% of foster children end up homeless; 25% of male foster kids end up in prison; only 3% graduate from college.



Helping the State build a better future for these children through educational achievement is the goal of a new Georgia Appleseed project, **Enhancing Education Stability for Foster Children**. In partnership with **Families First**, a leading non-profit children and family service agency, Georgia Appleseed seeks to enhance ‘education stability’ for Children in Care and improve their opportunities for success. This includes

- Keeping children in their school of origin despite changes in placement;
- assuring transition to any new school is as timely and seamless as possible;
- access to effective services and supports (such as tutoring, credit recovery, and special education) to ensure successful completion of high school;
- tuition assistance and other support to help a child succeed in college.

King & Spalding LLP is leading the pro bono effort, spearheaded by **Beth Tanis**, **Georgia Appleseed Board Chair**.

The project includes a review of current law, volunteer-led examination of current stability/support practices in Georgia, and creation of an expert Advisory Committee.

Anticipated project outcomes include

- a summary report of legal and factual findings;
- an easy-to-read summary for children, their caregivers, case managers and others of stability & support benefits available to Children in Care;
- development of trained “Education Advocates” and a legal framework to support their efforts on behalf of Children in Care;
- advocacy for changes in law or policy.



(L-R) Georgia Appleseed Board Chair Beth Tanis (King & Spalding) welcomes Families First Executive Director Kim Anderson, with Troya Jackson and Crystal Williams.



Speaking to volunteers at King & Spalding LLP, Families First social worker Troya Jackson demonstrated the vast array of people who enter a child’s life when he or she becomes a child in care. Toy figurines represented biological parents, foster parents, social workers, DFACS, the legal system, therapy, attorneys, counselors, teachers, special educators and often, the juvenile justice center. Fences signified barriers of law, privacy, policy and access.

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Proceeds of the Good Apple Award Dinner provide essential operating funds for Georgia Appleseed.

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2011 Good Apple Awards Honor Our Founding Firms

Mason Murer Fine Arts was the backdrop as community leaders, joined by **Betsy Cavendish**, Executive Director of national Appleseed in Washington, D.C., gathered on April 28th in celebration of Georgia Appleseed's **5th anniversary** and to honor the law center's founding supporters. **2011 Board Chair Joe Loveland** presented the **2011 A. Stephens Clay Good Apple Awards** to **Kilpatrick Townsend & Stockton LLP, King & Spalding, LLP, Sutherland, Asbill & Brennan, LLP** and **Southern Company**.



(L-R) Accepting the awards on behalf of their firms are Pat Roberts (Southern Company), Wab Kadaba (Kilpatrick Townsend), Judy O'Brien (Sutherland), Mason Stephenson (King & Spalding), with Joe Loveland, Georgia Appleseed 2011 Board Chair.



Judy O'Brien (Sutherland) artfully welcomes Sutherland guests Neil Shorthouse and Carol Lewis.



Jessica McKinney (GE Energy) congratulates Wab Kadaba and Ron Raider of Kilpatrick Townsend.



Sharon Hill welcomes Betsy Cavendish, Executive Director of national Appleseed.



Good Apple Award Dinner Co-Chair Richard Sinkfield greets Lonnie King.



Toasting the Good Apple Award are King & Spalding guests (L-R) John Chandler, Mason Stephenson, Nancy Jones, and 2011 Georgia Appleseed Board Chair, Joe Loveland.



Testing the Fairness of Student Discipline Tribunals

Propelled by findings of the 'Effective Student Discipline' project that a long term suspension or expulsion can push students into the 'school to prison' pipeline, **Georgia Appleseed Young Professionals Council (YPC)** has embarked on a new signature project to assure fairness and due process in public school disciplinary hearings.



Under Georgia law, K-12 public school students faced with a ten day suspension or with expulsion are entitled to dispute the proposed disciplinary action at an administrative hearing known as a 'tribunal.' Georgia law is supposed to provide for basic due process protections including notice, presentation of witnesses and evidence, witness cross examination and the right to counsel

representation for the student. Anecdotal evidence has put the reality of due process in question.

Kilpatrick Townsend & Stockton LLP is serving as the lead pro bono law firm, under the direction of Kilpatrick partner, **Steve Edwards**. **Cathy Henson**, **Georgia Appleseed Board Member** and education expert is serving as Board liaison to the project. **YPC Public Education Committee** members will join other substantive law experts on the project advisory committee.

Student Discipline Tribunal project phases

Phases I & II include review of tribunal process-related law; volunteer-led fact finding with students, parents, educators, hearing officers and others; and a report of findings and action recommendations.

Phase III will focus on prospective actions, such as training pro bono lawyers to serve as tribunal hearing officers or as counsel for students in the process.

Pro Bono Impact in FY 2010-2011

Volunteers:
290 attorneys and other professionals

Professional Services Contributed:
\$672,319

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