

2010 NEWS

JUDGE DENIES STATE'S EFFORT TO DISMISS EDUCATION SUIT

In *Citizens for Strong Schools, et al. v. Florida State Bd. of Educ., et al.*, Leon County Circuit Court Judge Jackie Fulford issued an Order in August 2010 allowing the lawsuit to go forward. The suit alleges that Florida is violating its own constitution by failing to adequately fund education or provide a system of high quality public schools. "The Judge held that courts have a role in ensuring that the Legislature and the Department of Education abide by the Florida constitution's mandate for providing for high-quality public schools," says Jodi Siegel, Executive Director of Southern Legal Counsel, Inc. SLC attorneys Neil Chonin and Natalie N. Maxwell also represent plaintiffs along with private lawyers Jon Mills, Thom Rumberger, Tim McLendon and Deb Cupples.

The lawsuit was filed in November 2009 on behalf of citizen organizations, parents and students and is based on Florida's alleged inadequate graduation rates, high retention rates, lack of sufficient funding for education and inability to hire and retain qualified teachers, among other facts. The State had sought to dismiss the suit by arguing that the courts have no authority to review the quality of the education system, and that "the Legislature has absolute discretion to implement any system, checked only by the ballot box." But Circuit Judge Jackie Fulford denied that motion, ruling that a lack of judicial review would "render the citizens' vote to create a new education article as meaningless."

SLC SELECTED BY NORTHEASTERN LAW SCHOOL AS PARTNER TO PRODUCE REPORT ON CRIMINALIZATION OF HOMELESSNESS IN FLORIDA

SLC was selected as a client organization for the Northeastern Law School Legal Skills in Social Context (LSSC) Social Justice Program. The LSSC program is a partnership between the law school and community or non-profit organizations to address unmet social needs. SLC is a "client" of a LSSC "law office" of closely supervised students who will provide over 2,000 hours of pro bono work as part of a clinical experience to produce a report on the criminalization of homelessness in Florida aimed at policymakers, advocates, and the general public. The student report will be completed in May 2010.

AGENCY FOR PERSONS WITH DISABILITIES AGREES TO PROVIDE HEARINGS

In *Washington, et. al. v. DeBeaugrine, et.al.*, Southern Legal Counsel obtained a preliminary injunction to compel the Agency for Persons with Disabilities (APD) to provide hearings to the named plaintiffs who were challenging APD's Developmental Disabilities Medicaid Waiver tier assignments that were going to reduce their services. APD then agreed to provide hearings to an additional 4,000 individuals whose services were to be reduced. We then settled and jointly moved to make the preliminary injunction permanent. The Court issued a permanent injunction in February 2010 that protects the putative class and requires administrative hearings for the thousands of Medicaid Waiver recipients who

were denied them. APD had began implementing a tier-based system for delivering community-based services in 2009 and had granted many hearings, but had denied requests for hearings that, according to the Agency, did not adequately allege a factual dispute.

SLC PROVIDES TESTIMONY TO UN SPECIAL RAPPORTEUR

SLC Attorney Kirsten Clanton was invited to present oral and written testimony to the United Nations Special Rapporteur on Adequate Housing, Raquel Rolnik, who was on a fact-finding mission in the United States. Clanton's testimony focused on human rights violations that are caused by the criminalization of homelessness and she called for local and state governments to develop constructive alternatives to criminalizing homelessness and to repeal or cease enforcement of such laws and policies. The UN Special Rapporteur presented her final report to the UN Human Rights Council in March 2010, which included findings about human rights violations caused by homelessness and a recommendation that the US develop alternatives to the criminalization of homelessness. Also at the National Forum on the Human Right to Housing in Washington, D.C., Clanton taught "Combating Criminalization of Homelessness Using Human Rights" to a group of 50 lawyers and non-lawyers advocating for homeless persons across the country.