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Abstrak

ABSTRAK

This article is the first comprehensive scholarly analysis of South Carolina's landmark education reform legislation, the Education Improvement Act (EIA). Using the "T-formation" process used to attain passage of the EIA as a prototype, the author evaluates the efficacy of nonadjudicative approaches to school reform, as against the impact litigation model of achieving systematic change in public education. While the latter strategy has been favored by public interest advocates since the advent of *Brown v. Board of Education* and the Rights Revolution, the author argues that nonadjudicative processes are more likely than impact litigation to yield effective outcomes in certain localities. In fact, the author argues, the nonadjudicative "T-formation" process used to persuade the South Carolina legislature to enact the EIA has much in common with other alternative dispute resolution processes that have been used with much success, including the direct action strategy used by activists to persuade Congress to enact the Civil Rights Act of 1964 and Voting Rights Act of 1965. The author identifies three characteristics common to alternative dispute resolution processes such as direct action and the T-formation that are critical to their success, including the participation of a diversity of people and talents (particularly non-lawyers) in the process of conceiving educational rights and implementing remedial policies, and the use of informal procedures, or pressure and negotiation tactics, to achieve policy objectives.