

“Stabilizing educational opportunities and success for students dealing with housing instability”

By: Erika C. Weaver

The creation of policy: McKinney-Vento

In 1987, President Reagan signed the McKinney-Vento Act into law.¹ This Act outlines ways that the federal and state legislation could support the educational rights of homeless students.² The Act also provides federal grants to school districts to offset the fee associated with school attendance that homeless families incur.³ There were 1.36 million homeless children enrolled in public schools, nationwide, during the 2013-2014 school year.⁴ During the 2014-2015 school year, Illinois reported 54,638 homeless students enrolled in public school.⁵ Of that population, 20,205 students were enrolled in the Chicago Public School System (CPS).⁶ CPS has developed their own handbook to address the procedures and policies for Students in Temporary Living Situations (STLS), and ensure compliance with the McKinney-Vento Act.⁷ While this legislative hybrid has considered a myriad of methods to address, the Chicago Coalition for the Homeless believes that the allocated funding is insufficient in providing adequate and holistic support to homeless students.⁸

¹ U.S. Department of Education, *Laws & Guidance / Elementary & Secondary Education*, (April 18, 2016), <http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>

² *Id.*

³ *Id.*

⁴ Lyndsey Layton and Emma Brown, *Number of homeless students in U.S. has doubled since before the recession*, Washington Post, (April 18, 2016), https://www.washingtonpost.com/local/education/number-of-us-homeless-students-has-doubled-since-before-the-recession/2015/09/14/0c1fadb6-58c2-11e5-8bb1-b488d231bba2_story.html

⁵ Chicago Coalition for the Homeless, *FAQs/Studies*, (May 10, 2016), <http://www.chicagohomeless.org/faq-studies/>

⁶ *Id.*

⁷ Chicago Public Schools Policy Manual, *Education of Homeless Children and Youth*, (2016) <http://policy.cps.edu/download.aspx?ID=128>

⁸ Chicago Coalition for the Homeless, *Gaps in Educational Support for Illinois Homeless Students*, (2014), <http://www.ctunet.com/media/press-releases/body/Homeless-Ed-Report-for-release.pdf>

Section 725 (2)(A) of the McKinney-Vento Act defines homeless children and youths to mean: “individuals who lack a fixed, regular, and adequate nighttime residence...and; (B) which includes:

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).⁹

For student who are identified as a homeless student, Section 721 of the Act provides that those students shall have:

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

⁹ U.S. Department of Education *supra* note 1.

(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.¹⁰

The Act is also designed to provide funding to defray costs that may hinder homeless students from enjoying other activities and services available through public education.¹¹ Section 722 (d) Activities stipulates that - Grants under this section shall be used for the following:

(1) To carry out the policies set forth in section 721 in the State.

(2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

(4) To prepare and carry out the State plan described in subsection (g).

(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.¹²

More specifically, the Act outlines expectations and a plan for implementation at the state level.¹³ Section (g)(4) states:

(4) Comparable Services- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in vocational and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.¹⁴

The plan for each state also requires that every district appoints a liaison for homeless children and youth.¹⁵ Under section 722 (g)(6)(A), the liaison is responsible for the following duties:

(A) Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that —

(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

(iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

¹⁴ *Id.*

¹⁵ *Id.*

(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

What this means at the state level

For the 54,638 students in Illinois, this means that each appointed liaison may be located on the Illinois State Board of Education's website under the Legal Division's "Homeless Education" page.¹⁶ The CPS does not have a district liaison listed, as their manual requires a liaison for each school.¹⁷ Under the Act, funding for the state of Illinois receives \$5 million in federal grants for 859 school districts.¹⁸ In 2009, Illinois allocated an additional \$3 million to address any unmet needs of homeless students, however these additional funds were never renewed.¹⁹ In Illinois, only eight districts receive direct funding, while the regional offices of 100 districts receive the remaining funds.²⁰ Some districts that received direct funding were able to use the grant to staff social workers, case managers, and full-time homeless liaisons.²¹ These districts were also able to provide health and social services, and expand academic programs.²²

How CPS addresses the needs of homeless students

The CPS introduced their manual, *Education of Homeless Children and Youth*, to ensure compliance with the McKinney-Vento Act.²³ While this manual is very similar to the Act in

¹⁶ Illinois State Board of Education, *Homeless Education*, (May 10, 2016), <http://www.isbe.net/homeless/>

¹⁷ Chicago Public Schools *supra* note 7.

¹⁸ Chicago Teachers Union *supra* note 8.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Ellen Fortino, *New Report Finds Gaps In Educational Supports For Illinois Homeless Students*, Progress Illinois, (April 18, 2016), <http://www.progressillinois.com/quick-hits/content/2014/03/03/new-report-finds-gaps-educational-supports-illinois-homeless-students>

²² *Id.*

²³ Chicago Public Schools *supra* note 7.

outlining expectations of educational institutions, there are two notable differences: (1) the language to define homeless students; and (2) the structure for STLS liaisons.²⁴ The first is in the language, CPS does not describe students with housing instability, “homeless,” instead they are described as students in temporary living situations (STLS).²⁵ CPS includes in its definition of STLS to include families who double up, which is: “sharing housing of other persons due to the loss of housing, economic hardship, or similar reason.”²⁶ Principal Croston of Jenner Academy of the Arts (Jenner) said, “We no longer use the moniker, “homeless,” because it is often believed to mean someone who is living outside or in a shelter. Students in temporary living situations simply means a family whose name is not on a lease.”²⁷ Jerome Ferrell who served as Assistant Principal of Arthur R. Ashe Elementary School (Ashe) for eight years also said, “People expect homelessness to look a certain way, but it doesn’t always have a particular appearance.”²⁸ Because students who live in doubled-up situations are less likely to self-identify, the number of STLS is grossly under-reported.²⁹ In these instances, it is up to school staff to figure it out and connect students to benefits and resources.³⁰ Mr. Ferrell has experienced this during his time at Ashe, “Our school was still in an area of high poverty, so even when students weren’t homeless, many of the conditions were normal. Our (STLS) liaison was really good at identifying students who may have been in homeless situations but didn’t know it because they lived with family.”³¹

CPS policy expresses a commitment to STLS student enrollment in Parts (A):

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Telephone Interview with Robert Croston, Principal, Jenner Academy of the Arts, (May 12, 2016).

²⁸ Telephone Interview with Jerome Ferrell, Principal, McKinley Junior High School, (May 11, 2016).

²⁹ Sarah Hains, *CPS Students That Need Extra Support*, Chicago Teachers Union, (May 10, 2016), <http://www.ctunet.com/blog/homeless-cps-students-supports-help-homestretch>

³⁰ *Id.*

³¹ Ferrell *supra* 28.

5. no child or youth shall be denied enrollment because the student is homeless;
6. no homeless child or youth shall be denied immediate enrollment because the student is unable to produce health, immunization or school records, proof of guardianship, or proof of residence;
7. the removal of any regulations, practices or policies that act as barriers to the identification, enrollment, retention, attendance or success of homeless children and youths in the District;³²

Part D, defines enrollment as:

A homeless child or youth is entitled to immediate enrollment at any of the following:

1. the school in which the student was enrolled when permanently housed , including a preschool (school of origin as defined under McKinney -Vento and IEHCA);
2. the school in which the student was last enrolled, including a preschool (school of origin as defined under McKinney-Vento and IEHCA); or
3. any public school that non-homeless students who live in the attendance area in which the homeless child or youth is actually living are eligible to attend.³³

For Ferrell, the way that he and the Ashe administration understood this policy is: “A family just needed to self-report that they were homeless. We were not supposed to question or investigate it unless there was reasonable doubt. By asking for proof of homelessness, we could be embarrassing and shame the family.”

Another notable difference in the CPS manual is that instead of only one appointed STLS liaison for the district, CPS requires that each of its district schools designate a STLS liaison.³⁴ The role of the school designated liaison is generally in addition to other job-specific duties, and not a full-time position solely dedicated to STLS student populations.³⁵ Each school liaison is required to attend all mandatory training by the district liaison, as well as working with their school administrators to conduct onsite training at their respective schools.³⁶ The school liaison is also

³² Chicago Public Schools *supra* note 7.

³³ Chicago Teachers Union *supra* note 29.

³⁴ *Id.*

³⁵ Chicago Teachers Union *supra* note 29.

³⁶ Chicago Public Schools *supra* note 7.

responsible for identifying STLS students, connecting them with school and community resources, and advising them of their rights.³⁷ Some of those rights include fee waivers, transportation assistance, and the choice to remain in the school of origin.³⁸ The student's school of origin, as defined by the McKinney-Vento Act is: "the term school of origin means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled."³⁹ Principal Croston explained that is, "Where the student has a reserved seat, and often the last record of attendance."⁴⁰ It is expected that by allowing students with housing instability to remain in their school of origin that this action will allow students to remain active in school activities and promote belonging and stability.⁴¹ However Croston has observed a potential challenge for students who struggle to remain in their school of origin:

Some of our students who have to move out of the area now have a much longer commute to get to school. This can cause them to miss 60-90 minutes of instruction. At this level, that is significant, and over time it accumulates to days, weeks, and months' worth of missed material.⁴²

CPS students who are temporarily displaced are also eligible to receive transportation cards for public trains and buses to get to, and from school, for academic and extracurricular activities.⁴³ While this is also meant to sustain a sense of belonging and stability, Principal Ferrell said there can be challenges,

³⁷ *Id.*

³⁸ *Id.*

³⁹ U.S. Department of Education *supra* note 1.

⁴⁰ Croston *supra* note 27.

⁴¹ Chicago Teachers Union *supra* note 29.

⁴² Croston *supra* note 27.

⁴³ Chicago Public Schools *supra* note 7.

Sometimes you may feel like someone is taking advantage of the resources because they know that we give bus passes to students in need, but when you question a child over those things, you put them in a bad situation. They don't want to tell on their parents, and it's not the child's fault. I can count on my hand the number of times that there was concrete evidence that someone was being dishonest, but in most cases, (the accusations) were just by word of mouth, and we cannot bring a parent in over that.⁴⁴

The CPS manual and the Act provide that STLS students are eligible for fee waivers to help with cost associated with school attendance, which includes: (1) school supplies; (2) uniforms; (3) fees; (4) free school meals, and; (5) tutoring services.⁴⁵ In the 2014-2015 school year, CPS allocated \$1,076,520 for school-based STLS services and an additional \$8,480,163 citywide, but it only translates to roughly \$52 per STLS student.⁴⁶ Ferrell found that while at Ashe, the funds met the needs of the STLS students at their school.⁴⁷ He attributes the bulk of that success to the school STLS liaison, "Our administrative assistant had a good handle on our students' needs and identifying those students, and we had a really good business manager."⁴⁸ Croston also feels that by having funds to meet these needs, students benefit, but he added, "We are able to support our STLS students by helping them with fee and transportation, but the larger problem still exists. We need supportive legislation that creates affordable housing so that these families, our families, are able to have stable, safe housing."⁴⁹

The Chicago Teachers' Union study found that STLS students who live in doubled-down situations also have increased exposure to:

⁴⁴ Ferrell *supra* note 28.

⁴⁵ Chicago Public Schools *supra* note 7.

⁴⁶ Chicago Teachers Union *supra* note 29.

⁴⁷ Ferrell *supra* note 28.

⁴⁸ *Id.*

⁴⁹ Croston *supra* note 27.

- communicable diseases and illnesses
- violence
- high mobility
- lack of sleep
- food insecurity
- lack of routine
- lack of space for homework; and
- discipline issues and frequent arguments.⁵⁰

These threats that negatively affect the students' academic success are not directly addressed in any of the legislature, federal, state, or municipal.⁵¹ Karen Lewis, president of the Chicago Teachers Union, has said:

The state needs to do more, and if so-called education reformers really want to close the achievement gap and level the playing field in our schools, they need to start with the gap in the quality of students' lives. Homeless students are at a greater risk for physical abuse, violence, malnourishment and serious psychological problems. If we are to improve education, then people must first work to improve life itself.⁵²

⁵⁰Chicago Teachers Union *supra* note 29.

⁵¹ *Id.*

⁵² Fortino *supra* note 21.