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HOMELESS EDUCATION: UNVEILING THE TRUTH BEHIND BEATING THE ODDS

by **Cary M. Martin**

My Story

"You're lucky you're so smart because statistically you're not supposed to be here." Her attempt to pass along a complement was ineffective. She was reacting to my law school graduation speech in which I candidly shared how education broke the cycle of poverty that plagued my family. Instead of making me appreciate my intelligence, her statement caused me to relive the pain of having to convince myself that I was capable of becoming self-sufficient when it was clear that most deemed it impossible. Throughout my journey towards self-sufficiency, I battled against internalizing the hopelessness

that society often implants onto the victims of poverty. After having won the hardest part of that battle by earning my Juris Doctor from Northwestern University School of Law, I am still forced to respond to a society that thinks I "am not supposed to be here."

From her perspective, and from the perspective of many others, my future should have been predetermined by the negative statistics associated with my background. Those statistics are unwillingly mounted on the backs of those who share my story. The above statement, which represents a pervasive view, implies that those who have succeeded despite having experienced devastating life circumstances, simply slipped through the cracks due to extreme intelligence or other genetic traits. I am even more troubled that her perspective implies that those who did not escape poverty were not equipped with the traits that would enable them to persevere.

My own personal history with poverty began with my mother, who grew up in the system as a ward of the state in Illinois. As a young adult she became a single parent when my father lost his job and joined the army shortly thereafter. When my father left, my mother's mental illness was triggered by our slow descent into chronic poverty. Our family became homeless after my mother lost her Section 8 subsidy. Unfortunately, when our father returned from the army he was diagnosed with paranoid schizophrenia and was unable to adequately support our family. We were homeless for about 3 years until the state of Illinois revoked guardianship from my parents when I was thirteen years old, thus repeating the cycle that my mother fought desperately hard to break. As a ward of the state, I lived in two group homes and three foster homes.

The statistics associated with my background are overwhelming, depressing and discouraging. Children in poverty are much more likely than other children to suffer developmental delay and damage, to drop out of high school and to give birth during teen years.[1] A 1994 study of young adults who have been discharged from foster care found that 54 percent had completed high school.[2] In a 2005 study of foster care alumni in Oregon and Washington, 1.8 percent of those interviewed completed a bachelor's degree compared to the general population rate of 24 percent.[3]

These negative statistics are often misinterpreted when the children who are born into poverty are blamed for their inability to beat the odds. However, this misinterpretation perpetuates social injustice.[4] The statistics do not reflect a

lack of intelligence, drive or self-motivation among homeless youth. Instead, they reflect the failure of our society to adequately accommodate this population. When we begin to accept accountability for these statistics, as a society we will collectively remove the systematic barriers that prevent disadvantaged children from receiving an adequate education.

From my perspective, it is evident that poverty is a circumstance and not a character trait. Children are born with various gifts, advantages and talents and these gifts are wasted when we fail to help ourselves by failing to help others. Thus, while intelligence certainly helps one to break the cycle of poverty, as it did in my case, it is impossible to break that cycle without having access to innumerable resources. In terms of my own success, the most important aspect of my story is that I did not pull myself up by my bootstraps. I received help from countless individuals, organizations and government funded programs. Upon completing my educational endeavors, I was the recipient of food stamps, free medical care, subsidized housing, educational grants and various other public benefits.

Protecting Homeless Education: The McKinney Act

When I started law school, I discovered that many of the programs from which I benefited were mandated under state and federal laws. After my first year at Northwestern, I interned with the Law Project of the Chicago Coalition for the Homeless (The Coalition), which helps to implement and enforce the Stewart B. McKinney Homeless Assistance[5] (McKinney Act or Act). The Act is the only major federal legislative response to homelessness and homeless education.[6]

The McKinney Act is fascinating in both its purpose and its scope. Its purpose reinforces the obvious—that education is the most important tool that enables one to break the cycle of poverty. However, the authors of the Act acknowledge that simply having access to an educational institution does not guarantee academic success. In addition to ensuring that homeless students are enrolled in school, McKinney Act funding must also be used to ease the many burdens and inconveniences that afflict homeless students on a daily basis.[7] For example, the McKinney Act requires that schools provide direct services to homeless students such as free meals and free transportation,[8] and it requires that homeless student are immediately enrolled into school even if they are unable to

produce medical records or proof of residency.[9] In addition, the McKinney Act requires that a separate office be established within every state educational agency solely for the purposes of implementing the McKinney Act[10] and that school personnel do not stigmatize homeless children.[11] Furthermore, schools must provide outreach to homeless families who are unaware of their rights under the McKinney Act.[12]

On a more personal note, certain provisions and principles of the McKinney Act enabled me to utilize my own educational opportunities more effectively. I was excited that my story proves that suitable government funded programs can contribute to the success of homeless youth. However, my excitement quickly turned into frustration and disappointment after I discovered the limitations of the McKinney Act. Only 6 percent of school districts nationwide are receiving McKinney Act funding, although every school district must ensure that homeless students are identified, enrolled, and receiving the services mandated.[13] Obviously, it is impossible for schools to implement many of the McKinney Act provisions without receiving appropriate funding. Moreover, many schools knowingly violate provisions of the McKinney Act due to limited resources, lack of knowledge and, in some cases, discrimination against homeless students.[14]

In light of the above limitations of the McKinney Act, I have become eager to share my story as it relates to the multiple forms of assistance that fueled my success. Increasing access to resources, similar to the resources that I have received under the Act, would create additional opportunities for those who are currently fighting to escape poverty. Set forth below are the provisions of the McKinney Act that aided my own success, followed by specific examples from my experiences as a homeless youth.

Broader Definition of Homelessness

Under the McKinney Act, the term "homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence and 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; and (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.[15] If students meet the above definition of homelessness, then they are automatically eligible to receive the benefits prescribed under the McKinney Act.[16]

The McKinney Act definition of homelessness is extremely significant because it does not require that youth live on the streets in order to be considered homeless. Most parents who have lost their housing are not visible to the public eye because they will often seek other locations such as motels, and temporarily staying with others in order to protect their children from the streets and keep their families together.[17] Other federal laws limit the definition of homelessness to individuals who live in the streets or in a shelter, which prevents many homeless families from receiving assistance under those laws.[18]

When my family experienced chronic poverty, we never actually lived on the streets or in a shelter, but we were still considered homeless under the Act. When my mother first lost her Section 8 subsidy, we were temporarily doubled up with other families. These families consisted of my mother's friends, her former foster parents and even one of my teachers. Once the temporary living situations failed, we lived in a partially vacant office building without access to a bathroom or kitchen. After we lived in the office building for about a year, we lived in a hotel for approximately two years where there was a bathroom, but again no kitchen. As a ward of the state, I was also considered homeless under the McKinney Act while awaiting foster care placement. Because I met the above definition of homelessness, I was able to access many resources mandated under the Act, which are further described below.

School of Origin

Under the McKinney Act, the local educational agency serving each child or youth to be assisted under the Act must, according to the child's or youth's best interest continue the child's or youth's education in the school of origin for the duration of homelessness: (i) in any case in which a family becomes homeless between academic years or during an academic year; or (ii) for the remainder of the academic year, if the child or youth becomes permanently

housed during an academic year.[19] Under the Act, 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.[20]

This provision highlights the importance of ensuring that students have a consistent learning environment. Homeless families frequently move due to limits on shelter stays, limited access to safe and affordable housing or employment, or to escape abusive partners.[21] If homeless students are forced to change schools every time they move into a different school district, then their education could be severely disrupted. A national study of third-grade students found that frequent school changes were associated with nutrition and health problems, below-grade-level reading scores and frequent grade retention.[22] A different study, which tracked children from early childhood to young adulthood, found that school mobility reduced the odds of high school graduation.[23]

While I was homeless, I was able to attend my school of origin as required under the McKinney Act. During 7th and 8th grade, I attended the same elementary school while living in three different school districts, and I attended the same high school while living in five different school districts. As a youth, having access to a stable learning environment was a necessary component to my academic success. School essentially became my safe haven as it was often the only stable environment that I encountered. Staying in my school of origin also helped me to establish relationships with teachers who were committed to helping me reach my full potential.

In high school, staying in the same school prevented me from self-destructing. During this time, I became a nomad within the city of Chicago as I constantly moved to different foster homes. When a foster placement was unsuitable, the Department of Children and Family Services (DCFS) would find a new placement. When it was time to move, I threw my belongings into several trash bags and waited for my caseworker to drive me to the next home. At one point, I doubled up with my sister and with friends until my caseworker found a new placement. As a result of the constant disruption in my living arrangements, my grades plummeted as my emotional and physical health deteriorated. At the beginning of my sophomore year, I had three F's, two D's and twenty absences.

My teachers never gave up on me, despite my severe academic setbacks. They collaborated with my caseworkers to discuss solutions for improving my grades. They provided me with emotional support when I had difficulties functioning in class due to my frequent moves. My guidance counselor became my advocate as she helped me navigate the bureaucracy of DCFS when certain placements failed. She even helped me complete my financial aid and college applications. When I finally turned my grades around and got accepted into the University of Illinois in Urbana-Champaign, my teachers celebrated my success.

Research has shown that "quality relationships with adults can provide children with resilience in facing adversity. Resilient children—those who seem to thrive through tough times—often report an adult who took a special interest in them."[24] In my case, had it not been for the positive relationships with my teachers, I would not have developed the resilience that I needed in order to persevere. However, it does take time to develop those relationships and it took two years for my teachers to even become aware of my situation. Staying in my school of origin allowed me to develop and sustain those positive relationships, which aided my transition into college.

Direct Services

Under the McKinney Act, each homeless child or youth assisted under the Act must be provided services comparable to services offered to other students in the school, including the following: (i) Transportation services; (ii) Educational services for which the child or youth meets the eligibility criteria; (iii) Programs in vocational and technical education; (iv) Programs for gifted and talented students; and (v) School nutrition programs.[25] In addition, each state and its local educational agencies must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian, to and from the homeless student's school of origin.[26]

Under this provision, homeless students are entitled to receive free transportation to their school of origin as well as access to educational and nutritional programs that are provided to other students. While I was homeless, I relied on the free meals guaranteed under this provision because my mother could not afford food on a regular basis. Often times, the only food we ate came from the school free breakfast and lunch programs. Of course, being able to eat made it

easier for me to concentrate, as it is nearly impossible to retain information on an empty stomach.

The unstable living conditions and limited financial resources facing homeless youth can also make getting to and from school very challenging, if not impossible. This provision eliminates the transportation costs of homeless students who are attending a school outside of their district. As discussed above, I lived in various school districts while attending my schools of origin and relied heavily on receiving free transportation. Schools reap the benefits of higher test scores when homeless students are given the appropriate support to excel. For example, an evaluation of a pilot homeless student transportation program in Washington State found that homeless students staying in their school of origin achieved better scores and better high school grades than those who changed schools.[27]

No Segregation

Under the McKinney Act, each state must submit a plan to provide for the education of homeless children and youths within the state and such plan must include assurances that the state educational agency and local educational agencies in the state will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their homeless status.[28]

Under this provision, homeless students cannot be segregated from the other students solely because of their homeless status. This provision recently gained attention when Chicago school officials submitted proposals to open boarding schools for homeless youth.[29] Those in favor of these proposals argue that separate boarding schools would provide homeless students with adequate housing and would eliminate the social isolation that they often experience due to their unstable living conditions.

Despite these potential benefits, the separation of homeless students could lead to devastating effects. In my case, being separated from other students would have subjected me to an inferior education by eliminating the relationships that I developed with classmates from various socioeconomic backgrounds. Those relationships helped me to realize that every family, regardless of their socioeconomic background, experiences a wide range of hardship. Many of my

peers were dealing with severe issues even though they came from middle to upper-middle class families. Some of those issues included substance abuse, physical, verbal and sexual abuse, domestic violence, family deaths, eating disorders and various other challenges that in some cases paralyzed their academic success. In learning about the life experiences of others, I gradually felt less angry and less socially isolated as I realized that I was not alone in my struggle to obtain a better life. As I became more open with my story, some of my peers became my surrogate family as we learned to support and love one another by connecting our stories. This process of connecting with others has been one of the most important aspects of my personal healing and professional success.

My peers also benefited from my story as they became aware of the many social ills that afflict those who are born into poverty. It was mind boggling for my close friends to watch my family descend into poverty due to my parents' mental illnesses. Through my story, they saw that it was nearly impossible for people suffering from mental illness to access government programs intended to assist with poverty. They even witnessed the failures of DCFS as I was bounced around from home to home over short periods of time. Essentially, my experiences provided my peers with a window into a world that millions of children experience and they discovered that there is no real dividing line that keeps the worlds separated. As a result, some of my peers even became more impassioned to make a difference.

Segregation could also lead to further disruptions in the education of homeless youth. Since homelessness is often a temporary and/or recurring state, it would be difficult to implement a standard through which homeless students are reintegrated with other students. Any standard of reintegration could cause additional disruptions in the education of homeless youth because it contradicts the benefits associated with reducing school mobility. Delaying reintegration, instead of making integration easier for homeless students at a younger age, could make the transition into college even more difficult.

There are other less imposing mechanisms for addressing the problems associated with the integration of homeless students. For example, teachers could implement curricula designed to raise awareness and create sensitivity. Educating students about homelessness could provide homeless children with supportive environments.[30] Government funding could also be used to eliminate factors that cause homelessness instead of being used to create boarding schools for homeless youth. Taking children away from their parents can add to the

damage that homeless families have already endured, and any program that serves homeless children should make family preservation one of its goals.[31]

Conclusion

My story is one among millions. A study done by the National Law Center on Homelessness and Poverty states that approximately 3.5 million people, 1.35 million of them children, are likely to experience homelessness in a given year.[32] However, those 1.35 million children should all be entitled to the joy and prosperity that an education would undoubtedly bring into their lives. My story proves that children who are born into poverty are not hopeless. We are born with gifts and dreams, which are often destroyed by the systematic barriers that prevent us from escaping poverty. The McKinney Act is a wonderful example of a law that attempts to lift many of those barriers. However, it needs more funding and greater commitments from individuals, organizations, educational institutions and our government in order to reach more students. When we help ourselves by helping each other, then success stories of various forms will multiply and society will reap the benefits of generations that are given an equal opportunity to succeed.

Notes

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2 Barbara J. Duffield et al. Educating Children Without Housing: A Primer on Legal requirements and Implementation Strategies for Educators, Advocates and Policymakers 39 (ABA Commission on Homelessness and Poverty 2007).

3 National Working Group on Foster Care and Education, *Educational Outcomes for Children and Youth in Foster and Out-of-Home Care* (2007) *available at* http://www.abanet.org/child/education/National%5fEdFactSheet%5f2008.pdf.

4 Duffield et al., *supra* note 2, at 14.

5 Pub. L. No. 100-77

6 National Coalition for the Homeless, *McKinney-Vento Act, NCH Fact Sheet #18*. (2008) *available at* http://www.nationalhomeless.org/publications/facts/McKinney.pdf.

7 42 U.S.C. § 11301 et seq., Secs. 722(a)(C)(3) and 722(g)(4).

8 42 U.S.C. §11301 at Sec. 722(g)(4).

9 42 U.S.C. §11301 at Sec. 722(g)(3)(C).

10 Duffield et al., *supra* note 2, at 12. The McKinney Act requires that "every state educational agency establish an Office of State Coordinator for the Education of Homeless Children and Youth. This office is charged with critical responsibilities with respect to the implementation

of the Act, including providing technical assistance, resources, coordination, data collection and overseeing compliance for all local educational agencies in each state."

11 42 U.S.C. §11301 at Sec. 722 (g)(1)(J)(i).

12 Duffield et al., *supra* note 2, at 19. The Act requires Local Educational Agencies to be proactive in identifying "homeless" youth within the broad definitions of the Act which includes youth who are attending school, as well as those homeless youth who are not attending school.

13 Patricia Julianelle, *The McKinney-Vento Act and Children and Youth Awaiting Foster Care Placement.* National Association for the Education of Homeless Children and Youth 2 *available at* http://www.naehcy.org/dl/mv_afcp.pdf.

14 The Coalition's Law Project represents families, children and youth without housing to ensure their educational rights are protected. *See* http://www.chicagohomeless.org/what/education.

15 42 U.S.C. §11301 at Sec. 725.

16 Duffield et al*, supra* note 2, at 8.

17 Child Welfare League of America, National Association for the Education of Homeless Children and Youth, *National Health Care Matter of Definition: Responding to Homelessness Among Families, Children, and Youth for the Homeless Council National Policy and Advocacy and Council on Homelessness*, Volunteers of America 2 *available at* http://www.npach.org/newdefinition0725.pdf.

18 National Coalition for the Homeless, *Homeless Families with Children, Fact Sheet #12* 1 (June 2008) *available at* http://www.nationalhomeless.org/publications/facts/families.pdf

19 42 U.S.C. §11301 at Sec. 722(g)(3)(B).

20 42 U.S.C. §11301 at 722(g)(3)(G).

21 National Coalition for the Homeless*, Education of Homeless Children and Youth, NCH Fact Sheet #10* (June 2008) *available at* http://www.nationalhomeless.org/publications/facts/education.pdf

22 U.S. General Accounting Office, Elementary school children: Many change schools frequently, harming their education (1994).

23 R. Haveman & B. Wolfe, Succeeding generations: On the effects of investments in children. New York: Russell Sage Foundation (1994).

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25 42 U.S.C. §11301 at Sec. 722(g)(4).

26 42 U.S.C. §11301 at Sec 722(g)(1)(J)(iii).

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28 42 U.S.C. §11301 at Sec. 722(g)(1)(J)(i).

29 The Associated Press, *Boarding schools for Chicago's homeless?,* May 23, 2008, http://www.msnbc.msn.com/id/24795197/print/1/displaymode/1098.

30 Annooshian, *supra* note 24, at 89.

31 Ralph Da Costa Nunez, The New Poverty, Homes for the Homeless 128 (1996).

32 National Coalition for the Homeless, *How Many People Experience Homelessness? NCH Fact Sheet #10* (June 2008) *available at* http://www.nationalhomeless.org/publications/facts/How_Many.html