

Domestic Violence, Homelessness, and Children's Education



Who is covered?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence...; and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due the lack of alternative 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...

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

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Domestic violence was named as a primary cause of homelessness in nine of the 25 cities surveyed by the U.S. Conference of Mayors in 2003.¹ Anecdotal accounts from legal service providers and other advocates support these statistics, suggesting that a disproportionate number of women who seek emergency shelter—often with their children—do so because they are fleeing immediate or very recent experiences of domestic or sexual violence.² In fact, in some regions of the country, nearly one-third of all homeless women are homeless at least in part due to domestic abuse.³

Children and youth who flee violent homes with a parent survivor and who become homeless as a result face many barriers. Young people who flee violent homes are at heightened risk for emotional and behavioral problems.⁴ They may be more likely than their peers to experience or to participate in emotional or physical abuse themselves.⁵ These effects can have a pronounced impact on children's adjustment in school, including their ability to learn and their concentration levels.⁶

In addition to the consequences of violence, homelessness itself has a devastating impact on children's health and development. For example, students experiencing homelessness tend to suffer from:

- Poor nutrition⁷
- Inadequate health care⁸
- Health problems associated with overcrowded and communal living situations⁹
- Increased incidence of other health impairments¹⁰
- Higher exposure to violence¹¹
- Severe emotional stress¹²

Homelessness often leads to frequent moving and upheaval, which eliminate the feelings of safety, stability, and predictability that are so important for healthy growth.

A stable school experience can help ease some of the effects of domestic violence and homelessness on children. Schools offer many important benefits, including safety, predictability, a sense of normalcy, adult and peer support, meals, basic medical and mental health services, and extracurricular activities. Schools also can connect families to other resources and supports available in the community. However, schools and service providers must work together to ensure safety and confidentiality for children and their parents who are fleeing domestic violence.

Federal Legislative Responses

Two federal laws help ensure that children affected by domestic violence and homelessness have stable and safe school experiences.

The McKinney-Vento Act

The McKinney-Vento Act is a federal law that ensures children and youth who have lost their housing can attend school. It covers children and youth who are living in domestic violence shelters, emergency shelters, transitional living programs, staying temporarily with friends or relatives due to the lack of adequate accommodations, and staying in motels, campgrounds, cars, or other temporary or inadequate housing. The McKinney-Vento Act says that children who have lost their housing can:

- ◇ Attend school, no matter where they live or how long they have lived there.
- ◇ Continue in the school they went to before losing their housing or in the school in which they were enrolled last (called “school of origin”), even if they move out of the school district, if that is feasible.
- ◇ Go to the local school in the area where they are living. The school must immediately let students enroll, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them or documents such as proof of residency, immunization records, other medical records, or school records.
- ◇ Receive transportation to their school of origin, provided or arranged by the school district.
- ◇ Access all the school services they need, including preschool.
- ◇ Go to school with children who are not in temporary housing and be free from harassment. Students cannot be separated from the regular school program because of their housing.
- ◇ Have disagreements with the school settled quickly and go to the school they choose while disagreements are settled.
- ◇ Contact the school district homeless education liaison, whose job is to help children in homeless situations enroll and succeed in school.

The Federal Education Rights and Privacy Act (FERPA)

FERPA is a federal law that protects the privacy of educational records. All public schools must follow FERPA. FERPA says that schools must have written permission from a parent before releasing any information from a child’s records. However, FERPA allows schools to release records *without a parent’s permission* to the following people:

- ◇ The student’s other parent—unless a restraining order is in place or parental rights have been suspended (See page 3 “Help Parents and Children in Crisis.”)
- ◇ Employees of the student’s school who truly need the information
- ◇ Another school, if the student is transferring there
- ◇ Financial aid offices if the student has applied for financial aid

- ◇ Federal, state, and local education authorities, if they need it to audit or evaluate the school, and organizations that are accrediting the school
- ◇ State and local authorities, if state law specifically allows it
- ◇ Organizations conducting studies for the school
- ◇ Anyone named in a court order that requires the school to release the records
- ◇ Appropriate authorities if there is a health or safety emergency and releasing the records is necessary to protect the student's safety or the safety of others

Schools can also release basic, "directory" information about students, including name, address, phone number, date of birth, and date of attendance. *A parent can prevent the release of directory information just by telling the school not to release it.*

Helpful Policies and Practices for Schools

The following policies and practices can help schools protect survivors of domestic violence, provide a stable and positive school experience for children fleeing domestic violence, and increase safety and academic achievement within the school community.

Build the Support System

- ◇ Fully implement the McKinney-Vento Act in the school district, ensuring that survivors of domestic violence or their children who are in temporary or unstable housing can enroll in school immediately and receive all necessary and appropriate services.
- ◇ Hold inservices and professional development activities for school personnel on the causes and effects of domestic violence and the school's role in protecting survivors. Include sensitivity training and training on the legal requirements of the McKinney-Vento Act and FERPA. Provide this information to a wide array of school personnel, including teachers, secretaries, registrars, administrators, school counselors, bus drivers, security guards, and others.
- ◇ Identify agencies in your community that work with domestic violence survivors and their children. Establish relationships with those agencies.
- ◇ Collaborate with the Title I office, school district homeless education liaison, teachers, and community agencies to provide academic and support services, both in and out of school, to support the children's education.

Help Parents and Children in Crisis

- ◇ Inform parents that without a court order or restraining order, *both* parents will be able to access school records. Identify agencies in your community that help domestic violence survivors get restraining or civil protection orders, and refer survivors to those agencies. A restraining order is an important first step to prevent abusers who are biological parents from obtaining their children's school records or picking their children up from school. Schools may want to have on hand written information about restraining orders.
- ◇ Inform parents who have lost their housing of their rights to enroll children immediately in the local school or keep them in their original school. Inform parents of their children's rights to transportation and other services, and provide referrals to counseling, medical, mental health, and legal services, as necessary. Assist parents in deciding what school is best for their children, considering issues of safety and stability.

- ◇ Speak privately and gently to the parent experiencing domestic violence about services available to him or her and the children, both at school and in the community. Attempt to create a safe space.
- ◇ Create a welcoming environment for children and families. Upon enrollment, provide new parents and children with a tour of the school and facilities. Assign the children an adult and/or peer “buddy” to assist in the transition.

Address Safety Needs

- ◇ Inform all school personnel who might be contacted by phone or in person by a batterer of the importance of confidentiality, including secretaries, teachers, bus drivers, security guards, school counselors, administrators, and others. School personnel should not share any information with unauthorized people, including whether the child is even enrolled in the school. Be sure to keep all information current.
- ◇ When appropriate, after consultation between the school and the parent, enroll students under generic or assumed names if they are children of survivors of domestic violence or are survivors themselves. Given the insecurity of computer databases, using a generic or assumed name makes it much more difficult for abusers to determine the children’s school. For example, one school has enrolled children staying in a local domestic violence shelter under the last name: “Center.”
- ◇ Work with the parent to create a list of people authorized to pick the children up from school. Ensure that all necessary school staff members know who is on the list and understand that no unauthorized person can pick up the children, under any circumstances.
- ◇ If necessary, have children come to the office or another safe place in the school shortly before the end of the day, to ensure that no unauthorized person will pick them up. If the children ride a school bus, have an adult escort them to the bus and wait with them until the bus departs.
- ◇ Do not locate bus stops directly in front of domestic violence shelters in order to protect the secrecy of the shelter’s location. Put shelter stops first on the bus route in the morning and last in the afternoon to preserve confidentiality.
- ◇ When transferring school records, pass the records through the state attorney general’s office, several school districts, or the Office of the State Coordinator for the Education of Homeless Children and Youths. Schools can also set up a “shadow school,” using the school district homeless education liaison’s (or other staff member’s) office as the child’s school address, so that all information will pass through that individual. This makes it much more difficult for abusers to determine the children’s school.

Helpful Policies and Practices for Service Providers

Build the Support System

- ◇ Assist schools in developing guidelines for screening children for domestic violence and responding appropriately.
- ◇ Contact the school district homeless education liaison. Set up a meeting to discuss the causes and effects of domestic violence and ways the schools can support survivors and their children. Offer to speak to other school staff and assist with school district professional development activities on domestic violence.
- ◇ Work with the school district and local schools to promote procedures to protect confidentiality, sensitivity, and safety for survivors and children.

- ◇ Know shelter residents' rights under the McKinney-Vento Act and FERPA. Explain these rights to parents and assist them in enrolling their children in the appropriate school. Have written information about those laws available for parents at the shelter.
- ◇ Identify agencies in your area that provide preschool services, including Head Start, Even Start, and public and private preschools. Meet with those providers to discuss the causes and effects of domestic violence and how the schools can support survivors and children. Assist parents in accessing those services, as appropriate.
- ◇ Tour the local schools and meet relevant school staff, including administrators, secretaries, school counselors, bus drivers, security guards, and others. Talk to parents and children about the local school and prepare them to arrive.

Help Parents Enroll their Children in School

- ◇ Be aware of the importance of school to children. School offers adult support, security, friendships, social and academic support services, and a sense of normalcy. Schools also often offer services to parents including access to adult education and social services.
- ◇ Help parents obtain necessary school records, health records, and other documentation. Although the McKinney-Vento Act requires schools to enroll children without documents, obtaining documents as quickly as possible will help facilitate a smooth transition and adjustment to school. When necessary, help arrange appointments for physicals and immunizations.

By working together, schools and service providers can help ensure safety, stability, and confidentiality for survivors of domestic violence. A positive school experience can help ease some of the effects of domestic violence and homelessness on children and families.

Resources for More Information

Center on Adolescent Health and the Law (<http://www.cahl.org>)

Family Violence Prevention Fund (<http://endabuse.org>)

Linda L. Baker et al., *Children Exposed to Domestic Violence: A Teacher's Handbook to Increase Understanding and Improve Community Responses* (2002), available at <http://www.lfcc.on.ca/teacher-us.PDF>.

National Association for the Education of Homeless Children and Youth (<http://www.naehcy.org>)

National Center for Homeless Education (<http://www.serve.org/nche>)

National Coalition Against Domestic Violence (<http://www.ncadv.org>)

National Domestic Violence Hotline (<http://www.ndvh.org>) 1-800-799-SAFE (7233)

National Law Center on Homelessness & Poverty

<http://www.nlchp.org>

National Network to End Domestic Violence

<http://www.nnedv.org>

National Partners in Homeless Education

The National Center for Homeless Education (NCHE)

Contact: Diana Bowman, Director, 800-755-3277, dbowman@serve.org

Web Address: www.serve.org/nche

NCHE, funded by the U.S. Department of Education, is a national resource center, providing valuable information, training, and materials to educators and community members seeking to address the educational needs of homeless children and their families. These materials are made available to the public at no charge and include such items as educational rights posters, parent packs, training resources, and “law into practice” briefs.

U.S. Department of Education, Education for Homeless Children and Youth Program

Contact: Gary Rutkin, Coordinator, 202-260-4412, gary.rutkin@ed.gov

Web Address: www.ed.gov/programs/homeless/index.html

The Education for Homeless Children and Youth Program oversees the education of homeless children and youth in our nation’s public schools, including the granting of McKinney-Vento funds and the monitoring of their usage. Program Coordinator Gary Rutkin, working with other Department officials and national partners, provides official guidance to states and school districts on implementing the McKinney-Vento Homeless Assistance Act.

The National Association for the Education of Homeless Children and Youth (NAEHCY)

Contact: Patricia Popp, President, 757-221-7776, ppopp@naehcy.org

Web Address: www.naehcy.org

NAEHCY, a national grassroots membership association, serves as the voice and the social conscience for the education of children and youth in homeless situations. NAEHCY brings together educators, parents, advocates, researchers, and service providers to ensure school enrollment and attendance, and overall success for children and youth experiencing homelessness. NAEHCY accomplishes this through advocacy, partnerships and education. NAEHCY also hosts an annual national conference on homeless education that brings together educators and service providers to learn about new developments within the field.

The National Law Center on Homelessness and Poverty (NLCHP)

Contact: Joy Moses, Education Staff Attorney, 202-638-2535, jmoses@nlchp.org; Naomi Stern, Domestic Violence Staff Attorney, 202-638-2535, nstern@nlchp.org

Web Address: www.nlchp.org

The mission of NLCHP is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. To achieve its mission, the Law Center pursues three main strategies: impact litigation, policy advocacy, and public education. The Law Center strives to place homelessness in the larger context of poverty. By taking this approach, the Law Center aims to address homelessness as a very visible manifestation of deeper causes: the shortage of affordable housing, insufficient income, and inadequate social services. NLCHP provides guidance and produces high-quality publications on legal issues pertaining to homelessness and poverty.

The National Network for Youth (NNY)

Contact: Mishaela Duran, Director of Public Policy and Public Affairs, 202-783-7949 x3109, mduran@nn4youth.org

Web Address: www.nn4youth.org

The National Network for Youth is the leading advocacy organization for runaway and homeless youth. NNY seeks to promote opportunities for growth and development for youth who face greater odds due to abuse, neglect, family conflicts and disconnection from family, lack of resources, discrimination, differing abilities, or other life challenges. NNY achieves this through advocacy on national policy related to at-risk youth and the provision of training, technical assistance, consultation services, and publications on the issue of supporting and protecting at-risk youth.

Footnotes

¹ U.S. Conference of Mayors, *2003 Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America's Cities* at 72 (December 2003).

² Data from the U.S. Department of Justice demonstrate that nationally, as many as 95% of domestic and sexual violence victims are women. See Bureau of Justice Statistics, *Selected Findings: Violence between Intimates* at 2 (NCJ-149259, November 1994).

³ See Wilder Research Center, *Homeless in Minnesota: Key Facts from the Survey of Minnesotans without Permanent Housing* at 22 (February 2004).

⁴ See Linda L. Baker et al., *Children Exposed to Domestic Violence: A Teacher's Handbook to Increase Understanding and Improve Community Responses* (2002).

⁵ Ibid.

⁶ Ibid.

⁷ Homeless children go hungry more than twice as often as other children. Better Homes Fund, *Homeless Children: America's New Outcasts* (1999).

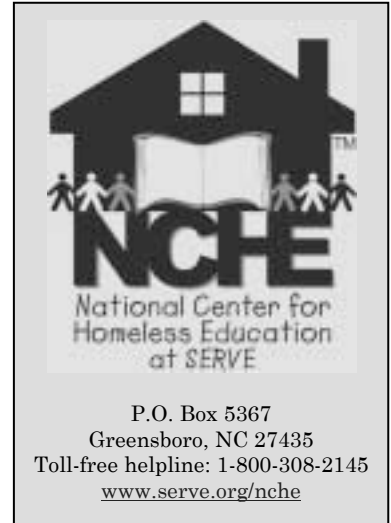
⁸ Nearly 20% of homeless children lack a regular source of medical care in some regions of the country. Pareker, R.M., et al., "A survey of the health of homeless children in Philadelphia shelters," *American J. of Diseases of Children* 145(5) (1991): 520-6.

⁹ Better Homes Fund, *supra*, note 7.

¹⁰ Children in 40% of homeless families have an average of 2 or more chronic illnesses within a single year, including twice as many ear infections, six times more speech and stammering problems, and four times more cases of asthma. Weinreb, L., et al., "Determinants of health and service use patterns in homeless and low-income housed children," *Pediatrics* 102(3) (1998): 554-62.

¹¹ Bassuk, E.L., et al., "The characteristics and needs of sheltered homeless and low-income housed mothers," *J. of the American Medical Assoc'n* 276(8) (1996): 640-6.

¹² Better Homes Fund, *supra*, note 7.



Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to



have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at www.serve.org/nche.

For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail homeless@serve.org.

Local contact information: