

Committee of the Whole and
Committee on Education
Joint Public Hearing
on

Bill 20-072, the Attendance Accountability Amendment Act of 2013

Tuesday, February 12, 2013, 11:00 a.m.

Testimony of

Marta Beresin, Washington Legal Clinic for the Homeless and
Eric Tars, National Law Center on Homelessness and Poverty

The Washington Legal Clinic for the Homeless (WLCH) is a non-profit, legal services organization that for over 25 years has served District residents struggling to overcome poverty and homelessness. The National Law Center on Homelessness and Poverty (NLCHP) is a non-profit organization that for over 25 years has served as the legal arm of the national movement to end and prevent homelessness. WLCH and NLCHP envision a city where all persons, young and old, able-bodied and with disabilities, Black, Brown and White, high-income and low-income, have a safe and stable place to live. We believe that, as Franklin Roosevelt declared in 1944¹, adequate housing and adequate education are human rights. The District of Columbia echoed this sentiment in 2008, when it declared itself to be a “human rights city.”² This testimony addresses Bill 20-072, the Attendance Accountability Amendment Act of 2013, with a special focus on the challenges to attendance and enrollment faced by homeless families in the District of Columbia.

We commend Councilmember Catania for proposing legislation to address the high rate of student truancy in the District. School attendance is essential to academic achievement, high school graduation, and the attainment of a living wage job in today’s economic climate. We hope that the Attendance Accountability Amendment Act of 2013 will be part of a larger effort on the part of the District to address truancy in a comprehensive way that uses both meaningful incentives and accountability-based sanctions and that involves an examination, from the very start, of the root causes of a child’s truancy before laying blame at the feet of parents, most whom are as dedicated to their children getting a good education as the parents of non-truant children.

¹ Roosevelt declared in 1944 that the U.S. had adopted a “second Bill of Rights” that included the right to a decent home. The U.S. signed the Universal Declaration of Human Rights in 1948, recognizing housing as a human right.

² DC Council Res. Dec. 10, 2008.

Most studies show that truancy has many causes that are far more complex than simply a parent not caring about or trying to get his child to school. Studies show that the causes of truancy include, but are not limited to: inadequate identification of special education needs, students who need to support themselves or their families financially through work or being present in the home for a sick family member, parents who are overwhelmed with multiple jobs or multiple children with special needs, mental and physical health problems, violence in or near the school, low school attachment, bullying or poor relationships with other students or with teachers, unmet mental health needs, and alcohol or drug abuse.

Homelessness or housing instability is also a major cause of truancy and should not be ignored when devising a comprehensive solution to truancy. This is especially true in the District of Columbia where 2453 students or more than 5% of DCPS' enrolled students in February 2013 were homeless.³ (This figure does not include children in DC Charter Schools.) For enrolled homeless students, unstable living conditions and emotional and physical upheaval can exacerbate the conditions that cause truancy such as transportation challenges, lack of adequate clothing, uniforms, and school supplies, and lack of attachment to a community, peers and teachers.

Because living arrangements for homeless children can be unstable and, in some cases, dangerous, failure to attend school regularly is a common byproduct of homelessness for DC children. From April 2012 to October 2012, the District was not placing any homeless families into emergency shelter. For families who became homeless during this period, this meant up to six months or longer of moving from one friend or relative's home to another's, sometimes on a nightly basis. For some, it even meant staying in dangerous places not meant for human habitation, such as parks, laundromats, hospital Emergency Rooms, all-night restaurants, and bus and metro stations.⁴ Imagine the challenge of getting your children to school each day when your family is waking up in a different neighborhood each morning, or worse yet, at a metro station.

Homeless children also face enrollment challenges that, despite federal law requiring the easing of these restrictions, persist. These include "[proof of] residency requirements, guardianship requirements, delays in transfer of school records, lack of transportation, and lack of immunization records."⁵ As a result of these practical challenges, Congress mandated several interventions as part of the McKinney-Vento Act.⁶ The mandates include: 1) the right of a homeless child to

³ During the month of February 2013, 2,453 of 45,000 enrolled DCPS students were homeless. Retrieved February 19, 2012 from <http://www.dca.org/sites/default/files/content/Homeless%20Student%20Enrollment%20in%20DCPS.pdf>.

⁴ See <http://washingtonlegalclinic.wordpress.com/> for stories about WLCH clients struggling to get their children to school each day while living outside.

⁵ National Coalition for the Homeless, "Education of Homeless Children and Youth", September 2009, page 1.

⁶ The McKinney-Vento Act was passed partly in response to a report that only 57% of homeless children were enrolled in school.

remain enrolled in his school of origin if that is in his best interest (42 U.S.C. §11432 (g)(3)(A)(i)); and 2) the obligation to “immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment;” (42 U.S.C. § 11432(g)(3)(C)(i)). The Act also mandates assistance with transportation, uniforms, school supplies and other necessities of enrollment and regular attendance.

In many cases, however, homeless families are not aware of these rights and free resources. In other cases, DC schools are not aware of their obligations to homeless children and require, for example, production of school records from the last school of attendance or immunization records prior to enrollment. In other instances, schools are not aware that a family seeking to enroll a child is homeless. Each year, the Legal Clinic receives dozens of complaints from homeless families about enrollment barriers in DCPS schools.

Even absent enrollment challenges, high mobility in and of itself is a cause of truancy for children in homeless families. Homeless families in the District of Columbia move frequently due to several factors. First, high barriers to access to emergency family shelter during most of the year leads families to move from pillar to post for an average of six months prior to being placed in shelter or housing. Second, because of the scarcity of affordable housing, many families are in “the system” for up to five years before securing permanent, affordable housing. During this time, they cycle in and out of shelters and transitional housing programs. Third, unrealistic time limits on “rapid rehousing” subsidies and at transitional housing programs also cause families to cycle in and out of programs and move to new neighborhoods when they lose their subsidy and are evicted because they still cannot afford the rent. Each move can cause a change in school enrollment and a delay in enrollment. Homeless children often transfer schools multiple times in a single school year and each move entails the loss of attendance days. Each time they transfer, their education is disrupted.⁷

We have several recommendations for this Committee to consider with regard to the District’s response to the crisis of truancy:

- 1) The District’s approach to truancy should be comprehensive and acknowledge the District’s role and obligation to ensure homeless children have access to the same free and appropriate education provided to other children and youth as mandated by the McKinney-Vento Act. To do this, the District’s Citywide Truancy Taskforce

⁷ This makes homeless children nine times more likely to repeat a grade, four times more likely to drop out of school, and three times more likely to be placed in special education programs than their housed peers. Institute for Child Poverty. (2008). “National Data on Family Homelessness.” Retrieved February 25, 2012 from <http://www.icpny.org/PDF/reports/AccessToSuccess.pdf?Submit1=Free+Download>.

should develop policies and procedures for dealing with homeless children and youth to ensure full compliance with the McKinney-Vento Act, and to ensure that, if chronic absences or truancy occur despite full compliance with McKinney-Vento, families are only sanctioned in a constructive manner that supports school attendance;

- 2) Attendance monitors and other school district staff, when confronting any family with a chronically absent child, should inquire as to the family's living situation. If they reveal they are staying with a friend, moving from pillar to post, or residing in a shelter, monitors should identify the barriers to attendance and address them, whether they be lack of uniforms, school supplies, or access to laundry facilities, living in an unfamiliar place with unfamiliar bus routes and schedules, ensuring a child's IEP is put in place in the new school, helping the child or family develop a positive relationship with the new school, or helping the family access housing and other resources;
- 3) The bill under consideration should be amended to include a provision that any parent whose child is chronically absent due to homelessness and lack of access to the legally mandated supports required by the McKinney-Vento Act should be exempt from the sanctions contained in the Attendance Accountability Amendment Act of 2013; and
- 4) The Department of Human Services' Family Services Administration should play a part in assisting homeless children with school attendance. They could do so by:
 - a. Tracking student attendance and absences at family shelters and designating a case manager at each shelter to help provide students with supports to stay on track;
 - b. Ensuring each family shelter (especially DC General, where families live in only one room) has a homework center to ensure students have a place to do their work after school hours;
 - c. Attempting to place families in shelter or housing near the school where their children attend, making it easier for children to get to school each day. Currently little attempt is made to coordinate in this way.

In short, we believe that truancy should be taken out of the criminal context wherever possible, and put into a context where the student and family can receive services that would help them meet their educational goals. Threat of community service, fines, and jail time could compound truancy issues for many homeless and poor families and what evidence exists shows that sanctions and the threat of sanctions do not reduce truancy.⁸ For a poor parent working multiple

⁸ Wall, C (2003) New Approaches to Truancy Prevention in Urban Schools. (ED480916) New York; ERIC Clearinghouse on Urban Education, 2003.

jobs, let alone a homeless parent working just to secure a place to sleep at night, even being compelled to do community service could lose that parent their job or the whole family a place in a shelter that night.

The District can comprehensively address its child truancy problem only if it tackles head on its child homelessness problem, providing the maximum of flexibility, services, and stability to students to enable them to make up for missed time. Given the newly projected surpluses for FY 14, 15 and beyond, we have that opportunity now. During the up and coming budget and oversight hearings, we look forward to working with the Council to address the truancy crisis within the larger context of child homelessness in the District.