



Removing Barriers: The Struggle to Ensure Educational Rights for Students Experiencing Homelessness

Patricia Nix-Hodes & Laurene M. Heybach, Chicago Coalition for the Homeless

Abstract

*While the intent of the federal and state homeless education laws is clear, securing the educational rights of students without housing has been a long legal and political struggle in Chicago and Illinois. Education for students experiencing homelessness is a continuation of the civil rights struggle for equality in education and educational access. As the Supreme Court noted 60 years ago in *Brown v. Board of Education*, “In these days it is doubtful that any child may be expected to succeed in life if he [or she] is denied the opportunity of an education.” The struggle for educational access for students experiencing homelessness in Chicago began in the late 1980s. Advocates in Chicago and nationally worked for passage of the 1987 federal Stewart B. McKinney Act (“the McKinney Act” or “the Act”), the first comprehensive federal response to homelessness. Although that Act provided for the first time a basic framework of educational rights for students without housing, it was not sufficiently strong or specific to make a significant impact on the education of children. Later amendments and, most importantly, the 2001 reauthorization strengthened the law so that today it is a strong law with civil rights and anti-discrimination principles that offers strong and specific protections to homeless students in school. Illinois has its own state law, the Illinois Education for Homeless Children Act (or “Charlie’s Law) and a state policy that provides important educational rights. 2014 marks the 20th anniversary of Charlie’s Law. Despite strong law and policy, legal advocacy was crucial to ensuring that students in Chicago benefited from the rights contained in the law. *Salazar v. Edwards* is a class action case filed on behalf of homeless parents and students in Chicago in 1992. Since that time it has been a tool to improve educational opportunities for Chicago’s students. A long legal struggle has resulted in significantly improved compliance with the law but many challenges remain.*

Keywords: *McKinney-Vento, Homeless, Renaissance 2010, Chicago Public Schools, Arne Duncan, Salazar v. Edwards*

Chicago Public Schools' June 13, 2014 end-of-year data racial breakdown of identified homeless students: 18,702 African American, 2,717 Hispanic, 359 White, 176 multiracial.
 --Chicago Coalition for the Homeless¹

"Until America reckons with the moral debt it has accrued—and the practical damage it has done—to generations of black Americans, it will fail to live up to its own ideals."
 --Ta-Nehisi Coates²

Introduction

Education has been touted historically as one of the greatest of American ideals. It is simultaneously embraced by the political left and right and the focus of legislation, litigation and philanthropy. And it is the rationale offered in a nation with public schools for why everyone can succeed. Indeed, in *Brown v. Board of Education*, 347 U.S. 483 (1954), now celebrating its 60th year, the Supreme Court enshrined education as a national ideal and necessity:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may be expected to succeed in life if he is denied the opportunity of an education. Such opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."³

In a remarkably forthright piece published in *The Atlantic* magazine this June, journalist Ta-Nehisi Coates sets forth piece by piece the collective injuries suffered by African Americans from the time of slavery until now (Coates, 2014). A central focus of these collective injuries is the systematic stripping of decent housing opportunities from African Americans as exemplified historically and currently in Chicago. Entrenched segregation is thus exposed by Coates as both a logical outcome of policy decisions and, in an historical context, an intended result.

Advocating for the educational rights of students experiencing homelessness, the *Law Project* of the *Chicago Coalition for the Homeless* is daily confronted with the moral debt and practical damage of which Coates speaks. Homelessness is devastating for our children and families. See, e.g., *Toward Understanding Homelessness, the 2007 National Symposium on Homelessness Research* (noting intense poverty and difficulties encountered by homeless persons) and therein especially, Rog & Buckner, *Homeless Families and Children* (identifying lack of social

1. Chicago Coalition for the Homeless, accessed October 27, 2014, <http://www.chicagohomeless.org/>.

2. Ta-Nehisi Coates, "The Case For Reparations," *The Atlantic Monthly*, June 2014, <http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>.

3. *Brown v. Board*, 347 U.S. Reports, 391.

networks or economic support, young parenting, child-parent separation, mental health challenges, low employment skill levels, the presence of conflict, trauma and violence); Fantuzzo et al (2012), *The Unique and Combined Effects of Homelessness and School Mobility on the Educational Outcomes of Young Children* (demonstrating especially harmful educational and behavioral effects of combining residential and school mobility in young children in shelters); *Institute for Children Poverty & Homelessness Policy Brief* (September 2013), *An Unstable Foundation, Factors that Impact Educational Attainment among Homeless Children* (noting 1.6 million children experience homelessness in the U.S., and that significant aggression, social withdrawal, depression and anxiety among children experiencing homelessness impacts their academic, social and economic attainment).

Homelessness affecting our school population consistently rises year to year. Of the record-breaking 22,144 homeless Chicago students counted last school year, 21,595 are students of color with African Americans overwhelmingly comprising the majority at 18,702 (June 13, 2014 data report of Chicago Public Schools program, Students in Temporary Living Situations). Our formidable challenge is to struggle, create and insist on a modicum of fairness and equity for these youth. Far from a comprehensive solution and far short of the reckoning Coates urges, the laws addressing the educational rights of homeless students nonetheless offer us a critically important opportunity.

In this article we will set forth (1) the multiple legal bases of the educational rights of homeless students and (2) the long term legal and advocacy struggle undertaken by the Chicago Coalition for the Homeless to create and implement those rights primarily in Chicago and Illinois. The paper consists of three segments which the reader is invited to utilize separately or in combination: I. Laying the Legal Groundwork: Creating Educational Rights for Homeless Students in the federal McKinney-Vento Act; II. The Struggle to Enforce the McKinney-Vento Act in Chicago: *Salazar v. Edwards*; and III. Focus on Illinois: Law, Leadership and Partnership.

Throughout this article, different versions of the principal federal law governing the rights of homeless students, once known as the McKinney Act, are discussed. The law was renamed in 2000 as the McKinney-Vento Act, the term currently in use.

Laying the Legal Groundwork: Creating Educational Rights for Homeless Students in the Federal McKinney-Vento Act

The struggle for educational access for students experiencing homelessness began in the late 1980s. Advocates in Chicago and nationally worked for passage of the 1987 federal Stewart B. McKinney Act (“the original McKinney Act” or “the 1987 Act”), the first comprehensive federal response to homelessness. Title VII-B of the Act enunciated specific educational rights of children in homeless situations and addressed some of the school access issues faced by the growing number of families with children who lacked permanent housing. The original McKinney Act incorporated some civil rights principles but stronger civil rights principles came with subsequent amendments and reauthorizations. While the McKinney Act was strengthened each time it was amended or reauthorized. P.L.101-645 (1990), P.L. 103-382 (1994), and P.L. 107-110 (2001), the 1987 Act provided a basic framework to begin to assist students without permanent housing. Barbara Duffield, Director of Policy and Programs for the National Association for the Education of Homeless Children and Youth (NAEHYC) notes, “The original McKinney Act was essentially a small grant program that provided a limited level of support to certain commu-

nities. While the Act contained big aspirational goals, these goals couldn't be fulfilled without greater strength and specificity in the protections for students and greater funding.”⁴

The Basic Framework: The Original (1987) McKinney Act

For the first time, the Act established that it was the policy of Congress that each homeless child or youth “have access to a free, appropriate public education” comparable to that of other children.⁵ The 1987 Act also required that any State with a residency requirement for school attendance must review and revise such rule to ensure the education of homeless children and youth.⁶ The Act established responsibilities at the state and local levels. It required each state to establish a Coordinator of Education of Homeless Children and Youth and to adopt a state plan.⁷ The Coordinator's role included gathering data on the number and location of homeless children and youth, the nature and extent of problems in school access and placement, and the difficulties in identifying the unique needs of students experiencing homelessness.⁸ The state plan required provisions to make determinations about educational placement, procedures for the resolution of disputes and assurances that “local educational agencies” (local school districts) would comply with the requirements of the Act.⁹

Two principles the original McKinney Act contained and which fundamentally shape the law today are: 1) full access to school despite no permanent residency and, 2) school stability – giving students the option to remain in the same school even if living arrangements continued to shift. The Act required local educational agencies to either continue the education of a student experiencing homelessness in the “school district of origin for the remainder of the school year” or enroll the student “in the school district where the child or youth is actually living, whichever is in the best interest of the child or youth.”¹⁰ The rights regarding choice of schools applied regardless of whether the child or youth was living with his or her parents or was temporarily placed elsewhere.¹¹

The right to equal treatment and nondiscrimination is an important theme of the law that began with the original McKinney Act. The Act required that “each homeless child shall be provided services comparable to services offered to other students in the school selected” such as: programs for compensatory education, special education, limited English proficiency, vocational education, gifted and talented opportunities, and school meals.¹²

Two areas of the initial Act—funding and awareness—that would be critical in ensuring that homeless students actually benefit from the rights contained in the Act were actually then quite weak. The Act provided funding to the states for grants but only authorized total annual appropriations of \$5,000,000.¹³ If these funds were divided equally among the fifty states, each state would receive \$100,000, an amount plainly insufficient to address the needs of an increasing number of homeless students throughout the nation. An additional \$2,500,000 was author-

4. Barbara Duffield, telephone interview with authors, July 15, 2014.

5. *McKinney-Vento Act*, 1987, Pub. L. 100-77, 100th Congress, 1987, 42 U.S.C. 11431(1).

6. *Ibid.*, 42 U.S.C. 11431(2).

7. *Ibid.*, 42 U.S.C. 11432(d)-(e).

8. *Ibid.*, 42 U.S.C. 11432(d)(1).

9. *Ibid.*, 42 U.S.C. 11432(e).

10. *Ibid.*, 42 U.S.C. 11432(e)(3).

11. *Ibid.*, 42 U.S.C. 11432(e)(4).

12. *Ibid.*, 42 U.S.C. 11432(e)(5).

13. *Ibid.*, 42 U.S.C. 11432(g).

ized for one year for exemplary programs and dissemination of information. The language of this provision—referring to “exemplary programs” and “demonstration grants”—suggests the limited scope of this funding.¹⁴ During the first year of the program, less than \$5,000,000 was actually appropriated and Illinois received only \$200,000. The provisions with respect to increasing awareness of rights under the Act were similarly limited. Rather than requiring a broad dissemination of information about educational rights throughout the community, the Act merely sought “dissemination activities designed to inform State and local educational agencies of exemplary programs.”¹⁵ For all its limitations, the 1987 Act built an important foundation and coming changes would portend more educational assistance for homeless children and youth.

Review and Revision of Barriers: 1990 Amendments to McKinney

The McKinney Act was amended and strengthened in 1990.¹⁶ These amendments reflected the data collected by the states showing that homeless students routinely faced barriers in accessing a free appropriate public education. The 1990 amendments made clear that all barriers to homeless students’ enrollment, attendance or success in school must be addressed—whether the barrier is caused by laws, regulations, practices or policies.¹⁷ The amendments required State Coordinators to consider the full range of possible barriers and take steps to review and revise them. An important role established for the first time by the amendments was that of the local educational liaison for students experiencing homelessness. The liaison—then and now—has the critical responsibility of ensuring that students enroll in and succeed in school and receive all services for which they are eligible.¹⁸ In addition, the amendments imposed the responsibility on the states to ensure that local educational agencies review and revise policies that act as barriers. The amendments also gave some—albeit limited—weight to the parent’s choice of school where the original Act did not. In determining school placement, the amendments provide that “consideration shall be given to a request made by a parent.”¹⁹ Significantly, the amendments recognized the need for transportation to ensure stability in school. The amendments greatly expanded the funding under the Act and the ways that funds could be used, including for the provision of direct educational services such as before and after school programs, tutoring, referrals for medical and mental health services and more. Subsequent reauthorizations would further strengthen the educational rights of students experiencing homelessness.

The Struggle to Enforce The McKinney-Vento Act in Chicago: *Salazar v. Edwards*

“Salazar was a milestone in the history of the McKinney-Vento Act—it showed that there were consequences for non-compliance with the law, and set a precedent that has lasting effects, to this day.”

--Barbara Duffield, NAEHCY²⁰

14. Ibid., 42 U.S.C. 11433.

15. Ibid., 42 U.S.C. 11433(e).

16. *Stewart B. McKinney Homeless Assistance Amendments Act*, 1990, Pub. L. 101-645, 101st Congress. See NCHE Homeless Liaison Toolkit: Appendix 1.A History of the McKinney-Vento Act.

17. Ibid., 42 U.S.C. 11431.

18. Ibid., 42 U.S.C. 11432(e)(8).

19. Ibid., 42 U.S.C. 11432(e)(3)(B).

20. Duffield, “Interview.”

Early Advocacy and Learning the Extent of the Problem

Unfortunately, the protections for students contained in the McKinney Act did not help students on the streets of Chicago. The Chicago Public Schools routinely violated the rights of students and ignored the law. In 1990, the Homeless Advocacy Project of what is now LAF (federally supported legal services for the poor), studied the treatment of homeless students in Chicago and found widespread non-compliance with the federal law. The findings were published by Bernadine Dohrn in 1991 in a report titled *A Long Way from Home: Chicago's Homeless Children and the Schools*.²¹ As part of the study, 142 families with 588 children were interviewed at 20 different homeless shelters in Chicago.²²

These families generally were not aware of their right to continue their child's attendance at the previously attended school.²³ Further, school administrators demonstrated indifference to the rights provided in the McKinney Act. Twenty-seven of the school-age children were not enrolled in any school and one-third of the families reported that a child missed two or more weeks of school due to the family's moves.²⁴ Some children missed months of school.²⁵

Despite the promise of school stability offered in the McKinney Act, 75% of the school-age children in the study attended three or more schools during the 1990-91 school year alone.²⁶ At that time, one of the largest emergency shelters for families in Chicago required children to attend its one-room school onsite for the duration of their stay at the shelter.²⁷ This requirement not only caused more school mobility for children in the shelter since they must leave their school to enroll and then leave the "shelter school" when the allotted time for stay at the shelter expired, but it was also stigmatizing and separated homeless students from others in the neighborhood. The families interviewed faced serious barriers from enrollment delays, lack of transportation, lack of school choice, lack of access to early childhood education, missed school days, guardianship requirements, delays in transfer of records and increased school mobility and segregation due to the shelter school.

The report also demonstrated inaction at the state level. Illinois used initial McKinney Act funding to hire Bradley University to study the extent of the problem, estimate the number of homeless students in the state and identify barriers and make recommendations to overcome them.²⁸ The Bradley study estimated that in 1989 there were approximately 12,000 homeless children and youth in Illinois, with about 7,000 of those children in Chicago. Recommendations included revision of state laws, technical and financial assistance to schools, training for school staff, and additional funding for schools with large numbers of homeless students. Significantly, the report made recommendations that would greatly improve the lives of students struggling with the lack of housing: giving children and parents the choice of attending the previous school or the current school, requiring schools to provide transportation to students (with reimbursement by the State) and requiring that homeless students be immediately enrolled. Many of these recommendations were incorporated by advocates much later in the Illinois Education for Homeless

21. Bernadine Dohrn, *A Long Way from Home: Chicago's Homeless Children and the Schools* (Washington, DC: Poverty and Race Research Action Council, 1991).

22. *Ibid.*, 28-29.

23. *Ibid.*, 30-31.

24. *Ibid.*

25. *Ibid.*, 33-36.

26. *Ibid.*, 30.

27. *Ibid.*, 18-19; 39-41.

28. *Ibid.*, 50-51.

Children Act (1994) and then, due to their effectiveness, incorporated at the national level into the 2001 reauthorization of the federal McKinney Act.

But the strong recommendations of the Bradley study were simply not implemented. As of 1991, no law in Illinois had been revised pursuant to McKinney. The State Coordinator at the time, John Edwards stated that he was “not too keen” on all of the Bradley recommendations, including the recommendation on transportation.

Seeking Relief from the Courts: Initial Filing of Complaint

The non-compliance documented in *A Long Way from Home* eventually led to litigation. In 1992, the *Salazar v. Edwards* case was filed in the Circuit Court of Cook County.²⁹ Fifteen plaintiffs—Chicago Public Schools parents and students who were homeless—filed a class action complaint against the Chicago Public Schools (“CPS”) and the Illinois State Board of Education (“ISBE”). Prior to filing the case, the plaintiffs sent letters raising concerns about non-compliance to CPS, ISBE and the Chicago Department of Human Services (“CDHS”—the city agency then responsible for administering the shelter system).³⁰ After a series of unproductive meetings, the complaint raising claims under the McKinney Act, provisions of the Illinois School Code and the Illinois and federal constitutions was filed in June 1992. The plaintiffs sought broad relief against ISBE and CPS including a court order requiring a plan to address the systemic violation of state and federal law.³¹ The Complaint described the plaintiffs’ experiences in accessing the most basic McKinney rights, including school enrollment, transportation, right to remain at the same school and more. It asserted that CPS and ISBE systemically failed to: locate and enroll students experiencing homelessness; provide transportation; remove barriers to enrollment, attendance and success; provide meaningful notice of the right to remain in the same school and other rights; and provide parents and children a process to appeal adverse decisions.³²

The plaintiffs immediately sought a temporary order on behalf of a few of the plaintiff children requiring CPS to immediately enroll, allow choice of school, transportation and admission to a summer program to compensate two children who had missed their entire year of kindergarten after being placed on a waiting list. Faced with the threat of a court order, CPS agreed to provide the limited emergency relief requested.³³

In the year following the filing of the complaint, the plaintiffs sought again to negotiate a resolution with the defendants that ultimately proved unsuccessful. After negotiations failed, the ISBE filed a motion to dismiss the case in the Spring of 1993, which CPS adopted. The ISBE argued that the provisions of the McKinney Act were not enforceable by homeless students and parents based on a federal district court decision in Washington D.C., *Lampkin v. District of Columbia*.³⁴ On May 24, 1993, relying in part on the *Lampkin* decision, the court in *Salazar* dismissed all plaintiffs’ claims, finding that the McKinney Act was designed to benefit the state

29. *Salazar v. Edwards*, Illinois State Board of Education, 92 CH 5703 (IL 1992).

30. Laurene M. Heybach and Stacey E. Platt, *Enforcing the Educational Rights of Homeless Children and Youth: Focus on Chicago*, Section IV (Chicago: National Clearinghouse for Legal Services, 1998).

31. *Ibid.*, Sec. IV.

32. *Ibid.*, Para. 2.

33. *Ibid.*, Sec. IV(E).

34. *Lampkin v. District of Columbia*, Emergency Shelter Family Program, 92-0910, D.C. Cir., 1992, *rev’d*, 27 F.3d 605, D.C. Cir., 1994.

alone, not the homeless families seeking to enforce it, and also that the Illinois School Code claims were not enforceable.³⁵

Appealing the Dismissal of the Case

With conviction that the lower court decision dismissing the case was wrongly decided under the law and facing continued barriers in educational access, plaintiffs filed an appeal with the Illinois Appellate Court. Important developments took place during the appellate process and these developments greatly strengthened the likelihood that plaintiffs would succeed on appeal. In 1994, at the behest of advocates including the authors here, Illinois enacted its own homeless education law with strong, specific language and a right of both administrative and court enforcement.³⁶ Also in 1994, the decision in the federal *Lampkin* case relied upon by ISBE and CPS finding that the McKinney Act was not enforceable was overturned by the federal Court of Appeals in Washington, D.C. with strong language supporting the claims of the homeless parents.³⁷ Finally, in 1995 after work by national advocates including the National Coalition for the Homeless as well as the Chicago Coalition for the Homeless, the McKinney Act was amended for a second time.³⁸ The revised McKinney Act provided stronger, more specific rights and made preschool access a priority.

In light of these developments, the plaintiff families in Chicago filed a motion to inform the appellate court of the changes in the law and the *Lampkin* decision. Immediately before the Illinois Appellate Court was to hear oral arguments in the case, the *Salazar* defendants conceded that the McKinney Act as amended was enforceable. On August 1, 1995, the Illinois Appellate Court remanded the case to the Circuit Court of Cook County for trial.³⁹

Seeking Judicial Relief: Amended Complaint and Second Temporary Order

More than three and one-half years after filing the initial complaint and still awaiting relief and compliance by the Chicago Public Schools, the plaintiffs filed their amended complaint before a new judge, the Honorable Michael J. Getty. In the intervening years, there had been little improvement of the treatment of students experiencing homelessness. The amended complaint detailed story after story of children refused enrollment, removed from schools, denied the right to attend the school of origin, and denied transportation.⁴⁰ The amended complaint brought new plaintiffs and new claims based on the amended McKinney Act and the Illinois Education for Homeless Children Act.

In May 1996, plaintiffs sought immediate relief for a 10-year old boy who sought to enroll in a neighborhood school near his shelter. He was denied enrollment by the school and told that he must attend the segregated “shelter school.” The judge granted an order requiring the neighborhood school immediately enroll the child. Subsequently, the judge denied yet another motion to dismiss brought by defendant CPS and then conducted a structured mediation process

35. Heybach and Platt, *Enforcing Educational Rights*, Sec. IV(G).

36. Laurene M. Heybach, “Advocacy and Obstacles in the Education of Homeless Children and Youth in Illinois: Advocacy and Obstacles,” *Public Interest Law Reporter* (Summer 2009): 284-85; See Section III(A) for a description of the state law and advocacy regarding its passage.

37. *Lampkin*, 27 F.3d 605.

38. Heybach and Platt, *Enforcing Educational Rights*, Sec. V.

39. *Ibid*, Sec. V.

40. *Salazar v. Edwards*, First Amended Complaint (November 13, 1995).

that—at long last—resulted in a Settlement Agreement with hope to finally address the needs of the students.

Reaching a Comprehensive Settlement: Removal of Barriers

Finally, more than four years after the *Salazar* case was filed, a comprehensive settlement was entered into in November 1996 and approved by the court in January 1997.⁴¹ The settlement was designed to remove the multiple barriers to the enrollment, attendance and success of homeless students that were identified during the long course of the litigation. The settlement established general equal access and non-discrimination policies and required CPS and ISBE to formally adopt and implement specific policies negotiated with the plaintiffs on the education of homeless children and youth.⁴²

The settlement contained important rights for homeless students to ensure: immediate enrollment, school choice, transportation, dispute resolution, annual training of CPS staff, coordination with government and social service agencies, notice to students and parents, attendance and truancy data and information production and enforcement.⁴³ One of the most significant aspects of the settlement was the requirement for CPS to designate at each of the 600 Chicago Public Schools an employee to serve as the school's liaison to assist in identifying, enrolling and serving students without permanent housing.⁴⁴ The settlement also achieved clear rules to ensure that transportation was provided to every child who chooses to attend his or her school of origin. In many cases, public transportation fare would be provided for the students and for the parents of younger children to accompany them. In cases where a parent was unable to transport a younger child, school bus transportation would be provided through the "hardship transportation" program.⁴⁵

The settlement also contained important definitions of key terms including "guardian," "school of origin," and "homeless."⁴⁶ Because the definition of homeless was somewhat general under the McKinney Act and thus subject to differing interpretation, the settlement adopted the expansive definition contained in the U.S. Department of Education Guidance.⁴⁷ This Guidance contained a broad definition of a "homeless" children and youth: those living in shelters, sharing housing with other families or individuals ("doubled-up"); living in cars, abandoned buildings, on the streets or other inadequate situations; or living in trailer parks or camping grounds due to lack of adequate living accommodations.⁴⁸ However, despite achieving this comprehensive settlement, difficulties remained for students and families.

41. *Salazar v. Edwards*, "Settlement Agreement and Stipulation to Dismiss;" see Heybach and Platt, *Enforcing Educational Rights* for a more detailed discussion of the provisions of the Settlement Agreement.

42. *Salazar v. Edwards*, 9, CPS Policy attached as Exhibit C; ISBE Policy attached as Exhibit D.

43. *Ibid.*, paras. 9-33.

44. *Ibid.*, para 21.

45. *Ibid.*, paras. 11-14.

46. *Ibid.*, para. 3.

47. *Ibid.*

48. United States Department of Education, *Preliminary Guidance for the Education of Homeless Children and Youth Program* (Washington D.C.: United States Department of Education, June 1995); this document was attached as Exhibit A to *Salazar* settlement. Many of these living situations would be incorporated into the definition of "homeless" the 2001 reauthorization of the *McKinney Act*.

Back to Court: Enforcing the Settlement Agreement

Although the provisions of the 1997 settlement offered hope and promise that students in homeless situations would finally be well-served by CPS, problems remained. Much of the information required to be produced by CPS regarding its implementation demonstrated a lack of compliance and a lack of commitment to the letter and the spirit of the settlement. Families continued to face significant barriers, particularly regarding the right to remain in the school of origin, timely transportation and access to preschool. In addition to hearing of problems directly from homeless service providers, the plaintiffs' attorneys, now at the Law Project of the Chicago Coalition for the Homeless ("CCH"), received numerous complaints from shelter providers and other professionals serving homeless families about the poor and degrading treatment of students. Faced with institutional indifference and a hostile attitude of the CPS Director of the Homeless Education Program—plaintiffs again returned to court. In 1999, plaintiffs filed a Motion to Enforce the Settlement agreement against CPS.⁴⁹

A trial was held in the summer of 1999 in which homeless parents and service providers crowded the courtroom and testified about the widespread non-compliance in CPS. A number of documents evidencing non-compliance were also submitted into evidence. Several principals and administrators testified on behalf of CPS, including the Director of the Homeless Education Program. Following the hearing, the judge issued one of the broadest injunctive relief orders ever issued by the Circuit Court of Cook County.⁵⁰

The judge found that the testimony of service providers clearly suggested that the Director of the Homeless Education Program "held homeless people in disdain and felt that they did not deserve the special privileges mandated by the law."⁵¹ The opinion noted that:

- over one hundred schools failed to send any representative to mandatory training and that nothing was done about it;
- documentation about the program and services provided to families was "woefully incomplete;"
- the "demeanor, manner and testimony" of a senior CPS official support the allegation that homeless children were a low priority for CPS;
- CPS was confused about the estimated number of homeless students;
- CPS had a de facto policy of transferring homeless students to the school closest to their shelter event though that policy violated state and federal law and the settlement;
- CPS routinely distributed inaccurate information about the rights of homeless students to homeless families, the public, professionals and even to their own employees;
- The Director of the Homeless Education Program "simply tried to wear parents down until they were ready to switch schools;"
- Information provided by CPS pursuant to the Settlement Agreement was "patently deficient;"
- CPS failed to provide adequate transportation, in part, based on the fear of the Director "that someone will try to 'work the system' to get away with" extra bus or train fares

49. *Salazar v. Edwards*, "Motion to Enforce the Settlement Agreement Against the Local Defendants, the Chicago Board of Education, and to Further Extend the Production of Information Provisions of the Agreement." By this time, ISBE had taken a number of positive steps to implement the law and settlement and joined in the effort to secure CPS compliance. Heybach, *Advocacy and Obstacles*, 286-87.

50. *Salazar v. Edwards*, "Memorandum of Opinion," August 3, 1999.

51. *Ibid.*, 2-3.

- CPS refused suggestions from the ISBE and the Chicago Coalition for the Homeless to improve service to families.⁵²

The Judge noted that, with one exception, every CPS witness “was damaging to [CPS] case and often proved up one or more issues for the plaintiffs.”⁵³ The extensive Memorandum Opinion and Order was designed to address the widespread non-compliance of CPS and to ensure that the students experiencing homelessness received the services to which they were entitled. The 12-part Order addressed awareness, compliance of CPS personnel, training, liaisons, notice, transportation, reporting, collaboration and communication with the ISBE and the plaintiffs and revision of materials distributed to the public. Indicating the seriousness of non-compliance, the Order imposed a sanction of \$1,000 per day if CPS did not comply with reporting requirements. An independent monitor was appointed to ensure full compliance with CPS paying the costs of the monitor and ongoing reporting to the court was required.⁵⁴

Continued Struggle: Appeal of Order by CPS

At the time the decision was issued, Laurene Heybach, lead counsel on the case since its inception said, “Our hope is that this ruling will end the legal battles and allow us to focus on the real issue, making sure that homeless children get the education they need to succeed.”⁵⁵ However, CPS had other ideas. Paul Vallas, who was then the Chief Executive Officer of CPS declared, “We are not out there denying help to homeless kids,” and indicated CPS planned to appeal the court’s order. Remarkably, Vallas objected to the order enforcing the very settlement to which CPS had itself agreed because in his view it would allow homeless advocates to determine school policy. He explained “We don’t want a school system run by special interests.”⁵⁶

CPS did indeed appeal the Order to the Illinois Appellate Court. Plaintiffs were truly frustrated by CPS’ endless litigation battles against homeless families instead of simply serving the students as required by a law enacted 12 years before.

Brokering Another Settlement: Shifting Attitudes

One positive development occurred as a result of the *Salazar* enforcement motion. CPS re-organized the structure of the Homeless Education Program under the authority of Dr. Blondean Davis, then the CPS Chief of Schools and Regions. Davis was the *only* CPS employee the judge determined to be helpful to CPS’ case.⁵⁷ While the appeal was pending, plaintiffs’ counsel approached the private appellate attorney hired by CPS to handle the appeal and Davis to broach the possibility of reaching another settlement. A strong settlement would give CPS the opportunity to be relieved of the restrictive requirements of the court’s broad injunctive order, decrease the wasteful expense of litigation and, hopefully, secure the comprehensive services the

52. Ibid.

53. Ibid., 10.

54. Ibid., 12-13.

55. Chicago Coalition for the Homeless, “Lawsuit Creates Educational Opportunities for Homeless Kids,” *Homeward Bound Newsletter* (Fall 1999).

56. Ray Quintanilla, “School Board Fined for Violation of Homeless Rule,” *Chicago Tribune* (Chicago, IL), Aug. 4, 1999.

57. *Salazar v. Edwards*, “Memorandum of Opinion.”

students long-deserved. CPS agreed and, after negotiation, the parties reached a second comprehensive settlement in the case in 2000.⁵⁸

An important provision of the new settlement indicated—at long last—a willingness of CPS to truly collaborate: “As a result of the joint efforts of CPS and plaintiffs, CPS is endeavoring to develop the premier homeless education program in the country.”⁵⁹ CPS also expressed its dedication to improving its work on behalf of the city’s homeless children and youth.⁶⁰

Once the settlement agreement was entered and approved, a real shift took place. Plaintiffs’ lead counsel began to meet monthly, one-on-one, with Davis. As Chief of Schools and Regions, Davis reported directly to the CEO and her leadership position enabled her to cut through the bureaucracy and accomplish important changes to better serve homeless children and families. These meetings led to a close working relationship, a frank discussion of issues and problems, and a solution-focused approach with an emphasis on ensuring that families and students who lacked housing received needed services promptly. Davis’ leadership communicated a clear message from the top to the CPS bureaucracy that the needs of homeless students were now a priority for the district. Davis led mandatory trainings of all school staff herself and set a new tone and attitude. While problems remained and there were still instances of non-compliance at local schools, a restructured system was put in place to deliver solutions. The time between the achievement of the 2000 Settlement and the departure of Davis from CPS in 2002 was a high point for the active involvement of CPS’ top leadership in meeting the needs of homeless students.

More Progress: Compassionate and Professional Management of the Program

While Davis’ subsequent departure was a loss for attention to the program by senior CPS leadership, progress was made with the day-to-day management of what was then known as the Homeless Education Program (HEP). In 2003, Patricia Rivera was hired as manager of the HEP. Rivera was a long-time CPS school social worker with a master’s degree, licensed in clinical social work, and highly skilled at working with low-income and minority families and addressing their needs.

Under Rivera’s leadership, the program changed its name to Ensuring Support for Students in Temporary Living Situations or “STLS.” This program encouraged families to seek support and services without being labeled as “homeless,” a term stigmatizing to some. As Jamilah Scott, a parent without permanent housing expressed, “The word ‘homeless’ shouldn’t be used. It sounds harsh and negative. Even though I lost my own housing...I didn’t consider myself homeless. To me, the word “homeless” doesn’t open the door to conversation.”⁶¹

In an effort to shift the attitudes of school staff, Rivera often invited homeless or formerly homeless students and parents to participate in the mandatory staff training. One individual who told her story at a series of trainings was Cary Martin, an impressive young graduate of Northwestern University School of Law who experienced homelessness when she was a CPS student. Martin benefited from the ability to stay in her school of origin, noting:

58. *Salazar v. Edwards*, “Settlement Agreement and Stipulation to Dismiss,” 2000. By the time settlement was reached, the judge had retired and Judge Julia Nowicki was assigned to the case.

59. *Ibid.*, “Introduction.”

60. *Ibid.*

61. Jamilah Scott, telephone interview with authors, July 16, 2014.

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.⁶²

Rivera also made efforts to recognize the contributions of school liaisons who provided outstanding service to students by hosting events and honoring their work. These efforts were successful in part. However, given continued challenges in ensuring that all schools participated in mandatory training, the turnover of staff at the school level, and the sheer number of schools in the system, hostile and negative attitudes toward homeless families persisted in some schools.

Rivera made a number of other significant contributions leading the STLS program during her tenure from 2003-2010, including:

- Working with CCH to establish a scholarship program for CPS graduates who experienced homelessness in high school. The scholarship program is now in its 11th year and has been expanded to serve more students.
- Immediately enrolling students who relocated to Chicago following Hurricane Katrina and working with other government agencies to ensure the students were served.
- Establishing a tutoring program for students living in shelters. Ms. Rivera now continues this work as Director of Chicago HOPES for Kids.
- Applying for grant funds when the state of Illinois first provided homeless education funds available in Fiscal Year 2009. Ms. Rivera used the grant funds to hire youth workers who were placed at high schools with high concentrations of students experiencing homelessness. The youth workers reached out to students to ensure that they remained on track to graduate and the STLS program achieved higher graduation rates than the rest of CPS. Rivera continues to advocate for restoration of this state funding.
- Launching a pilot project to provide 500 doubled-up CPS families with housing and other services.⁶³

Despite Rivera's strong efforts to lead the program and her significant contributions, the failure of CPS leadership to embrace HEP and consider the needs of homeless students in its major decision-making stymied the success of STLS.

“Chaos on Clark Street:” Progress Stalled by Lack of Investment

“Chaos on Clark Street” was a term coined by the Chicago Teachers Union, referring to the onset of a new regime of CPS leaders after the election of Mayor Rahm Emanuel. This leadership was characterized by high-level staff turnover and frequent organizational changes at CPS' headquarters at 125 Clark Street in 2013. When current CEO Barbara Byrd-Bennett took

62. Cary Martin, “Homeless Education: Unveiling the Truth Behind Beating the Odds,” *Public Interest Law Reporter* (Summer 2009): 299.

63. Lauren R. Harrison, “The Hidden Homeless: Englewood Students Targeted for Pilot Project,” *Chicago Tribune* (Chicago, IL), July 10, 2009.

over the Chicago schools in October 2012, she became the 5th CEO in four years.⁶⁴ This revolving door of leadership and seemingly constant reorganization negatively impacted the operation of the STLS program—and, indeed, began under Chicago’s previous mayor, Richard M. Daley.

Frequently during both HEP and STLS there was no consistent person or department to which the staff serving homeless families reported. During Rivera’s tenure, she reported over time to four different departments (Office of Specialized Services, Office of Elementary Areas and Schools, Grants Management and Office of School Management), each one seemingly puzzled by—and ignorant of the purpose and scope of the program. On one occasion, STLS was simply eliminated from the CPS budget. (Rivera email September 20, 2014). The Department currently is part of Student Support and Engagement in the Office of College and Career Success. Since Davis’ departure, the STLS department has had no meaningful oversight by any individual reporting directly to the CEO.

As a result, the needs of homeless students were routinely neglected when CPS undertook system-wide initiatives, such as back-to-school campaigns, early childhood education pre-enrollment, selective school enrollment procedures and more. Furthermore, STLS has suffered from repeated staffing shortages and budget cuts.

School Closings: Depriving Students of School Stability

Renaissance 2010

A glaring example of CPS neglect of the needs of homeless students was its crafting and execution of an initiative termed “Renaissance 2010” begun under Arnie Duncan’s tenure as CPS CEO and announced at the end of the 2003-04 school year.

In June 2004, just weeks before the end of the school year, CPS suddenly announced it would close 10 schools within 2 weeks. Those closures would displace 3,900 low-income and minority students with many of the closings impacting schools where public housing had been or was slated to be demolished.⁶⁵ Over 200 homeless students were impacted by the closures in 2004.⁶⁶ These closings were only the first wave of the Renaissance 2010 plan which purported to close between 60 and 90 schools by the year 2010 and open up to 100 new schools during the same period.⁶⁷ Because of the sudden nature of the plan, the lack of school and community involvement, the instability the closures would bring and the short time period to transition students, strong community opposition to the plan immediately developed. But despite vigorous community opposition at public hearings, the closings moved forward. No analysis of the possible academic or social impact of such closings on the students affected—and the homeless students, in particular—was conducted by CPS prior to announcing the closures.

64. Becky Vevea, “Changes in School Leadership Prompts Questions about Revolving Door,” *WBEZ 91.5* (Chicago, IL), October 12, 2012, accessed October 28, 2014, <http://www.wbez.org/news/change-cps-leadership-prompts-questions-about-revolving-door-103112>.

65. Laurene M. Heybach, “In the Courts: Homeless Families Respond to Chicago’s ‘Renaissance 2010’ School Plan,” *Children’s Legal Rights Journal* (Winter 2004): 81.

66. Chicago Coalition for the Homeless, “Law Project Accomplishments,” accessed October 28, 2014, <http://www.chicagohomeless.org/programs-campaigns/legal-aid/law-project/law-project-accomplishments/>.

67. Heybach, “In the Courts,” 81.

Salazar Plaintiffs Return to Court

The closings had a particularly harmful impact on students who were homeless, creating even more educational disruption and depriving them of the right to continue attending the school of origin. Because of this impact and CPS' exclusion of the *Salazar* class members in planning for school closures and student displacement, the *Salazar* plaintiffs returned to court and moved to enforce the 2000 settlement agreement.⁶⁸ As a result, in January 2005, an agreement was reached detailing services and choices to be provided to the students impacted by the ten 2004 closures.⁶⁹

Almost six months after filing the motion to enforce and after court-facilitated settlement negotiations, the parties entered another agreement that would apply to the STLS students impacted by the coming 2005 school closures.⁷⁰ The agreement provided that homeless students at a closing school would have a choice to attend significantly higher performing schools, and, in some cases, receive permanent transportation assistance to enable the student to graduate without any further school change. The school selected would become the student's new "school of origin," thus offering stability in that school in the future.⁷¹ The agreement also provided for transition services to assist the student in adjusting to the new school. A transition team consisting of STLS staff, a social worker and a certified teacher would assist the student in adjusting to the new school. The team would review student records; interview the child's teacher at the closing school and receiving school; interview the parent; identify academic, social and emotional needs and recommend services to meet those needs; provide regular follow up; and facilitate a visit to the new school.⁷²

Because many of the new schools opening pursuant to Renaissance 2010 were to be public charter schools, the parties also negotiated language to be included in agreements between charter schools and CPS to protect the rights of homeless students. That language would require charter schools to "insure that all homeless children who attend [the charter school] receive the same services as those provided by CPS to homeless children" and to "provide services to homeless children at the same level that CPS provides those services."⁷³ The contract language makes clear that charter schools must follow the *Salazar* settlement agreement and state and homeless education law and policy.

After achieving these initial agreements, progress stalled. CPS refused to provide data and information that plaintiffs sought in discovery, requiring multiple motions before the court to compel CPS to provide the information. CPS filed motions arguing that the case could not move forward and the judge ruled that the case could move forward and called for CPS to "consider the impact upon homeless students when deciding which schools it will close and implement a

68. Tracy Dell'Angela, "Homeless Kids' Advocates Sue Chicago Schools," *Chicago Tribune* (Chicago, IL), September 8, 2004. "In the Courts" contains a complete discussion of the harmful impact on school mobility on students and a description of plaintiffs' claims in the motion to enforce.

69. Ed Finkel, "Homelessness Is On the Rise in CPS," *Catalyst Chicago* (Chicago, IL), April 1, 2005. Because of the timing—schools had already been closed and students had already been moved to a new school—the agreement was focused on assessing how those students were transitioning and providing needed services to them.

70. *Salazar v. Edwards*, "Temporary Memorandum Agreement," March 16, 2005. By the time of the agreement, three additional CPS schools had been slated for closure in the 2004-05 school year.

71. *Ibid.*

72. *Ibid.*

73. Chicago Public Schools General Counsel, email message to Chicago Coalition for the Homeless Lead Counsel for *Salazar* plaintiffs, May 18, 2005.

plan to account for the harmful effects on homeless children.”⁷⁴ Finally, at a deposition of a senior CPS official, CPS indicated that it would follow the 2005 Temporary Memorandum Agreement allowing for school choice, transportation and transition services in future school closings. Based on this commitment, plaintiffs voluntarily withdrew the motion for enforcement in the spring of 2007 and worked to secure transfers to better-performing schools and needed services for students impacted by school closures.

The Illinois Legislature Responds to School Closings

The concerns about the impact of the closures on homeless students were concerns for all children. The lack of planning, the impact on poor and minority communities, the destabilizing impact on neighborhoods, the potential for increased violence affected communities citywide. In addition, concerns about the impact on children’s learning and whether the children would have access to higher-performing schools and meaningful transition services were concerns for non-homeless students impacted by the closures as well. These concerns led to the creation of a state legislative task force—the Chicago Educational Facilities Task Force (CEFTF), created in 2009 by pressure from education stakeholders throughout Chicago’s communities. The Task Force appointed by the Illinois General Assembly includes representatives from the state legislature, CPS, the Chicago Teachers Union, the Chicago Principals & Administrators Association as well as community organizations including the Chicago Coalition for the Homeless. Based on widespread public input and a nation-wide review of best practices for maintaining and improving schools as community assets, the CEFTF made policy and legislative recommendations to the General Assembly.

Informed by the CEFTF recommendations, Illinois enacted the School Actions Accountability and Master Planning Act (School Actions Act) in 2011.⁷⁵ Among other provisions, the Act requires early notice about any proposed CPS school closures and greater protections for students impacted by closure (including specifically, homeless students). “School transition plans” and transition services for students leaving closed schools are important mandates of the Act.

Despite community opposition and legislative concern about the impact of school closures on students and communities, CPS continued closing schools. Shifting rationales were offered by Mayor Emanuel and CPS for these closures—low enrollment, poor performance, underutilization, facility condition issues, alternative uses, change of educational purpose or conversion to smaller schools or a military academy. CPS also had a variety of other “board actions” that impacted schools: consolidation, boundary changes, phase out, reconstitution and, the complete firing and replacement of all school staff known as a “turnaround.”

Massive School Closures of 2013

In the fall of 2012, there were press reports of CPS plans to close an unprecedented number of schools. Despite vigorous opposition, CPS sought and received an extension of the December 1 deadline to announce school closures imposed by the legislature in the School Actions Act. Ultimately, CPS announced that as many as 54 schools would be closed and 61 school

74. David Mendell, “Homeless Suit on School Advances,” *Chicago Tribune* (Chicago, IL), February 2, 2006.

75. *Illinois Public Act 96-803, SB 630, 97th General Assembly* (February 8, 2011).

building structures emptied in addition to school turnarounds and consolidations.⁷⁶ These closures were “the largest round of school closings in American history.”⁷⁷ More than 47,500 students would be impacted by CPS’ plans, including more than 3,900 students experiencing homelessness. Eight percent of the students impacted by the closures are in temporary living situations, double the rate of homeless students in the overall CPS student population.⁷⁸ “Overwhelmingly, and almost exclusively, the communities of Chicago targeted for massive school closures are those on the City’s South and West Side: communities that are dramatically impoverished and predominantly comprised of African Americans.”⁷⁹

The community response in opposition to the proposed closings was dramatic – numerous protests and marches took place, parent and teachers turned out at public hearings and lawsuits were filed raising race discrimination and special education claims. Previous school closing resulted in displacing thousands of students into other struggling schools with no evidence of measureable benefit for students.⁸⁰ Despite widespread community opposition, the CPS Board of Education approved 50 school closures.⁸¹

The closures were approved so close to the end of the school year in May 2013 that there was little time to do meaningful planning or transition with students and families regarding what school students would attend in the fall or what transition services were necessary. The Law Project of the Chicago Coalition for the Homeless worked to assist families in the STLS program but encountered difficulty due to the shortness of time, inadequate contact information for families, large number of students impacted and limited services available.

After the closings took place, concern has continued to surface from advocates and communities about the impact on students. The CEFTF issued a report in June 2014 finding numerous problems with the process including: finalizing the closings so late in the school year; the gross racial disparity of the closings; disregard of research on the negative impact of school closings; disregard of the opinions of independent hearing officers; insufficient transition plans; lack of evaluation of the effects of school closings on students; failure to adequately report on the financial impact; and higher than expected costs of the school closings.⁸²

School closings and the impact on Chicago’s homeless families clearly illustrates that while progress has been made in CPS’ treatment of homeless students, many challenges remain.

76. Cindy Tapper, “An Open Letter Seeking Justice in the School Closing Crisis,” *Chicago Lawyers’ Committee for Civil Rights Under Law, Inc.*, May 18, 2013, accessed October 28, 2014, <http://clcrul.org/postwidely/798>.

77. Becky Vevea, “CTU, Parents File Lawsuit Against School Closures,” *WBEZ91.5* (Chicago, IL), May 29, 2013, accessed October 28, 2014, <http://www.wbez.org/news/ctu-parents-file-lawsuit-against-school-closures-107419>.

78. Chicago Coalition for the Homeless, “Homeless Children are 8% of 31,438 Students Impacted by Chicago Public Schools’ Closing/merger Plans,” May 22, 2013, accessed October 28, 2014, <http://www.chicagohomeless.org/cpsclosures/#sthash.WQMGxYPv.dpuf>.

79. Taper, “An Open Letter.”

80. *Ibid.* For an excellent overview of Chicago Public Schools’ continuing disparate racial treatment of African American students, see Complaint against Chicago Public Schools under Title IV and Title VI of the Civil Rights Act of 1964 (Advancement Project May 13, 2014) available at http://b3cdn.net/advancement/05d51d8dad82f1f1cd_lh1m6sitf.pdf.

81. Chicago Teachers Union, “CTU, Parents File Lawsuit,” June 3, 2013, accessed October 28, 2014, <http://www.ctunet.com/blog/ctu-and-parents-file-new-lawsuit>.

82. “The Report of the Illinois General Assembly’s Chicago Educational Facilities Task 2012-2013,” June 2014, accessed October 28, 2014, <http://www.isbe.net/CEF/pdf/ceftf-annual-rpt12-13.pdf>.

Achievements of *Salazar* and Ongoing Challenges in Chicago

Measuring progress from the inception of the *Salazar* lawsuit in 1992, there has been remarkable change in Chicago:

- More than 160,000 homeless students have been served;
- STLS has been established centrally and provides technical support throughout the CPS school labyrinth;
- A plan for in-district and inter-district transportation services for students and accompanying parents has been in place and functioning for 14 years;
- More than \$100 million in resources has been targeted specifically to homeless student services in CPS;
- More than \$1 million in school fees have been waived for homeless students;
- Annual and regular repeat trainings have occurred for CPS staff for 14 years developing much greater awareness and responsiveness of school staff to homeless parents and students;
- Title I federal dollars have been set-aside annually in the CPS budget and at CPS schools specifically for expenditures on homeless student needs;
- Though compelled to do so, CPS meets monthly and negotiates problems and solutions with homeless parents' and students' legal representatives at the Law Project;
- Preschools throughout CPS regularly must accept and serve homeless students;
- Tutoring services are mandated to be provided to all CPS homeless students;
- Every CPS school and charter school has an assigned homeless liaison;
- Homeless students are now provided uniforms, clothing, coats and supplies as needed;
- A reduction in mid-year school transfers (2009-2012, 74.1% of STLS students did not transfer, CPS STLS Training slide August, 2014);
- At least yearly notice is provided to all families enrolling in CPS with additional informational materials produced and utilized throughout Chicago;
- Charter schools are clearly required to comply with the mandates pertaining to homeless students;
- Linkages to housing and shelter, youth services, community agencies, health care, mental health services, immunizations, food pantries and other programs are a routine part of CPS responsibilities to homeless students;
- Very valuable monthly and yearly data is produced by CPS to indicate numbers of homeless students broken down by grades, ethnicity, race, school, disability, living arrangements, reason for school separation and, most currently attendance.

Challenges that remain for serving homeless students, however, are formidable. In addition to the school closings, there are many issues that need significant attention to ensure that the requirements of the *Salazar* agreement and homeless education laws are met for students without housing in the Chicago Public Schools. These include:

- Adequate funding, including better utilization of Title I set-aside for STLS students;
- Adequate staffing of the STLS program with better qualified personnel (including school-based liaisons);

- Consideration of STLS students in the process of access for students to selective enrollment schools and in all system-wide initiatives and informational materials;
- Ensuring connections are made by school staff to all needed services for homeless families and unaccompanied youth;
- Developing awareness throughout all neighborhoods of the City, including community outreach, materials and website;
- Training of all school-level staff (not simply liaisons, principals or clerks) at all schools throughout a 600 plus-school system;
- Greater outreach and cultural competency regarding African-American, Latino, Arabic-speaking and immigrant communities;
- Removal of barriers to attendance; attendance improvement and truancy prevention for more than 22,000 STLS students;
- Ensuring full and immediate participation of homeless students in all school activities, including sports;
- Ensuring that homeless parents are supported and recruited for school involvement and input;
- Identification of and services targeted to unaccompanied youth;
- Expansion and full access to all early childhood services;
- Ensuring prohibition on charging school fees is fully complied with, especially with charter schools;
- Greater linkage to housing for families and youth in STLS program; expansion of pilot program linking families to housing;
- Constant changes in CPS management, policies, priorities, department re-organizations and other structures which create ill-thought out and executed approaches to serving homeless families and youth and generates practical chaos at the school level.

Over two decades of vigorous advocacy in Chicago has resulted in significant progress in addressing the needs of the dramatically increasing population of children and youth without housing. Legal advocacy has been critical in achieving this progress. The *Salazar v. Edwards* case has been an effective tool to increase CPS' compliance with the law—both in court and out of court. As Barbara Duffield at NAEHCY notes, “The presence of the Law Project of the Chicago Coalition for the Homeless has been instrumental in Chicago and Illinois. I can count on one hand the number of legal organizations in the country with expertise on the legal rights of children and families experiencing homelessness.”⁸³ Continued advocacy is needed to ensure that all barriers are removed to the enrollment, attendance and success of students in temporary living situations in Chicago.

Focus on Illinois: Law, Leadership and Partnership

The Illinois Education for Homeless Children Act—Charlie’s Law

2014 marks the 20th anniversary of “Charlie’s Law,” the Illinois Education for Homeless Children Act.⁸⁴

83. Duffield, “Interview.”

84. *Education for Homeless Children Act*, 105 ILCS 45/Art. 1, 88th General Assembly, accessed October 28, 2014, [http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500450HArt.1&ActID=1013&ChapAct=105%](http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500450HArt.1&ActID=1013&ChapAct=105%20)

Suburban District's Denial of Enrollment Prompts State Law

The impetus to pass a law in Illinois protecting homeless children's educational access came in the fall of 1993. A family in the Hesed House shelter located in Aurora, Illinois was denied continued enrollment by Indian Prairie Unit School District 204 in Naperville, the district the students attended before losing their housing.⁸⁵ Although the federal McKinney Act was in effect and required school districts to remove barriers to the enrollment of homeless students, the school district filed a lawsuit challenging the family's right to continued enrollment. In the court hearing, Dr. Joy J. Rogers, PhD., a professor at Loyola University School of Education, testified that moving the children to another school (after multiple previous school moves), would be extremely destructive in terms of their academic achievement, their behavior and their self-esteem."⁸⁶ (In another case, Dr. Rogers testified that children, on average, lose four to six months of academic time with each school move). Despite McKinney's language about removing barriers, the court ruled that the children could not enroll in Indian Prairie schools.⁸⁷

Advocates Work for Passage of State Law

Following the frustrating court process, advocates became convinced that a state legislative solution was needed and worked to pass legislation in the Illinois General Assembly that would strengthen the rights created by the then-existing McKinney Act language.⁸⁸ Representative Mary Lou Colishaw from Aurora sponsored the law and then-Illinois Representative Judy Biggert was one of the co-sponsors. Informed by the experience gained in representing numerous homeless families in Chicago and the experience of the family at Hesed House, a bill was drafted to make clear and specific for Illinois schools requirements which were non-existence or ambiguous in the 1990 McKinney Act.⁸⁹ Two advocates from Aurora—Diane Nilan, then the Director of the PADS emergency shelter and the Associate Director of Hesed House and Sister Rose Marie Lorentzen, Executive Director of Hesed House—took repeated trips to the General Assembly in Springfield to advocate for the bill. Diane Nilan remembers that "A lot of legislators had no idea about homelessness at that time. We took the opportunity to enlighten them and to build relationships. Once we persisted in the legislative process, the bill got a surprisingly positive reception."⁹⁰

The Illinois Education for Homeless Children Act passed in May 1994 with broad bipartisan support. It contained clear and strong provisions regarding: the choice to remain in the

A0ILCS% A045% 2F&ChapterID=17&ChapterName=SCHOOLS&SectionID=17731&SeqStart=1000&SeqEnd=80000&ActName=Education+for+Homeless+Children+Act.

85. Casey Banas, "Homeless Kids Test School Boundaries," *Chicago Tribune* (Chicago, IL), Sept. 4, 1993.

86. Casey Banas, "Homeless Kids Lose Bid to Stay in Their Schools," *Chicago Tribune* (Chicago, IL), Oct. 13, 1993.

87. Ibid.

88. For a detailed discussion of the advocacy efforts in passing the law, see Diane Nilan, *Crossing the Line: Taking Steps to End Homelessness* (Bradenton, FL: Booklocker.com, Inc., 2005). Excerpt available at www.hearus.us.

89. Heybach, "Advocacy and Obstacles," 284-85. The Legal Assistance Foundation of Metropolitan Chicago, the largest legal services for the poor agency in Illinois (now re-named LAF) played a significant role in drafting, lobbying and negotiating as well.

90. Diane Nilan, telephone interview.

school of origin;⁹¹ the right of the parent or guardian to make the decision about the choice of schools; the right to transportation to and from the school of origin (including a process for sharing cost and responsibility if more than one school district is involved); the right to immediate enrollment even without records normally required for enrollment such as previous academic records, medical records or proof of residency; and most critically, due process protections for the students which included not only the right to challenge a school's refusal to admit through "dispute resolution" and court enforcement but the right to be admitted and transported *during the resolution* even if the school contested the student's right to enroll.⁹²

Recently, in recognition of the 20th anniversary of the state law, Governor Quinn issued a proclamation declaring May 2014 as Homeless Students' Educational Rights Month. The proclamation noted that the Illinois law became the foundation for the reauthorization of the McKinney-Vento Act in 2001 under the leadership of Illinois Congresswoman Judy Biggert (now retired). The proclamation also highlighted the dramatic increase in the number of identified students experiencing homelessness in Illinois—over 50,000 in the 2012-13 school year.⁹³

Bringing Illinois' Law to the Federal Level

"It was delightfully surprising that Rep. Biggert picked up the charge and went forth as a legislative advocate for students who were homeless. She maintained her passion for the issue and went above and beyond."
--Diane Nilan⁹⁴

"Representative Biggert maintained vigilant persistence on homeless education issues during her fourteen years in Congress and secured broad bipartisan support. Because she pushed to include elements of the Illinois law to the federal level, millions of children have benefitted."
--Barbara Duffield⁹⁵

In 2001, The McKinney Act was both reauthorized and renamed as the McKinney-Vento Act. The reauthorization legislation "drew much of its inspiration and language from the Illinois Education for Homeless Children Act and Illinois' experience in implementing the McKinney Act."⁹⁶ H.R. 623, the reauthorization legislation introduced by Representative Biggert, specifically noted that the purpose of the legislation was to "include the innovative practices, such as those enacted in Illinois, proven to be effective in helping homeless children and youth enroll in, attend and succeed in school."⁹⁷ Representative Biggert said that she was motivated to be a legislative champion for homeless children based on her visits to Hesed House in Aurora, arranged by

91. "School of origin" is defined in the law (105 ILCS 45/1-5) as the school that the child attended when permanently housed or the school in which the child was last enrolled.

92. *Education for Homeless Children Act*.

93. State of Illinois Proclamation (March 27, 2014). ISBE data for the 2013-14 school year shows 59,112 homeless students identified in Illinois.

94. Nilan, "Interview."

95. Duffield, "Interview."

96. Laurene M. Heybach and Patricia Nix-Hodes, *The Educational Rights of Homeless Children: Creating a Model Program in Illinois* (Chicago: Chicago Coalition for the Homeless, October 1, 2000).

97. Ibid. H.R. 623 was not passed but provided the framework for H.R. 1, the bill that was enacted.

Diane Nilan, and her knowledge and support as a co-sponsor of the Illinois law when she was in the Illinois Legislature.⁹⁸

The reauthorized federal law did indeed reflect many aspects of the Illinois law and the *Salazar* settlement. Important provisions of the law include:

- Immediate enrollment;
- Broad definition of homelessness;
- Definition of enrollment to include “attending classes and participating fully in school activities;”
- Designation of a homeless liaison in each school district;
- Requirements for public notice of the educational rights of homeless students;
- Providing school stability by giving students choice to remain in the school of origin;
- Requiring districts to ensure transportation is provided to the school of origin and requiring districts to work together to share cost and responsibility;
- Protecting students from segregation in separate schools;
- Requiring districts to give special attention to those children and youth who are not currently enrolled in school;
- Increasing the authorized funding for the program to \$70 million.⁹⁹

Representative Biggert says that she is very proud that she was instrumental in incorporating provisions of federal law, particularly the requirement for immediate enrollment “without any red tape” so that homeless students did not need to miss any school.¹⁰⁰

Efforts to Weaken State Law

In the years following passage of Charlie’s Law, there were numerous efforts to weaken its provisions, often prompted by school districts unhappy with the law. One of these efforts, S.B. 1886 (introduced in 2008), attempted to change the definition of the “school of origin” in the law and make that definition more ambiguous. Amending the law in this way would have been inconsistent with the federal McKinney-Vento Act and put Illinois at risk of losing federal funds. It also would have created confusion for school districts and families by changing longstanding rules and created barriers for homeless children wishing to remain in a familiar school. The Chicago Coalition for the Homeless and others successfully fought against this change. Another bill would have removed the word “immediate” from the immediate enrollment requirement in the state law. Again, this change would be inconsistent with federal law and create delays in the enrollment of students experiencing homelessness. CCH and other advocates vigorously opposed this bill and it, too, did not move forward.

Yet another proposed bill in 2005 would have limited protection under the law to 18 months. The bill demonstrated a lack of understanding of the plight of homelessness for some families who experience long periods of homelessness. This bill was also inconsistent with federal law, which contains no time limits on homelessness. CCH worked to improve this bill and, in a compromise, the law was indeed changed. However, instead of a strict time limit, the law

98. Judy Biggert, telephone interview.

99. Heybach and Nix-Hodes, *The Educational Rights of Homeless Children*.

100. Biggert, “Interview.”

was changed to give school districts the opportunity to review the living situation of a family who was sharing housing of another for more than 18 months to determine whether hardship still existed. The amended law had protections for students. If a school district determines that the family no longer suffers from hardship, it must notify the family in writing and follow the dispute process. Further, any change as a result of the 18-month review process must be made only at the end of the school year. Finally, the dispute resolution provisions of the Act were improved making them more fair to families.¹⁰¹ The new provision required a fair and impartial individual to resolve disputes and that individual was required to be familiar with the “educational rights and needs of homeless children.”¹⁰²

ISBE Policy and Regulation

At the time of the 1996 *Salazar* Settlement, the ISBE adopted a Policy on the Education of Homeless Children and Youth. While that policy had useful language and provided basic guidance, it became clear that more specific guidance was needed particularly with respect to disputes. In addition, the 2001 reauthorization of the McKinney-Vento Act changed the landscape and created additional rights for homeless students. In 2005, after working closely with CCH on areas to be addressed by the policy, ISBE adopted a new state policy that was much stronger and more effective.¹⁰³

Another helpful change took place in Illinois in 2007 when the “Equal Opportunities for All Students” regulation was adopted.¹⁰⁴ This regulation prohibits exclusion, discrimination or segregation of any homeless student by an Illinois school district.

State Coordinator and Lead Area Liaison System In Illinois

In an effort to make limited federal funds assist students statewide, Illinois developed a system of dividing the state into seven areas and appointing a lead liaison for each area of the state.¹⁰⁵ The lead liaisons offer technical assistance and training to school districts in their area as well as providing resources to and working with families, children and youth. The lead liaisons and the liaisons working in each area—as a group—are highly committed individuals with a “great depth of experience who provide leadership in homeless education in Illinois,” according to Barbara Duffield of NAEHCY.

Illinois does not have a full-time State Coordinator dedicated solely to the needs of homeless students. This is a weakness of Illinois’ program. Barbara Duffield of NAEHCY states, “It is so important to have an adequate level of staffing at the state level. Many states that are much smaller than Illinois have a full-time State Coordinator and additional staff.”

101. *Education for Homeless Children Act*.

102. *Ibid*. This change also removed the ability of suburban Cook County school districts to appoint their own ombudsperson. In one previous dispute, Oak Park and River Forest High School District 200 appointed the same individual who denied transportation to a homeless student to resolve the dispute about transportation.

103. Illinois State Board of Education, “Policy of the Illinois State Board of Education on the Education of Homeless Children and Youth,” accessed October 28, 2014, www.isbe.net/homeless/pdf/policy.pdf.

104. *Illinois Administrative Code 1*, 23 Ill. Adm. Code 1.240, accessed October 28, 2014, <http://www.isbe.net/rules/archive/pdfs/oneark.pdf>.

105. For a map of the state with the lead liaisons identified, see www.isbe.net.

Uneven Compliance with Law and Policy by Illinois Districts

Despite setting a national example with a strong state law and policy, treatment of homeless students has sometimes been far from exemplary in Illinois. In addition to the challenges of Chicago students described above, students without housing in other Illinois districts have also struggled to receive fair treatment in accordance with the law.

CCH has assisted families in dozens of Illinois districts, in some cases representing families in dispute resolution proceedings or court proceedings. Very often the families represented in disputes are African-American or other students of color. One egregious case involved an African-American family in the south suburban Sauk Village. On behalf of the family, CCH filed a race and housing status discrimination complaint with the Cook County Commission on Human Rights. After the family lost their housing, the Sauk Village schools—rather than identifying them as McKinney-Vento eligible, kicked the students out and the children missed nine days of school. When an ISBE official attempted to get the children re-enrolled, the superintendent made racially discriminatory remarks about the family. The case was ultimately settled in the family's favor with the district agreeing to revise its policies.¹⁰⁶ CCH assisted other families in Sauk Village, including a family of a 14-year old student who was homeless excluded from school and threatened with exclusion from graduation because she could not afford to pay school fees.¹⁰⁷ CCH has represented homeless families in several cases in court involving various suburban school districts, including Homewood School District 153 and Homewood-Flossmoor High School District 233, Evergreen Park High School District 231 and Crete-Monee Community Unit School District 201-U.¹⁰⁸

Another suburban district, Thornton Fractional District 215, blatantly violated state and federal law by refusing to enroll a homeless student for five days until her family provided an eviction notice to prove her homelessness. In addition, the district turned away numerous families that could not provide documentation of homelessness prompting the involvement of the Civil Rights Bureau of the Illinois Attorney General.¹⁰⁹ In Schaumburg, Illinois, Township High School District 211 refused enrollment to a teen who was living with her grandmother in the district.¹¹⁰ CCH has represented numerous families in disputes with Oak Park and River Forest High School District 200.¹¹¹ Both the Oak Park Elementary District (District 97) and the OPRF High School District 200 instituted “residency re-verification” processes that did not accurately communicate information about the rights of homeless families.¹¹² In addition, CCH has assisted

106. Chicago Coalition for the Homeless, “A Strong Family Stands Up Against Injustice and CCH Law Project Scores Three Important Victories,” *Homeward Bound Newsletter* (Fall 2002).

107. Stanley Ziemba, “Sauk Village District Taken to Task: Homeless Student Can Join Graduation,” *Chicago Tribune* (Chicago, IL), May 22, 2004.

108. “Who’s Been Sued?” *Southtown Star* (Chicago, IL), Dec. 17, 2003.

109. Colleen Mastony, “Suburban High School Bars Homeless Youth,” *Chicago Tribune* (Chicago, IL), September 9, 2003; Colleen Mastony, “District Ordered to Locate Homeless; Thornton Schools Turned Kids Away,” *Chicago Tribune* (Chicago, IL), September 14, 2003; Sam Dillon, “School Is a Haven When Children Have No Home,” *New York Times* (New York, NY), Nov. 27, 2003.

110. Kimberly Pohl, “Why District 211 Won’t Let Teen Into School,” *Daily Herald* (Chicago, IL), August 16, 2007; Patricia Nix-Hodes, “State School Code on Cordeidre’s Side,” *Daily Herald* (Chicago, IL), Letter to Editor, August 20, 2007.

111. Sun Times Staff, “OPRF Checks on Residency Questioned,” *Oak Park Oak Leaves* (Chicago, IL), Oct. 26, 2005.

112. Laurene M. Heybach, “Protecting the Rights of Homeless Children,” *Powered by Wednesday Journal* (Oak Park, IL), Letter to Editor, Aug. 17, 2011, accessed November 1, 2014, <http://www.oakpark.com/Search/?Search=>

families in disputes with numerous other Illinois school districts in, among others, Lansing, Zion, Evergreen Park, Homewood, Flossmoor, Maywood, Berwyn, Matteson, Plainfield, Wheaton, Tinley Park, Riverside, Brookfield, Cicero, and Melrose Park.

In several of these disputes, districts investigated families in an extremely intrusive way including employing off-duty police officers and other investigators to question students, parents and neighbors about a family's living situation. Offending districts may engage in the practice of "staking out" residences and video-taping children, often sharing confidential student information with strangers. These techniques raise serious privacy concerns under the Illinois School Student Records Act.¹¹³ Families are easily intimidated by these tactics. Jamilah Scott, a parent who went through a lengthy dispute said:

An investigator interrogated my daughter without my knowledge, permission or presence. It was intimidating and extremely upsetting to my daughter. Instead of having a private, one-on-one sensitive conversation with me about my living situation, the school district called me into a meeting with numerous individuals from the school, including their legal counsel.¹¹⁴

Ensuring compliance with the homeless education law and policy and ensuring fair treatment of homeless families in the dispute process is a key area of focus for the state moving forward.

State Funding for Homeless Education

In Fiscal Year 2009, after advocacy by CCH and others, Illinois included \$3 million for homeless education in the state budget. These funds were distributed through a "Request for Proposal" (RFP) process to 36 school districts with some districts collaborating to apply jointly for funds. With relatively modest grants, school districts were able to greatly improve services to homeless students and improve efforts to identify homeless students. Because the need for state funding is even greater now than in FY2009, advocates including CCH, sought to restore the \$3 million in state funding in the FY2015 budget. The 59,112 students identified as homeless in the 2013-14 school year is more than double the number identified in FY2009. Because of the dramatically increasing need, both the ISBE and Governor Quinn included \$3 million for homeless education in their recommended FY2015 budget. The legislative session ended without the funding included but efforts continue to secure the funding in the veto session in the fall.

In February 2014, CCH issued a report, *Gaps in Educational Supports for Illinois Homeless Students*. The report was based on a statewide survey that found more than half of homeless students who needed school support were not receiving the following services: tutoring; pre-school; counseling; help with public benefits and housing. Forty-four of respondents said their capacity to identify and enroll homeless children and youth not in school was limited or very limited. The survey results indicate a strong need for increased funding such as the \$3 million for homeless education.

Protecting+the+Rights+of+Homeless+Children; Terry Dean, "OPRF Denied 167 Students Over 'Questionable' Residency, Highest Number Turned Away in Years," *Powered by Wednesday Journal* (Oak Park, IL), June 24, 2014, accessed November 1, 2014, <http://www.oakpark.com/News/Articles/6-24-2014/OPRF-denied-167-students-over-%27questionable%27-residency/>.

113. *Illinois School Students Record Act*, 105 ILCS 10/2, 94th General Assembly, accessed November 2, 2014, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1006&ChapterID=17>.

114. Scott, "Interview."

Reflections on 27 Years of Work in Illinois

Illinois has made significant progress since the initial passage of the McKinney-Vento Act and in the years since *Salazar v. Edwards* was filed.¹¹⁵ It took a broad array of parents, advocates, state coordinators, youth, teachers, legislators, school administrators academics, researchers, legal aid organizations and social service agencies to bring Illinois to this point. Continued collaboration will be the key to further progress. Reflections from those with whom CCH has closely worked provide a snapshot of Illinois' successes and failures:

Barbara Duffield, NAEHCY:

“Illinois provides a wonderful model for the rest of the country with its strong state law and state policy and its network of experienced area liaisons. However, especially for a state of its size, the staffing of its program is not in conformity with clear best practice.”¹¹⁶

Jamilah Scott, suburban parent:

“There is no real effort to make the community aware of McKinney-Vento rights. I never heard of McKinney-Vento and the onus was put on me as a parent to find out. Our school looked for reasons to exclude my daughter instead of educating her and did not treat me with dignity or respect.”¹¹⁷

Former United States Representative Judy Biggert:

“Illinois is unique for its strong advocates for students who are homeless, including Diane Nilan (formerly of Hesed House shelter in Aurora). I am proud that I was able to incorporate strong provisions of the Illinois law—including immediate enrollment—into the federal McKinney-Vento Act.”¹¹⁸

Diane Nilan, Founder/President, HEAR US:

“I am quite proud of Illinois being the first state to enact a state law to protect students who are homeless. Compliance is hit-or-miss though and now that I am traveling across the country, I see that other states take their responsibility to children and youth who are homeless much more seriously. The secret to success is a full-time dedicated State Coordinator.”¹¹⁹

Without doubt, in Illinois there has been a steady—but hard fought—incremental increase in shaping legal rights for homeless families and youth, knowledge, data-gathering, training, resources, outreach, delivery of basic rights and services to the students, legislative and policy de-

115. *Salazar V. Edwards*. See Section II.A. for a discussion of Illinois' failure to properly implement the McKinney Act and its failure to ensure CPS' compliance in the years before the filing of the *Salazar* complaint in 1992.

116. Ibid.

117. Scott, “Interview.”

118. Biggert, “Interview.”

119. Nilan, “Interview.”

velopments, technical support and professional focus on the needs of homeless families and youth.

Conclusion

Since 1987 many thousands of Illinois students experiencing homelessness have received educational access, needed services, transportation and school stability. Yet so many of our homeless students—particularly students of color—continue to be underserved or excluded from services. And the structural inequities which created their economic impoverishment persist in housing, employment, income, wealth accumulation and education. Though imperfect, the McKinney-Vento Act creates a strong tool to assist in breaking at least one of those barriers.

This past summer was the 50th anniversary of Freedom Summer in 1964—a time in our nation’s history when very brave and thoughtful youth, white and black, barely into adulthood gathered in Mississippi and lead the fight for racial equality. Some lost their lives doing so. All faced the terror of the White Citizen’s Council. Mississippi was a state that repealed its compulsory education mandate rather than be forced to comply with *Brown v. Board of Education*. Many of the students who went south that summer wrote home of the deplorable state of education for black children there. While the Freedom Summer organizing focus then was primarily on voting rights, of course, the youth set up “freedom schools” throughout rural Mississippi to expand educational access in the face of deep poverty. They did so because they knew equality and dignity rest upon education. It falls to us now, 50 years later in a different place and time to remember and carry forward this struggle. The McKinney-Vento Act is but one part of that struggle.

Bibliography

- Banas, Casey. “Homeless Kids Test School Boundaries.” *Chicago Tribune* (Chicago, IL), Sept. 4, 1993.
- “Homeless Kids Lose Bid to Stay in Their Schools.” *Chicago Tribune* (Chicago, IL), Oct. 13, 1993.
- Biggert, Judy. Telephone Interview with Authors.
- Chicago Coalition for the Homeless. Lawsuit Creates Educational Opportunities for Homeless Kids. *Homeward Bound Newsletter*. Fall 1999.
- “A Strong Family Stands Up Against Injustice and CCH Law Project Scores Three Important Victories. *Homeward Bound Newsletter*. Fall 2002.
- Accessed October 27, 2014, <http://www.chicagohomeless.org/>.
- “Law Project Accomplishments.” Accessed October 28, 2014, [http:// www. chicagohomeless.org/programs-campaigns/legal-aid/law-project/law-project-accomplishments/](http://www.chicagohomeless.org/programs-campaigns/legal-aid/law-project/law-project-accomplishments/).
- “Homeless Children are 8% of 31,438 Students Impacted by Chicago Public Schools’ Closing/merger Plans.” May 22, 2013, accessed October 28, 2014, <http://www.chicagohomeless.org/cpsclosures/#sthash.WQMGxYPv.dpuf>.
- Chicago Teachers Union. “CTU, Parents File Lawsuit.” Accessed October 28, 2014, <http://www.ctunet.com/blog/ctu-and-parents-file-new-lawsuit>.

- Coates, Ta-Nehisi. "The Case For Reparations." *The Atlantic Monthly*, June 2014, accessed October 28, 2014, <http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>.
- Dean, Terry. "OPRF Denied 167 Students Over 'Questionable' Residency, Highest Number Turned Away in Years." *Powered by Wednesday Journal* (Oak Park, IL), June 24, 2014, accessed November 1, 2014, <http://www.oakpark.com/News/Articles/6-24-2014/OPRF-denied-167-students-over-%27questionable%27-residency/>.
- Dell'Angela, Tracy. "Homeless Kids' Advocates Sue Chicago Schools." *Chicago Tribune* (Chicago, IL), September 8, 2004.
- Dillon, Sam. "School is a Haven When Children Have No Home." *New York Times* (New York, NY), Nov. 27, 2003.
- Dohrn, Bernadine. *A Long Way from Home: Chicago's Homeless Children and the Schools*. Washington, DC: Poverty and Race Research Action Council, 1991.
- Duffield, Barbara. Telephone Interview with Authors, July 15, 2014.
- Finkel, Ed. "Homelessness Is On the Rise in CPS." *Catalyst Chicago* (Chicago, IL), April 1, 2005.
- Harrison, Lauren R. "The Hidden Homeless: Englewood Students Targeted for Pilot Project." *Chicago Tribune* (Chicago, IL), July 10, 2009.
- Heybach, Laurene M. "In the Courts: Homeless Families Respond to Chicago's 'Renaissance 2010' School Plan." *Children's Legal Rights Journal* (Winter 2004): 81.
- "Advocacy and Obstacles in the Education of Homeless Children and Youth in Illinois: Advocacy and Obstacles." *Public Interest Law Reporter* (Summer 2009): 281-293.
- "Protecting the Rights of Homeless Children." *Powered by Wednesday Journal* (Oak Park, IL), Letter to Editor, Aug. 17, 2011, accessed November 1, 2014, <http://www.oakpark.com/Search/?Search=Protecting+the+Rights+of+Homeless+Children>.
- Heybach, Laurene M. and Patricia Nix-Hodes. *The Educational Rights of Homeless Children: Creating a Model Program in Illinois*. Chicago, IL: Chicago Coalition for the Homeless, October 1, 2000.
- Heybach, Laurene M. and Stacey E. Platt. *Enforcing the Educational Rights of Homeless Children and Youth: Focus on Chicago*. Chicago, IL: National Clearinghouse for Legal Services, 1998.
- Illinois State Board of Education. "Policy of the Illinois State Board of Education on the Education of Homeless Children and Youth." Accessed October 28, 2014, www.isbe.net/homeless/pdf/policy.pdf.
- Martin, Cary. "Homeless Education: Unveiling the Truth Behind Beating the Odds." *Public Interest Law Reporter* (Summer 2009): 294-304.
- Mastony, Colleen. "Suburban High School Bars Homeless Youth." *Chicago Tribune* (Chicago, IL), September 9, 2003.
- "District Ordered to Locate Homeless; Thornton Schools Turned Kids Away." *Chicago Tribune* (Chicago, IL), September 14, 2003.
- Mendell, David. "Homeless Suit on School Advances." *Chicago Tribune* (Chicago, IL), February 2, 2006.
- Nilan, Diane. *Crossing the Line: Taking Steps to End Homelessness*. Bradenton, FL: Booklocker.com, Inc., 2005.
- Telephone Interview with Authors.

- Nix-Hodes, Patricia. "State School Code on Cordeidre's Side." *Daily Herald* (Chicago, IL), Letter to Editor, August 20, 2007.
- Pohl, Kimberly. "Why District 211 Won't Let Teen Into School." *Daily Herald* (Chicago, IL), August 16, 2007.
- Quintanilla, Ray. "School Board Fined for Violation of Homeless Rule." *Chicago Tribune* (Chicago, IL), Aug. 4, 1999.
- Scott, Jamilah. Telephone Interview with Authors, July 16, 2014.
- Sun Times Staff. "OPRF Checks on Residency Questioned." *Oak Park Oak Leaves* (Chicago, IL), Oct. 26, 2005.
- Tapper, Cindy. "An Open Letter Seeking Justice in the School Closing Crisis." *Chicago Lawyers' Committee for Civil Rights Under Law, Inc.*, May 18, 2013, accessed October 28, 2014, <http://clccrul.org/postwidely/798>.
- United States Department of Education. *Preliminary Guidance for the Education of Homeless Children and Youth Program*. Washington D.C.: United States Department of Education, June 1995.
- Vevea, Becky. "CTU, Parents File Lawsuit Against School Closures." *WBEZ 91.5* (Chicago, IL), May 29, 2013, accessed October 28, 2014, <http://www.wbez.org/news/ctu-parents-file-lawsuit-against-school-closures-107419>.
- "Changes in School Leadership Prompts Questions about Revolving Door." *WBEZ 91.5* (Chicago, IL), October 12, 2012, accessed October 28, 2014, <http://www.wbez.org/news/change-cps-leadership-prompts-questions-about-revolving-door-103112>.
- "Who's Been Sued?" *Southtown Star* (Chicago, IL), Dec. 17, 2003.
- Ziamba, Stanley. "Sauk Village District Taken to Task: Homeless Student Can Join Graduation." *Chicago Tribune* (Chicago, IL), May 22, 2004.

Laurene M. (Rene) Heybach, J.D. is a founder (1997) and Senior Counsel of the Law Project of the Chicago Coalition for the Homeless. She has practiced civil rights and poverty law for 36 years and has focused on issues of homelessness specifically since 1990. She is a recipient of the Sandra Neese Lifetime Achievement Award (NAEH CY) for her work on the educational rights of homeless students. Her work has encompassed national, state and local legislation, advocacy and litigation.

Patricia Nix-Hodes, J.D. is the Director of the Law Project of the Chicago Coalition for the Homeless (CCH). She graduated from DePaul University College of Law and was admitted to the Illinois Bar in 1992. Patricia has expertise in education, housing and employment law affecting homeless people. She joined CCH in 1998, after working for the United States Court of Appeals for the Ninth Circuit, Public Advocates in San Francisco and the Homeless Advocacy Project at the Legal Assistance Foundation of Metropolitan Chicago.