

# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP KEEP CHILDREN IN SCHOOL

## THE NEED

While our public schools strive to ensure that every child has the opportunity to learn in a safe, inclusive, and positive school environment, these goals are not always met for our most vulnerable—and often impoverished—students. In March 2014, Secretary of Education Arne Duncan and Attorney General Eric Holder announced key findings from the first comprehensive look at civil rights data from every public school in the country in nearly 15 years. The data showed that students of color were subjected to suspensions and expulsions at a rate three times higher than that of their white peers, and more likely to face referral to law enforcement or even arrest. The data also revealed that fully three quarters of students who faced disciplinary physical restraint were classified as students with disabilities.

Those who drop out of - or are derailed from completing—high school before obtaining a diploma are more likely to be arrested as adults, be unemployed, become reliant on public assistance programs, and earn lower incomes than their graduating peers. Ending formal education prematurely hurts young people, their families, and their communities - as well as America's economy and its ability to compete internationally. Sadly, the likelihood of dropping out has risen as schools have increasingly turned to suspension, expulsion, and the criminal justice system to address non-violent behavioral problems.

## EXAMPLES OF THE FEDERAL RESPONSE

In 2011, Secretary of Education Arne Duncan and Attorney General Eric Holder announced the Supportive School Discipline Initiative, a collaborative project between the U.S. Departments of Justice (DOJ) and Education to address the “school-to-prison pipeline.” In connection with this initiative, the two departments issued joint guidance in January 2014 to ensure that school discipline policies and practices comply with civil rights laws and promote positive disciplinary options, both to keep kids in school and to improve the climate for learning.

This Administration is working to build and coordinate support systems to help America's most vulnerable children succeed from cradle to career and join the middle class. The Department of Education (ED) works with states and local communities to achieve educational reform, especially for those students facing the greatest barriers to success. The Race to the Top initiative, for example, provides incentives to states that are willing to spur innovations and systemic reform to improve teaching and learning.

Other Federal agencies have innovative programs to advance these goals. DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) manages the Defending Childhood Initiative, which works to elevate public understanding about children's exposure to violence and to build professional and system capacity to identify the approximately two-thirds of all children who are exposed to violence, crime or abuse in their homes, schools and communities either as victims or witnesses and to redress the consequences of their trauma. The U.S. Department of Labor has many programs for at-risk youth to get job-training. In addition, the Corporation for National and Community Service and ED's new School Turnaround AmeriCorps program places AmeriCorps members in persistently underachieving schools across the country, and the U.S. Department of Agriculture's National School Lunch Program feeds children so they can focus on learning.

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***The LSC-funded Legal Aid Society of Cleveland handled 216 education law cases for low-income children in 2013. In cases where a barrier to education was at issue, Legal Aid was successful in 98% of those cases – helping to ensure that children stay in school and on a path to a better life.***

*Legal Aid Society of Cleveland, 2013 Annual Report (forthcoming summer 2014).*

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“ Once children have started school, all levels of government should be rigorously enforcing laws that require schools to provide equal educational opportunities. Federal, state, and local governments should be providing more on-ramps for students who are off track to get back on the road to success....

~ SECRETARY ARNE DUNCAN, U.S. DEPARTMENT OF EDUCATION

*Closing the Opportunity Gap, U.S. Department of Education (Sept. 18, 2012)*

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## Legal Aid Helps

- **Explain education laws and school discipline policies** to families through community trainings and publications.
- **Obtain special education services** for children with disabilities and/or developmental delays.
- **Provide advice and representation in school disciplinary hearings**, and inform students and their families of their rights during hearings.
- **Propose alternatives to expulsion**, lengthy time away from school, and referral to the criminal justice system for non-violent behavioral issues.
- **Ensure that at-risk families can access public benefits**, including Head Start, Temporary Assistance to Needy Families, Children’s Health Insurance Program, and the National School Lunch and free or reduced-price meal programs, by offering assistance determining eligibility, completing applications and appealing erroneous denials.
- **Remove barriers to learning** by addressing immigration, consumer fraud, debt, housing, health and domestic violence issues.
- **Support school stability for homeless and foster youth** by helping students remain in their schools of origin when their living situations change.
- **Address policies and practices that pose obstacles** to English Language Learners, disabled and homeless students.

### Lawyer redirects traumatized boy from school discipline to special education services

Nine year old “Jon” went to live with his grandmother after his mother was accused of abusing him. Hospitalized multiple times, including once after a suicide attempt, Jon was diagnosed with Attention Deficit and Post Traumatic Stress Disorders. Jon was not attending school; the school district placed him on homebound instruction because he skipped classes and failed to listen to directions. His grandmother wanted help so he could return to school but didn’t know what to do. Alabama Disabilities Advocacy Program—part of the federally-mandated Protection and Advocacy system that provides free legal and advocacy services to people with disabilities—referred Jon for a special education eligibility evaluation and participated in school meetings with the family. Jon was found eligible for special education services and received a behavioral support plan. By the semester’s end, Jon was back in school with the supportive services he needed to succeed.

### Legal aid steers youth from jail to a GED and Job Corps

Growing up in a community influenced by gangs, “Carl” was expelled from middle school. Later incarcerated for a juvenile offense, Carl began working with a TeamChild® attorney—partially funded by DOJ OJJDP—to plan his release and return to school. His attorney successfully advocated for his readmission. When other students threatened Carl he sought help from school administrators who responded by expelling him. His attorney successfully represented him at the hearing and Carl finished the semester. Fearful of the gangs, he left Washington state to live with relatives, and pursue a GED and Job Corps training program. Denied admission because of his juvenile record, his lawyer stepped in yet again, to appeal and document Carl’s determination to get back on track. Job Corps reversed their decision. Carl earned his GED and is working hard towards his auto mechanic certificate.

