

Pa. pact ensures homeless children can go to school

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By Eleanor Chute, Pittsburgh Post-Gazette

A legal agreement announced today ensures that homeless children in Pennsylvania may attend school in any school district in which the family has a "substantial connection." "The economic crisis has forced many Pennsylvania families out of their homes, but it should not force children out of school," Education Law Center attorney Nancy Hubley said.

The agreement results from a federal lawsuit filed by Pennsylvania's Education Law Center and the National Law Center on Homelessness and Poverty after the Carlynton School District last fall said it was not responsible for educating four homeless children. Under the agreement, Carlynton is responsible.

The children and their family were receiving help from the Interfaith Hospitality Network of the South Hills, which operates a shelter in Crafton, part of the Carlynton School District. The family, which received social services at the shelter, had a room where they kept possessions and used the shelter as an address. Overnight, they stayed for a week at a time in one of eight churches, only one of which is in the district.

As part of the settlement, the state Department of Education issued a new basic education circular saying that homeless children are entitled to attend any school district where a parent, a guardian or an adult caring for them or where an unaccompanied child spends the greatest percentage of time or has a "substantial connection." The connection includes receiving day shelter or other services for the homeless, conducting "daily living activities" or staying overnight on a "recurring basis."

The circular notes, "These students should be enrolled without delay, in the district where they are presently residing, or continue their education in the district of prior attendance." The organizations relied on the federal McKinney-Vento Homeless Education Assistance Act to pursue their case. The paperwork to dismiss the case as a result of the settlement was to be filed today. Leah Harris, spokeswoman for the state Department of Education, said the circular "provides greater clarity regarding unclear provisions in the federal law." She said it will help to remove educational barriers for children who stay in multiple school districts.

Ms. Hubley said it is a "big step" for the Department of Education to clarify the legal rights of highly mobile, homeless kids. She said the circular also improves the dispute resolution system. "It's really finally saying to school districts that the McKinney-Vento law is a civil rights law that has legal teeth," she said.

Carlynton Superintendent Michael Panza said, "I'm glad we could work together to work this out for the kids. It was never about the kids in the first place. It was always about what were we supposed to do and what was the procedure supposed to be."

The children were permitted to stay in Carlynton while the case continued.

Susan Donnan, the director of the Interfaith Hospitality Network of Southwestern Pennsylvania, said she is happy and relieved about the agreement. The organization has had a shelter in Crafton for three years, but the children who use it typically are too young to go to school or are close enough to their old school that they can continue going there. However, in some cases, the distance is too far for the children to stay in their previous school. The program works to help people get back on their feet, and she said the family involved in the case is no longer homeless. While it was disputed whether the children belonged in Carlynton, Ms. Donnan said, "The teachers and staff of the school have been wonderful. They've been very, very helpful with the children."

Education writer Eleanor Chute: echute@post-gazette.com or 412-263-1955.

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