



# **THE VERMONT POVERTY LAW FELLOWSHIP AND LOW-INCOME EDUCATION**

**Vermont Poverty Law Fellowship 2012-2014**

**Vermont Legal Aid, Inc.**

**Jay Diaz, Esq.**

# WHY ARE VERMONT'S CHILDREN IN POVERTY?

- Parents are Low-income
  - Low Educational Level of Parents
    - In US, 82% of children with parents who have less than HS diploma live in poverty\*
- Families in Poverty Face:
  - Housing Insecurity/Homelessness
  - Lack of access to benefits/services
  - High Food Prices/Lack of Quality Food
  - Unemployment and Underemployment
  - Transportation Costs/Availability
  - Access to Quality Healthcare and Dental Care
  - Physical and Mental Disabilities

\*Data from National Center for Children in Poverty (2007)

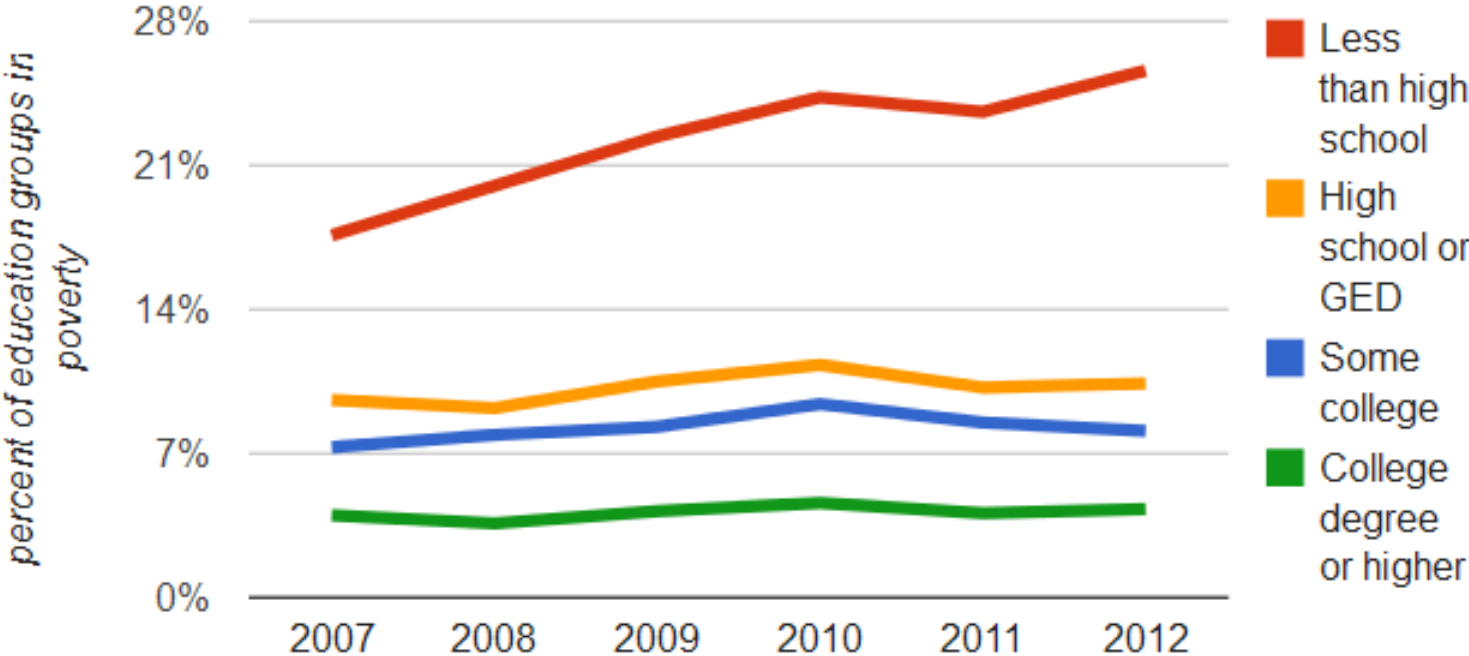


WHAT MORE CAN WE DO  
TO ERADICATE CHILD  
POVERTY IN VERMONT?



# POVERTY AND EDUCATION LEVEL IN VT

Poverty Rate in Vermont by Education Level, 2007-2012



AMERICAN COMMUNITY SURVEY DATA FROM U.S. CENSUS BUREAU. PRESENTATION BY HILARY NILES/VTDIGGER.



# VERMONT EXAMPLE GRADUATION RATES (2012-2013)

School	Non-FRL Grad Rate	FRL Grad Rate
<b>Burlington</b>	93%	70%
<b>Montpelier</b>	94%	65%
<b>Rutland</b>	96%	73%
<b>Springfield</b>	76%	66%
<b>North Country HS</b>	94%	82%



# VERMONT EXAMPLE GRADUATION RATES (2012-2013)

School	Non-IEP Grad Rate	IEP Grad Rate
<b>Burlington</b>	83%	62%
<b>Montpelier</b>	88%	82%
<b>Rutland</b>	91%	54%
<b>Springfield</b>	80%	31%
<b>North Country HS</b>	91%	73%



WHY IS THIS HAPPENING?



# WHY ARE LOW-INCOME AND DISABLED YOUNG PEOPLE NOT ACHIEVING?

- Trauma
- Cognitive, Behavioral, Developmental Disabilities
- State or Kin Custody
- Homeless and/or On Their Own
- Young Parents
- Frequent School Discipline
- Poverty = Court-Involvement

These children are more likely to be out of school





# WHAT DO WE KNOW ABOUT HOMELESS KIDS IN VERMONT?

- 2013 – 800+ children in VT shelters
- 2011-2012
  - 1200 + Homeless students
  - 30% rise in homeless students
  - Over 3000 Vermonters in shelters
- Homeless Family Living Situation
  - 62% doubled-up
  - 8% in shelters
  - 25% in hotels/motels
  - 5% unsheltered – cars, camps, unknown
- Many go uncounted



# WHAT HAS BEEN DONE ABOUT THIS?

- Laws designed to help students access their rights and prevent school exclusion
  - McKinney-Vento
  - Individuals with Disabilities Education Act
  - Section 504 of the Rehabilitation Act
  - Fostering Connections Act
  - Right to Equal Education
  - Title IX
  - Act 264
  - JJDPA
  - VT Titles 16 and 33



# CASE EXAMPLES

## ○ **McKinney-Vento**

- Homeless student removed from school or not enrolled
- Homeless students not provided transportation

## ○ **Due Process and Section 504**

- Disability-related suspension and truancy
- Suspension and long-term removal for “suicidal thoughts” and alleged schizophrenia

## ○ **Anti-Discrimination Law: Titles IV, VI, and IX**

- Parenting student seeking access to public school

## ○ **Vermont Title 16, Bullying/Harassment Policy**

- Sexual harassment-related school refusal



**BULLYING  
HARASSMENT  
AND  
DISCRIMINATION**



**FACING  
SUSPENSION  
OR  
EXPULSION?**



**HOUSING  
TROUBLES  
CAUSING  
PROBLEMS  
WITH SCHOOL?**



**EDUCATION  
FOR STUDENTS  
WITH  
DISABILITIES**



**WHAT STUDENT  
AND PARENTS  
CAN DO**

**A GUIDE FOR  
VERMONT  
STUDENTS FACING  
SCHOOL DISCIPLINE**

**VERMONT  
STUDENTS AND  
FAMILIES  
HAVE RIGHTS!**

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# SYSTEMIC ACTION

- Petitioning Agency of Education and School Associations to reform homeless student policies and procedures
- Title IX Complaint to Federal Office for Civil Rights
- Section 504 Disability Discrimination Complaint to Federal Office for Civil Rights
- Work with Truancy Panels and Coalitions to Keep Disabled Students Out of Court
- Assisting with Woodside Monitoring to Ensure Adequate Education to Students in State Custody
- Compiling School Discipline Data



# WHAT CAN WE DO ABOUT THIS NOW?

## EQUITY IN EDUCATION

- **Increase Support for Homeless Students**
  - Update School Residency and Enrollment Forms
  - Broaden Transportation Access
- **Reform School Discipline Laws**
  - Limit Suspension and End Expulsion
  - Require Tutoring when Students are Suspended
  - Improve Data Collection, Monitoring, and Publishing
- **Support (Don't Punish!) Chronically Absent Students with Special Needs**
  - Prevent Unnecessary Referrals to Court for Students with Special Needs
  - Provide Resources to Schools and Communities to Address Truancy
- **Ensure Equal Access to Education for Pregnant and Parenting Students**
  - Statewide Policy to be Adopted by Districts to Ensure Title IX Rights
- **Ensure Independent Schools Provide the Same Legal Protections to Publicly Tuitioned Students**



# FIXING THE PROBLEMS FOR HOMELESS STUDENTS

- Improve school enrollment forms to identify all families that qualify
- Improve connections between schools, homeless service providers, DCF, and housing authorities
- Help students and families find legal representation through referral or *pro bono*
- Broaden access to transportation for homeless and precariously housed
- Ensure continuity of school for students in fostercare



# UNFAIR AND DISPROPORTIONATE SCHOOL EXCLUSION (2011-2012)

- Vermont suspended public school students for more than 8,000 days in 2011-2012
- Students with disabilities 3x more likely to be suspended
- Minority students more likely than white students to be suspended
- Use of exclusionary discipline, restraint, seclusion, referral to law enforcement varies widely across the state
- Data is not publicly available





# FIXING THE PROBLEMS FOR SUSPENDED STUDENTS

- Limit disciplinary exclusion
- Allow to students to continue learning during exclusions, where necessary
- Ensure and upgrade student's rights in discipline proceedings
- Help students and families find legal representation through referral or *pro bono*
- Improve data collection and public reporting



# SAVING VERMONT TAX DOLLARS

- School Exclusion → School Failure → Dropout → Court Involvement = greater chance of incarceration and poverty as adult
  - Male dropout is 47 times as likely as college graduate to be in jail
  - Nationally, 54% of dropouts 16-24 were jobless vs 32% of graduates
- Estimated Cost of Dropout = ~\$120K – 240K
- VT Average Annual Cost per Student = \$15, 925
- Incarceration Costs
  - VT Average Annual Cost per Juvenile Detainee = ~\$40,000
  - VT Average Annual Cost per Inmate = \$49, 502 , 59,640



# STORY #1

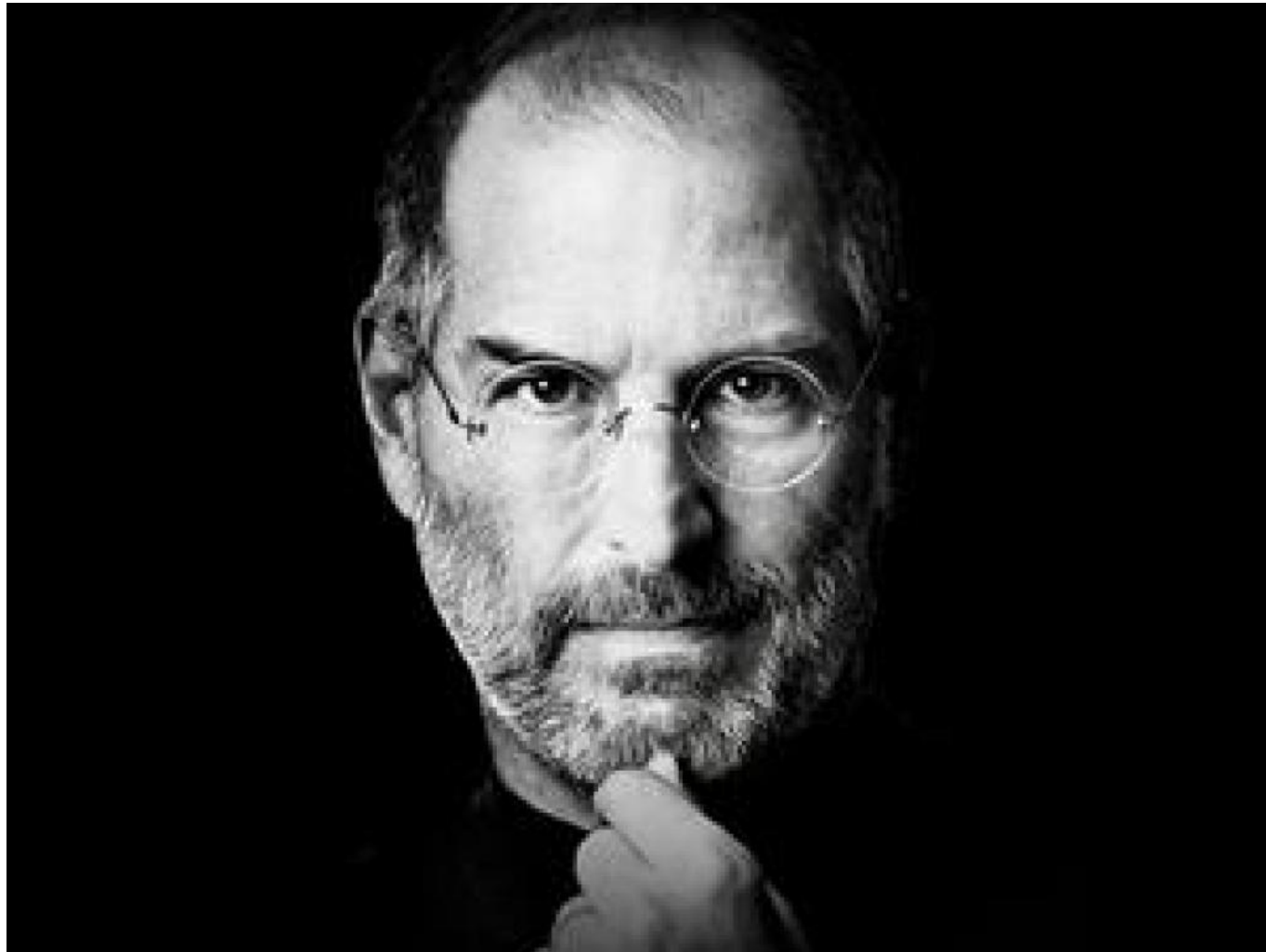
Picture an elementary school kid who sets off an explosive underneath the teacher's chair. The student also does things like making fake "bring your pet to school day" posters and convinces others to give their bike lock combinations away in order to switch all the locks.

What do you think about this kid?

What should we do with this kid?



# STEVE JOBS, FOUNDER OF APPLE, INC.



## STORY #2

Picture a teenager. Just after turning 17, gets behind the wheel of a car, speeds through a stop sign, collides with another car, and kills the car's driver – a star athlete and honor student.

What do you think about this teenager?  
What should be done?



LAURA BUSH, FIRST LADY OF THE UNITED STATES 2000-2008, HUMANITARIAN, FORMER TEACHER AND LIBRARIAN.



# SHORT QUIZ

- When You were a kid did you ever...
  - Shoplift?
  - Drive under the influence?
  - Forge a signature?
  - Break curfew?
  - Vandalize property?
  - Get into a fight?
  - Use illegal drugs?
  - Yell at someone in public?





# THANK YOU.

Please contact me with questions or comments at [jdiaz@vtlegalaid.org](mailto:jdiaz@vtlegalaid.org) or (802) 383-2207.