



# *Children of Incarcerated Parents (COIP) Experiencing Homelessness: How the McKinney-Vento Act Can Help*

# Meet Your Presenters

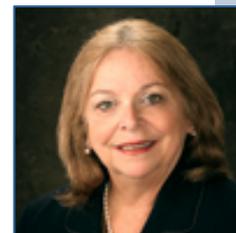
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# Goal

- Help educators, child advocates, and community service providers understand the McKinney-Vento Act and how it can be used to help children of incarcerated parents

# *Framing the Issues*

- Not all children of incarcerated parents will be eligible for McKinney-Vento
- McKinney-Vento is meant to help homeless children, however the definition for homeless is more broad than you might think
- Double stigmatization is a risk, however when dealt with sensitively and strategically, the benefits may be worth it

# *Webinar Outline*

- COIP and Caregivers: Understanding the Issues
- Understanding the McKinney-Vento Act
- Supporting school-age COIP
- Additional resources
- Q&A



# *COIP and Caregivers: Understanding the Issues*

# *Prior to Incarceration*

- 47.9% of parents lived with their children prior to their incarceration and over half of parents report having been the primary source of financial support for their children.

# Challenges Faced by Children

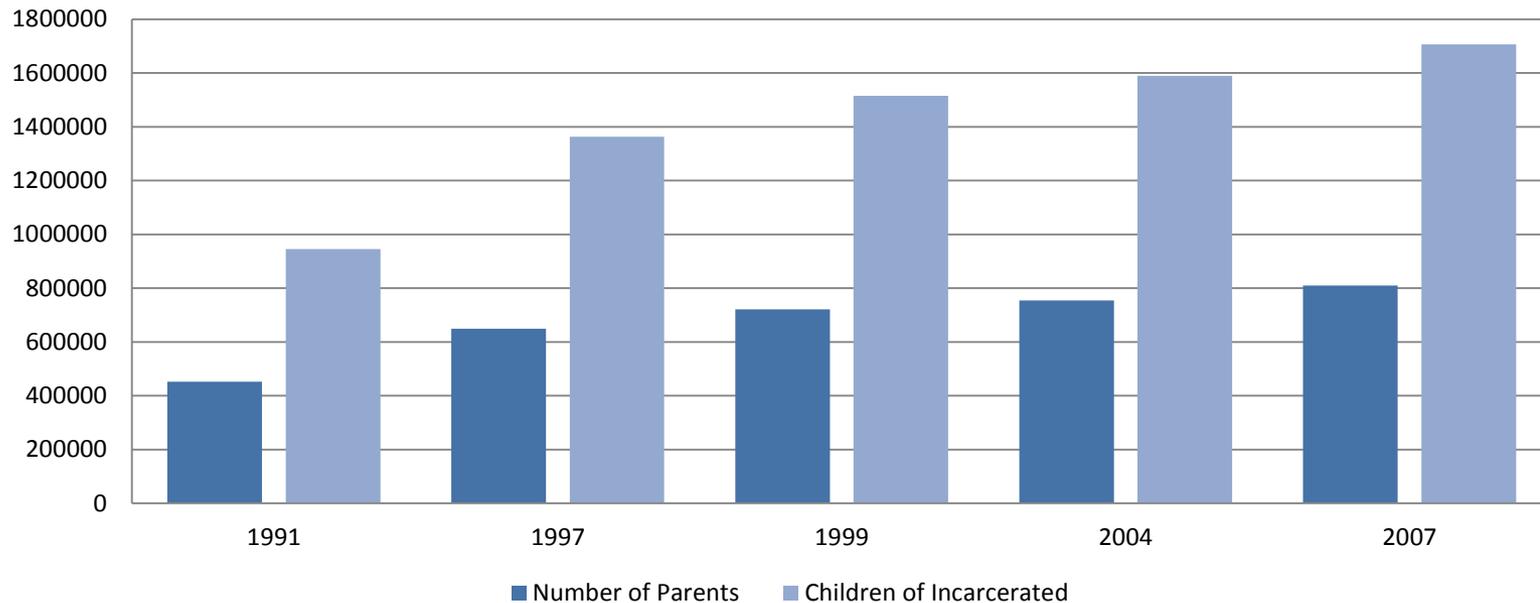
- Changes in family relationships and structure
- Stigma and feelings of isolation
- Difficulty maintaining a relationship with the incarcerated parent
- Trauma from the sudden absence of a parent or the events leading up to it
- School behavior and performance problems
- Fear for their parent

Source: La Vigne, Nancy G, Elizabeth Davies, and Diana Brazzell. "Broken Bonds: Understanding the Needs of Children of Incarcerated Parents." August 2008. *The Urban Institute*.

# Numbers

- In 2007, 1.7 million children had a parent in prison, an increase of almost 80% since 1991

**Estimated number of parents in state and federal prison and their minor children**

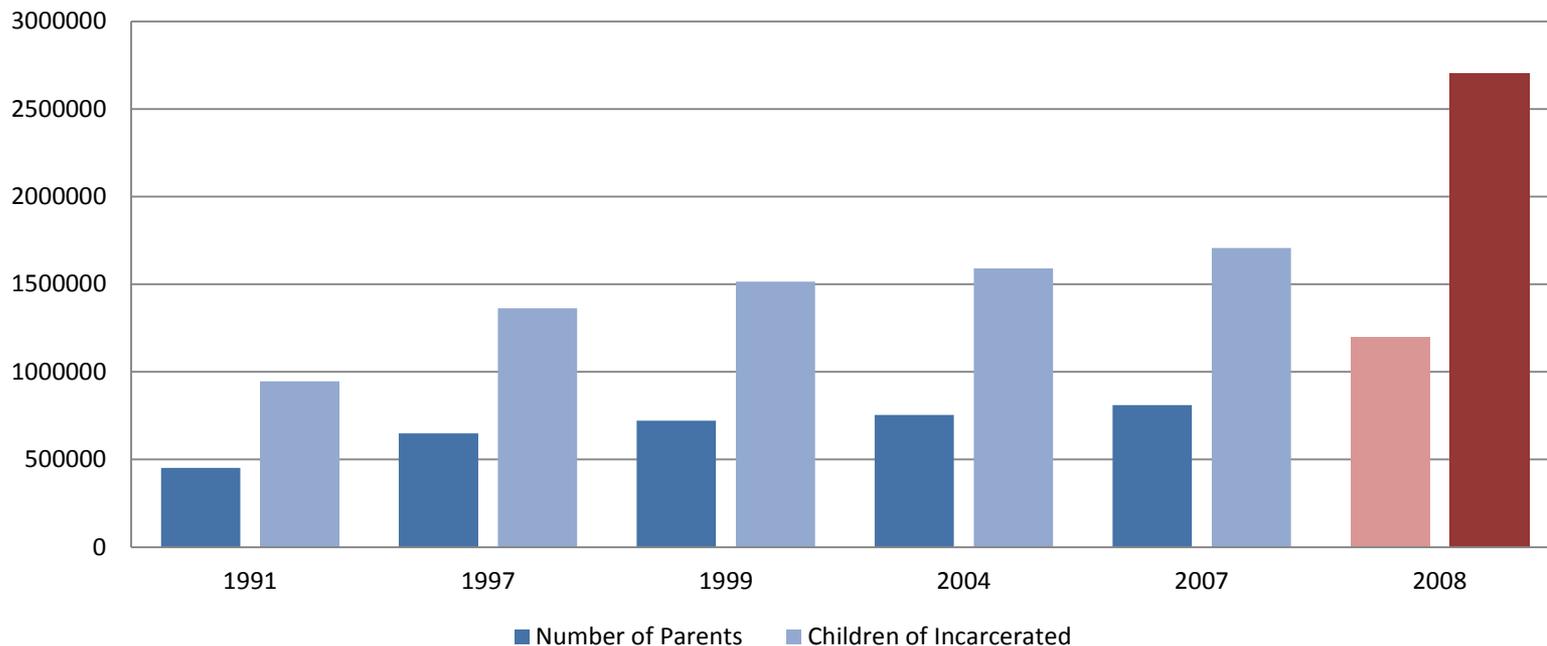


Source: Bureau of Justice Statistics. *Parents in Prison and their Minor Children*. Aug 2008

# Numbers

- Including jails, estimates indicate that as many as 2.7 million children have a parent behind bars.

## Estimated number of parents in state and federal prison and jail and their minor children

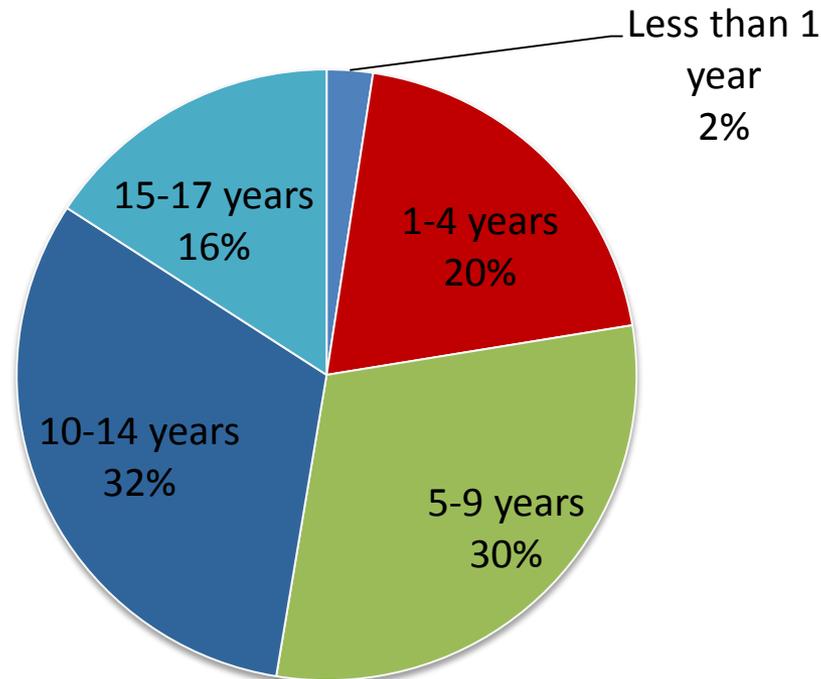


Source: Pew Charitable Trusts. *Collateral Costs: Incarceration's Effect on Economic Mobility*. 2010.

# Numbers

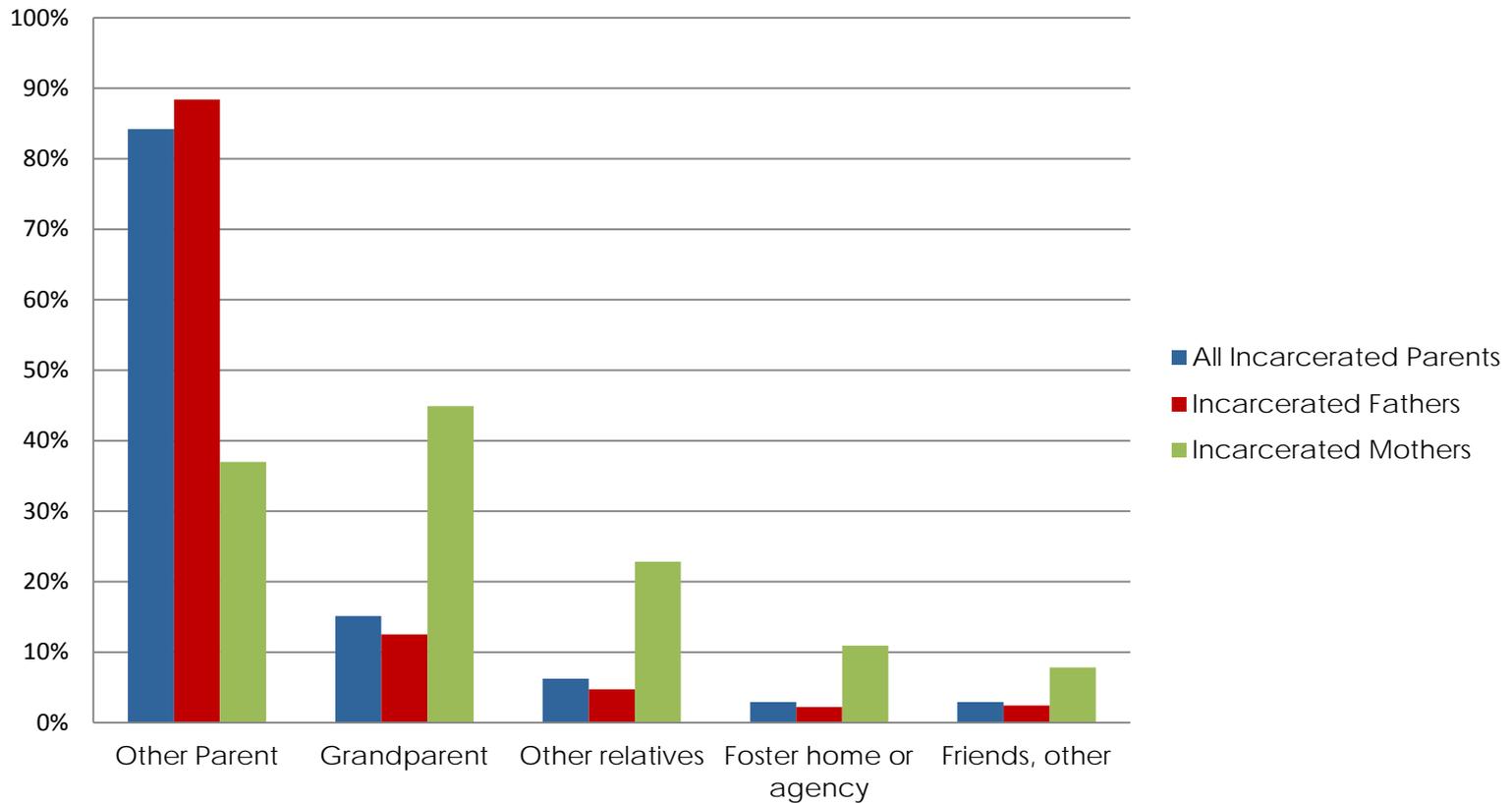
- Over 50% of children who have an incarcerated parent are age 9 or younger

**Ages of Children who have a Parent in Federal or State Prison**



# Caregivers

## Caregiver for Children During Parent's Incarceration



Source: Bureau of Justice Statistics. *Parents in Prison and their Minor Children*. Aug 2008

# Challenges Faced by Caregivers

- Financial instability due to loss of the incarcerated parent's income, or lingering legal fees
- Difficulty deciding what information should be shared with the child
- Lack of information and resources
- Stigma and isolation

Source: La Vigne, Nancy G, Elizabeth Davies, and Diana Brazzell. "Broken Bonds: Understanding the Needs of Children of Incarcerated Parents." August 2008. *The Urban Institute*.

# *Children of the Incarcerated: Themes and Variations*

Children of the incarcerated like all humans are “all at once like all others, like some others and like no others.”

Emmanuel Lartey



# Toxic Stress as Trauma

Persistent fear and anxiety can affect young children's learning and development and change brain architecture.

*Scientists now know that chronic, unrelenting stress in early childhood, caused by abrupt separation from caregivers, extreme poverty, or parental depression, for example, can be toxic to the developing brain in the same way as repeated abuse and witnessing violence changes brain architecture.*

Center on the Developing Child, Harvard University, *In Brief: The Science of Early Childhood Development*. NGA. Center for Best Practices, National Conference of State Legislatures, and Center on the Developing Child, Harvard University, 2008, [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).



# Trauma: Impact on Brain Development

- Impulse Control
- Cause and Effect
- Predictability
- Emotional Regulation
- Reciprocal Engagement



Leading to poor school performance, increased drop out rates, gang involvement, early pregnancies, and drug use, abuse and addiction

# Layers of Risk

There is evidence to suggest that children of incarcerated parents are more likely to live in poverty and experience **household instability**, exposure to parental mental illness, drug and alcohol addiction and domestic violence than other children.\*

Phillips, S. D., Erkanli, A., Keeler, G. P., Costello, E. J., & Angold, A. (2006). Disentangling the risks: Parent criminal justice involvement and children's exposure to family risks. *Criminology and Public Policy*, 5(4), 677-702.

\* Study of children in the Child Welfare System



# *COIP and Homelessness*

Studies suggest that:

1. recent paternal but not maternal incarceration substantially increases the risk of child homelessness
2. effects are concentrated among African American children
3. increases in familial economic hardship and decreases in access to institutional support explain some of the relationship

Wildeman, C. "Parental Incarceration, Child Homelessness, and the Invisible Consequences of Mass Imprisonment" 2014



# Responding in Schools

“ Relatives ...feel forced to hide from the shaming gaze of others...leading them to withhold information and avoid connections that may help them.”

Families Shamed by Rachel Condry 2007

## Discussion

What can schools do to create an atmosphere of safety and trust for the children and families of the incarcerated to combat the shame and stigma, honor the relationship with the incarcerated parent, and partner with the caregiver?





# *The McKinney-Vento Act*

# The McKinney-Vento Act

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.)
- Reauthorized by Title X, Part C of the No Child Left Behind Act
- Establishes the definition of *homeless* used by schools
- Ensures that children and youth experiencing homelessness have immediate and equal access to public education
- Provides educational support to promote school success

# The McKinney-Vento Act

- Needed to address the unique barriers faced by many homeless students
  - Lack of paperwork for school enrollment
  - High residential and school mobility
  - Poverty-related challenges (lack of school supplies, inadequate nutrition and healthcare)
  - Inadequate space for study outside of school
  - Lack of a caring and involved parent or guardian (unaccompanied homeless youth)

# *Program Structure and Funding*

- Every state has a State Coordinator for Homeless Education
- Every school district has a local homeless education liaison
- States receive EHCY funding based on their percentage of the federal Title I, Part A allocation
- States keep a portion of their EHCY allocation for state-level activities and distribute the remainder to school districts in a competitive subgrant process

# McKinney-Vento Eligibility

- Children or youth who **lack a fixed, regular, and adequate nighttime residence**, including
  - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
  - Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
  - Living in emergency or transitional shelters

# McKinney-Vento Eligibility

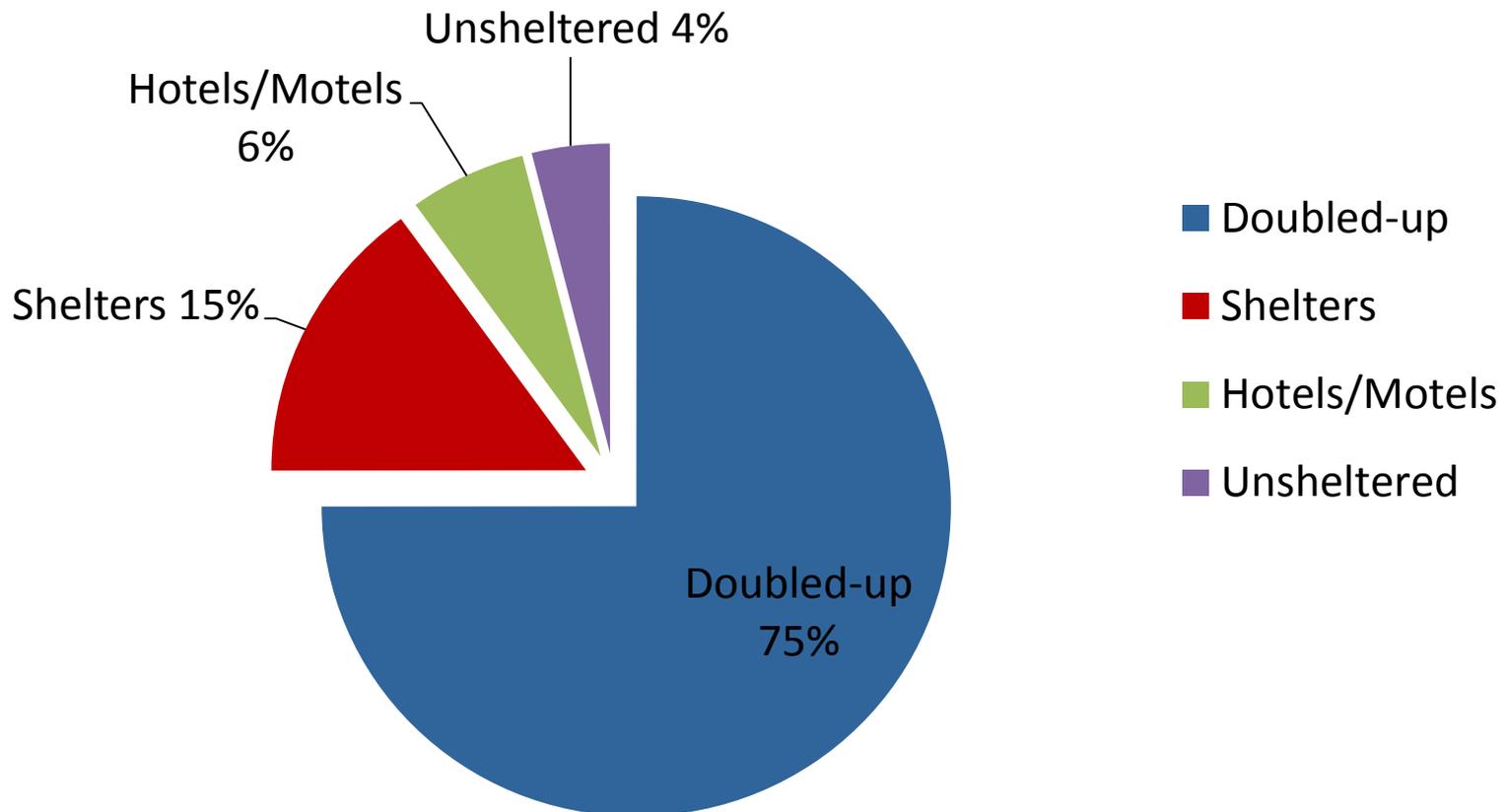
- Awaiting foster care placement
- Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migratory children living in the above circumstances
- Unaccompanied youth living in the above circumstances; *unaccompanied* is defined as "not in the physical custody of a parent or guardian"

# National Data

**SY 2011-2012 Total Enrollment**

1,166,436 students experiencing homelessness

**Enrolled by Primary Nighttime Residence**



# Rights of Eligible Students

- Immediate enrollment, even if lacking paperwork
- School selection
  - School of origin (if feasible)
  - Local school
- Transportation to/from the school of origin, if requested by the parent (or by the local liaison for an unaccompanied homeless youth)



# *Rights of Eligible Students*

- Comparable services
- Free school meals
- Title I, Part A support
- Special education, when necessary
- Support from other programs for which they meet eligibility criteria



# Support for Young Children

- The McKinney-Vento Act requires states to outline how they will ensure equal access to public preschool programs for young homeless children
- The Head Start Act
  - Establishes categorical Head Start eligibility for homeless children
  - Encourages Head Start agencies to prioritize homeless children for enrollment and allow families to participate in Head Start while documentation is gathered
  - Requires collaboration with local liaisons



# Supporting School-aged COIP

# Scenario 1 | James

James is a fourth grader. He has missed three days of school. Calls home are to a number no longer in service. A letter home results in no response. After a week out of school, James' Grandmother brings in a letter on a sheet of lined paper that states she has custody of James. It is signed by James' mother. Grandmother informs the school that her daughter will be away for awhile taking care of some business. A month later James discloses to his teacher that he is finally going to get to visit his mother in jail. Talking further with the Grandmother brings to light the fact that James' mother is in prison.

# Scenario 1 | Question 1

What could have been done to keep James from missing a week's worth of school?

- James' Mother could have called the school and added the Grandmother to the list of emergency contacts and informed the school about the possibility of Grandmother becoming a guardian of James.
- The criminal justice system could have routinely asked if James' Mother was a single mother. If she responded yes, then she could have been informed about how to give his Grandmother Power of Attorney, Emergency Guardianship or Guardianship, and information about the McKinney-Vento rights.
- The school could have posted the rights of homeless students in the courthouse.
- Other?



# Scenario 1 | Question 2

**What is the responsibility of the school regarding the signed letter from James' mother giving custody of James to his Grandmother?**

- Handwritten letters such as these are typically not legal. Under the McKinney-Vento Act, James may be considered a homeless unaccompanied youth so he may remain in school and his Grandmother can be considered his caregiver. It is the responsibility of the school to inform her of James' McKinney-Vento rights.
- The school and/or the court should inform his Grandmother how to obtain Power of Attorney, Emergency Guardianship, or Guardianship for James.



# Scenario 1 | Question 3

**Are there any services available at school to help James through this transition?**

- If James is considered a homeless unaccompanied youth, then he will qualify for free lunch even if his Grandmother's income does not qualify.
- He may qualify for social work services, tutoring, free school supplies, transportation assistance to and from school, and other needs pertaining to school.



## Scenario 2 | Ali

Ali is 17 years old. She has struggled with school most of her high school years. In the last month she hasn't handed in homework. Her attendance is poor. Right now she is failing all of her classes. Her guidance counselor has brought her in twice to discuss her grades, but there have been no changes.

Ali finally comes into the counselor and shares that she has to find a job now to keep the apartment. Her Mom went to jail and thought she would get out right away but her Mom can't make bail. It has been a month and the electricity was turned off and then the gas. Yesterday Ali found an eviction notice on the apartment door.

To make it worse, yesterday she went to visit her Mom in jail and found out they were charging her Mom with 3 felonies.

# Scenario 2 | What Do You Think?

What can be done to support, whether by the school, the criminal justice system, social services, or advocates and service providers?



# *Suggested Informational Packet*

- Checklist for parents facing incarceration
- Frequently asked questions
- Blank power of attorney form
- Sample filled out power of attorney form
- McKinney-Vento flyer
- List of names and phone numbers of county homeless liaisons
- List of names and phone numbers of local "Homeless and Runaway Youth" counselors

# Thanks for joining us

- You will receive a follow-up e-mail with:
  - A link to the handouts webpage
  - A link to a brief, anonymous online evaluation of your webinar experience
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# Additional Resources

- Children of Incarcerated Parents (COIP) Web Portal

<http://www.findyouthinfo.gov/youth-topics/children-of-incarcerated-parents>

- COIP Framing Paper

<http://www.findyouthinfo.gov/node/21428>

- COIP Mythbusters

<http://www.findyouthinfo.gov/node/21429>

- Sesame Street | Little Children, Big Challenges: Incarceration

<http://www.sesamestreet.org/parents/topicsandactivities/toolkits/incarceration>

# Additional Resources

- National Resource Center on Children and Families of the Incarcerated at Rutgers University Camden  
<http://www.fcnetwork.org>
- National Center for Homeless Education (NCHE)  
<http://center.serve.org/nche/>
  - NCHE | Juvenile Justice/Parental Incarceration Webpage  
<http://center.serve.org/nche/ibt/justice.php>
  - NCHE | Educational Rights Posters (youth and parent versions, English and Spanish versions)  
[http://center.serve.org/nche/pr/er\\_poster.php](http://center.serve.org/nche/pr/er_poster.php)