

Testimony of  
Coalition for the Homeless  
And  
The Legal Aid Society

On

Oversight: DOE's Support for Students who are Homeless or in Temporary Housing

Presented before

The New York City Council  
Committee on Education  
Committee on General Welfare

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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council Committees on Education and General Welfare regarding support for homeless students.

**About the Coalition and The Legal Aid Society**

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which now continues past its third decade. The Coalition also protects the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: supportive housing for families and individuals living with AIDS; job-training for homeless and formerly-homeless women; and permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious meals each night to homeless and hungry New Yorkers across the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms and money for medications and groceries.

The Coalition was founded around the effort to bring the landmark litigation on behalf of homeless men and women in Callahan v. Carey and Eldredge v. Koch and remains a plaintiff in these now consolidated cases. In 1981 the City and State entered into a consent decree in Callahan through which they agreed that, "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The Eldredge case extended this legal requirement to homeless single women. The Callahan consent decree and the Eldredge case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults.

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of over 1,100 of the brightest legal minds. These Legal Aid Society lawyers work with some 800 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits some two million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

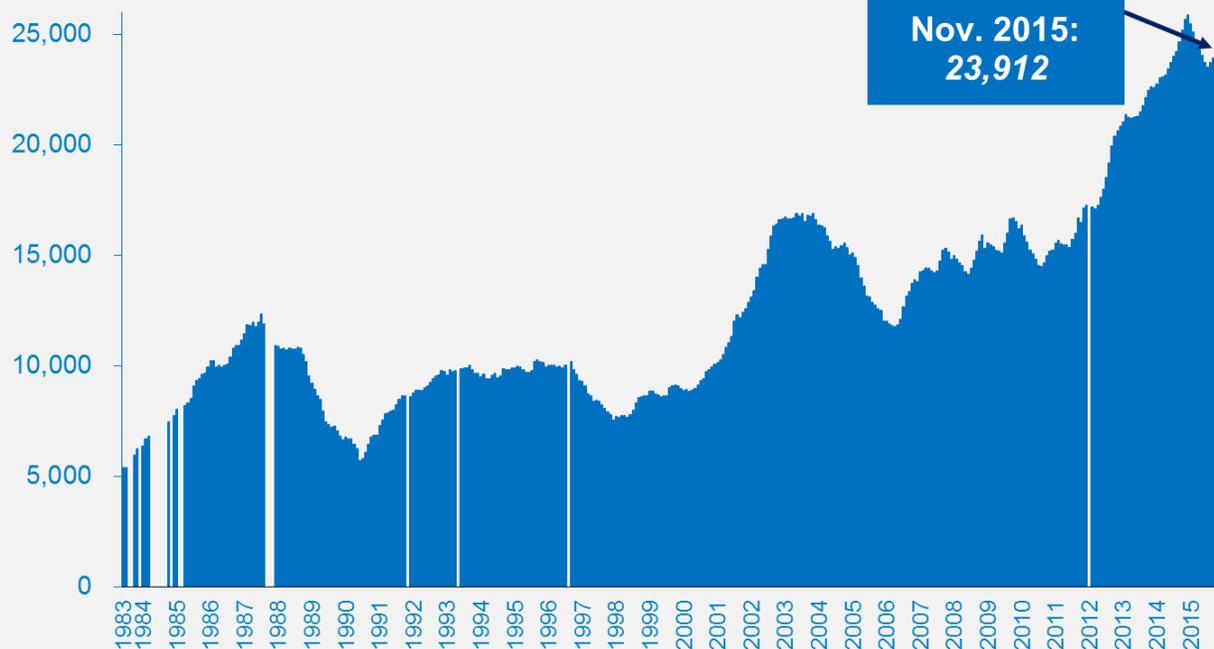
The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the Callahan and Eldredge cases. The Legal Aid Society is also counsel in the McCain/Boston litigation in which a final judgment requires the provision of lawful shelter to homeless families.

### **Background: Homeless Children and Students in New York City**

New York City is currently facing an unprecedented homelessness crisis. There are currently just under 60,000 men, women, and children sleeping each night in the City's municipal shelter system, including nearly 24,000 children. The number of children in shelter today is 92 percent higher than it was ten years ago, although down seven percent from the peak last year.

According to the New York State Education Department, over 31,000 New York City public and charter school students lived in a shelter at some point during the 2014-15 school year, another 50,000 students were doubled up, and 4,800 students lived in an unsheltered location at some point.

## Number of Homeless Children Each Night in NYC Shelter System, 1983-2015



Source: NYC Department of Homeless Services and Human Resources Administration and NYCStat, shelter census reports

### **Homeless Students in Shelter: Steps the City Must Take**

In addition to undergoing the trauma of homelessness, homeless students and their families face many school-related challenges while living in shelter. These challenges include, but are not limited to, being placed in a shelter far from their current school, missing school days because of required appointments, long commutes to and from school, and uncertainty about the permanency of shelter placements. These challenges are even more pronounced for students with special needs and also have ripple effects on parents, including presenting risks for job loss and engagement with child protective services. Moreover, many parents may not know the extent of their child's rights as a student in temporary shelter. Individually and combined, these challenges make it harder for children to focus on school. Many studies have confirmed that homeless students are more likely than their housed peers to fall behind in school and experience health and developmental problems stemming from homelessness.

The City must take immediate steps to make it easier for homeless students to continue school with minimal interruption and provide resources and engage in better coordination to make sure homeless students have access to the supports they need. Over the past few years, the percentage of homeless children placed in shelter according to the school location of their youngest child has decreased significantly and the average school attendance rate has not improved, according to data reported by the Department of Homeless Services.

We are glad the City recently started providing increased busing from shelter to schools for homeless students, but more needs to be done. Specifically, the Department of Homeless Services and the Department of Education must:

1. Revise the shelter intake process so that homeless children are excused from participation in the intake process so that they do not have to miss school in order to be present when the family applies for shelter;
2. Place families into shelter near their child's school at the outset of the shelter application process, to minimize commutes and school transfers and to avoid shelter transfers that may further disrupt schooling;
3. Transfer any families that have long school commutes to a closer shelter facility;
4. Place additional DOE staff at PATH. These additional staff members should provide families with information on school selection, school transportation options, and the rights of students with special needs. These staff members should also have the ability to process busing requests, assist students and families to fill out DOE Residency Questionnaires, write letters of excused absence, disseminate Metrocards, and assist children in receiving free meals at school. DHS staff should also assist with these duties when DOE staff cannot be made available;
5. Eliminate or minimize the placement of families with school-aged children in commercial hotels;
6. Continue enhanced funding for busing for homeless students;
7. Expand after-school programming for students in shelter.

The best solution to helping homeless students in temporary housing maintain engagement in school is to transition families to permanent housing as quickly as possible. We commend the administration for taking significant steps to increase the availability of permanent affordable housing to homeless families, including reinstating federal housing priority for homeless families, creating new permanent housing subsidies, and committing to the City's share of 30,000 units of supportive housing. We look forward to hearing the details of the State's commitment to provide permanent housing options as well.

These efforts to increase access to permanent affordable housing should be continued and expanded. However, in the meantime, conditions surrounding shelter placement and supports for homeless students can and should be improved. These initial steps outlined above will help to support homeless students so that no homeless child will be forced to miss school or fall behind in school because of unnecessary bureaucratic barriers.

Lastly, it's important to note that the shelter application process itself contributes to many of these problems outlined above. When families are forced to apply for shelter multiple times—as nearly half of all families are forced to do—they may be moved from one temporary placement to another, making it virtually impossible to maintain consistency for their child's schooling. As a result, it is also critically important to focus on making the shelter application process far less burdensome for homeless families.